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INFECTED BLOOD INQUIRY

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By Liam McDougall, Health Correspondent

DYING patients infected with hepatitis C will be forced to sign a waiver preventing legal action against government ministers and the NHS before being eligible for a payout for their suffering.

A leaked document reveals that more than 3000 people in the UK, including 550 in Scotland, who contracted the deadly liver disease through contaminated blood products will have to give a written promise not to sue or they will lose their claim to a £20,000 government payment.

The award, announced in January by health secretary John Reid and Scottish health minister Malcolm Chisholm, was said at the time to be an "ex-gratia payment" given "on compassionate grounds".

However, the internal Scottish Executive briefing paper reads: "People who receive payments under the scheme will be asked to sign an undertaking not to institute proceedings against the NHS or ministers in relation to their having been infected with hepatitis C from blood, blood products or tissue received from the NHS before September 1991."

The revelation has caused outrage among campaigners, politicians and lawyers acting for hundreds of sufferers who are poised to have their cases heard by the courts.

The campaign for compensation has been running for more than 20 years. Since patients were infected through contaminated blood products in the late 1970s and early 1980s, more than 1000 have died.

Philip Dolan, chairman of the Scottish Haemophilia Groups Forum, who contracted hepatitis C, said many campaigners would refuse to sign the waiver. "I for one will not be signing anything that stops the facts from being heard."

The waiver was also condemned by Frank Maguire, the lawyer who is acting for around 140 sufferers in Scotland. He said: "It's very convenient for politicians because it closes up any more civil claims. If it succeeds, the issue will not be looked at because they will have bought them all off. They are trying to bury it."

David Davidson MSP, the Conservative's health spokesman, branded the situation "scandalous". He said he would be writing to Chisholm to demand an explanation for the action. Shona Robison, the SNP health spokeswoman added: "It is outrageous. This cannot be morally right."

28 March 2004

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