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Written Answer

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HIV

Ms. Harman: To ask the Secretary of State for Health what representations he has received from organisations and individuals in respect of an out-of-court settlement for people who have contracted HIV through national health service infected blood or blood products.

Mr. Waldegrave *[pursuant to the reply, 16 November 1990, c. 248]:* The steering committee of solicitors representing the HIV haemophiliac plaintiffs and their counsel have put forward to the Department of Health proposals for the settlement of this litigation which they regard as a fair and reasonable resolution of the plaintiffs' claims.

The Government have carefully considered these proposals and agree that they will provide a fair and proper way of ending this litigation and of making financial provision for all affected haemophiliacs and their dependants, whether or not they have joined in the litigation. We believe that our case is legally strong and that the plaintiffs would not succeed in proving negligence on the part of the Department of Health. None the less the Government have always recognised the very special and tragic circumstances of the haemophiliacs infected by HIV and of their families. We recognise too the harrowing effect legal action would have on them.

The Government have therefore agreed in principle to meet the steering committee's proposals.

In outline the compromise would result in the Government providing to the Macfarlane Trust, in addition to the £34 million already paid, a further sum of about £42 million for distribution to all HIV haemophiliacs and their families according to their respective circumstances. Furthermore the Government have agreed that payments from the Macfarlane Trust will not affect entitlement to social security and other statutory benefits. The plaintiffs' reasonable legal costs would also be paid by the Government.

Because the proposed settlement will require the formal approval of all individual plaintiffs, and in the case of minors, of the court, it would be inappropriate at this time to publish further details until all plaintiffs and the court have had an opportunity to consider the full terms of the settlement and to approve them.

The Government would apply the outcome of any settlement to all parts of the United Kingdom.

The Government welcome these developments, which offer a speedy way of ending the lengthy period of uncertainty for haemophiliacs and their families and of giving them additional financial security.