



## SCOTTISH EXECUTIVE

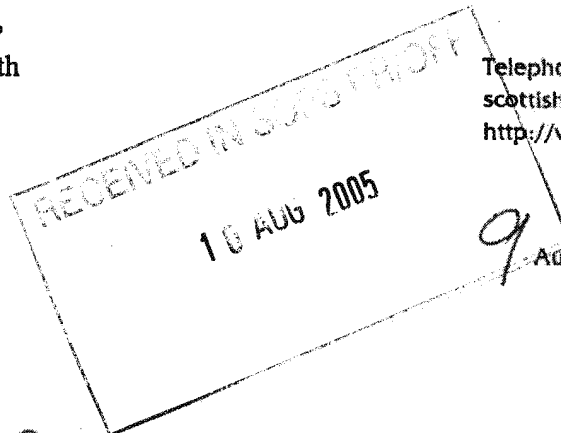
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9 August 2005

*Dear Patricia*

Further to my letter to you in June, I am writing to you and colleagues in other devolved administrations in relation to the progress of our legislation on payments to people who have contracted Hepatitis C through NHS treatment.

On 30 June 2005 the Scottish Parliament passed the Smoking, Health and Social Care (Scotland) Bill – section 24 of which relates to the Skipton Fund. I am pleased to advise you that we were successful in defeating, albeit narrowly, the amendment to the Bill proposing the 29 August 2003 date be removed to extend eligibility to claim payments to the relatives and dependants of all patients who contracted Hepatitis C through NHS treatment, but who died before 29 August 2003. We did, however, concede that relatives and dependants could make claims on behalf of those who died *after* 5 July 2004 whether or not the infected person had applied to Skipton before they died.

As I said in my previous letter, I remain keen to ensure that we continue as far as possible with a clear and agreed UK approach to making ex gratia payments, as reflected in the existing UK Skipton scheme and I am of the view that this was successfully achieved for the most part. I have received confirmation from my Welsh colleague Brian Gibbons that, provided the Department of Health accepts the deletion of 5 July 2004 date, they are also content.

We are proceeding now to take decisions about implementing the Bill and would hope to have all the details of the scheme finalised as soon as possible. I understand that the Department of Health has still to consider its response and I would be grateful for your assistance in expediting this to retain consistency across the scheme.

We have also, in our Bill, given assurance that an independent Appeal mechanism would be set up as this was proposed by opposition parties as an amendment during the Parliament's consideration of the Bill at Stage II. They agreed to withdraw it on the understanding the Executive would bring forward an appropriate amendment at Stage III, which we did.

I understand that substantial progress has been made regarding the Appeals process and agreement on the procedures has been reached with your Department. However there is an outstanding issue regarding the appointment of Panel members which is delaying the Appeal Panel being set up. I am keen that this process is undertaken as transparently as possible and that Scottish representation on the Panel is invited.

Your officials will be aware that, in the absence of an Appeals Panel, the only route open to those wishing to appeal is to request a judicial review. Since the Bill appeared in our Parliament, the Executive has had increased enquiries regarding when the Appeals Panel will be operational. Your assistance in expediting this process to allow us to respond positively to these enquiries would be most helpful.

I have asked officials to continue to discuss and agree very urgently with your officials and those in Wales and Northern Ireland the best approach to handling the implications of the concession to the 5 July 2004 date and the establishment of the Appeals Panel. I hope we can find a way of expediting this and doing so that is consistent with fully maintaining the UK wide Skipton Fund framework and approach which is a well-established and effective one.

I am copying this letter to Shaun Woodward and Brian Gibbons.

*Andy Kerr*

GRO-C

ANDY KERR