

[LORD DRAYSON]
strongly. I have read the reports to which the noble Lord referred, and we share those concerns. The costs for the system development phase of the JSF have increased from \$28 billion to \$41 billion. Our contribution to that is fixed at \$2 billion through the agreement that we signed. We have to look at this carefully as we go forward. We have not committed yet to the programme. We have not gone through a main investment decision. We need to look closely at the development of the cost and timescale.

Lord Pearson of Rannoch: My Lords—

Lord Craig of Radley: My Lords—

Lord King of Bridgwater: My Lords—

The Minister of State, Department for Environment, Food and Rural Affairs (Lord Rooker): Lord King.

Lord King of Bridgwater: My Lords, does the Minister recognise that, if he failed to achieve what the noble Lord, Lord Hoyle, indicated in his Question, it would be enormously damaging to the defence relationship between our two countries? I think that he fully understands that, and I hope that his new Secretary of State is fully aware of it as well. This is of such significance that I hope that he has made the Prime Minister fully aware of it and that the Prime Minister, despite the relationship that he has with the president of the United States, makes it absolutely clear that it is vital for our country that the transfer is achieved.

Lord Drayson: My Lords, I am absolutely crystal clear about the importance of the matter. Recently, when I was in Washington, I said to the Senate Committee on Armed Services that, if we were not able to receive the information that we required to have the operational sovereignty to fight this aircraft, we will not be able to buy the aircraft.

Lord Craig of Radley: My Lords, do her Majesty's Government recognise that the commitment to build and to commission two new large aircraft carriers could not be sustained unless there were suitable combat aircraft to embark on them?

Lord Drayson: My Lords, the noble and gallant Lord is absolutely right: our carrier strike capability, which is a fundamental plank of our strategic defence posture, requires there to be appropriate aircraft to go on the two new aircraft carriers. Therefore, the Joint Strike Fighter is an important aircraft for us. None the less, we have contingency plans.

Lord Pearson of Rannoch: My Lords, would it not be understandable for the Pentagon to be nervous of sharing stealth and other sophisticated technology with us, if it feared that we, under our EU commitments, might have to share it with the French

and, through them, more widely? If that is so, does it not mean that the special relationship is pretty well over?

Lord Drayson: My Lords, I am grateful to the noble Lord for raising the issue because it gives me the opportunity to be crystal clear on this point also. There is absolutely no requirement on us, under British law or any EU treaty, to share technology related to this or any other defence-related project. Where we have received information, we are under no requirement to pass it on to any of our EU member state partners.

Lord Russell-Johnston: My Lords, does the Minister see any relationship between this matter and the reported intention of BAe to withdraw from the Airbus project in order to invest in American defence projects?

Lord Drayson: No, my Lords. I have spent considerable time studying the BAe strategy, and I do not believe that there is any connection between the sale of the Airbus stake and the Joint Strike Fighter project.

Lord Astor of Hever: My Lords, further to the second part of the question put by the noble Lord, Lord Garden, the Senate Committee on Armed Services has voted to delay JSF production by a year. What consequences will that have for our STOVLS, and is there still a weight problem?

Lord Drayson: My Lords, there is no weight problem, although we have to watch the development of the aircraft carefully to ensure that the STOVL weight problem does not come back. On progress, the project is going through an important development stage: we are seeing the first flights of the aircraft. As such, we need to recognise the procurement risks in such a complex project, particularly one that depends on international collaboration. We should not forget that a significant contribution of British technology has gone into the project. We need to monitor it carefully and make commitments in a staged way as the project progresses.

Contaminated Blood Products: Hepatitis C

3.23 pm

Lord Jenkin of Roding asked Her Majesty's Government:

Whether the files of papers about contaminated blood products which have recently come to light, some of which have been returned to the Department of Health, provide evidence to support the claims of haemophiliacs that their infection with hepatitis was caused by such blood products.

The Minister of State, Department of Health (Lord Warner): My Lords, we have established that a number of documents that have been disclosed by the department in the HIV and hepatitis C litigation were

held by Blackett Hart & Pratt Solicitors. It agreed to return the papers to our solicitors, who are now considering them with other departmental officials. Advice has yet to be given to Ministers on the significance of the returned files.

Lord Jenkin of Roding: My Lords, the files that have turned up came from the archives of more than one firm of English solicitors. Given the substantial volume of documents passed to the department's solicitors—I am told that there are no fewer than 12 big lever-arch files—and the fact that what they have is a small fraction of the material that has been held in solicitors' archives, and given that the department's paper *Self-Sufficiency in Blood Products in England and Wales* was expressly dependent on information that had survived the inadvertent destruction of some 600 of its files, are not there overwhelming arguments for a much more open, independent inquiry into what many regard as perhaps the most serious disaster that has ever happened in the National Health Service?

Lord Warner: My Lords, as the noble Lord acknowledges, there are a substantial number of lever-arch files, as he put it, containing documents to be gone through, which is what we are doing. Until we have gone through those files we cannot explain to the noble Lord or anyone else the significance of the documents for the document that we published. We will go through those files as quickly as possible, and I will discuss shortly with my honourable friend the Minister for Public Health how we can give public reassurance and place information from those files where it is significant in the public arena.

Lord Morris of Manchester: My Lords, I declare an interest as president of the Haemophilia Society. Is my noble friend aware that 1,242 haemophilia patients have now been fatally infected by contaminated NHS blood products? In the light of this awesome reality, is it not disgraceful that officially protected documents of such sensitivity and importance to the haemophilia community were destroyed at the Department of Health? Is it not indisputable now that extra funding is urgently needed to help the afflicted and bereaved, not least widows who today receive no help at all?

Again, has not the case now become unanswerable for an impartial public inquiry into what my noble friend Lord Winston, vice-president of the Haemophilia Society, has called the worst-ever treatment disaster in the history of the NHS?

Lord Warner: My Lords, I pay tribute to my noble friend's work on behalf of the Haemophilia Society and its members. He has great persistence and skill in this area. I share his concerns about the position that many of the victims whose blood has been infected by hepatitis C have suffered. As he knows, we have introduced a hepatitis C *ex gratia* payment scheme, which is working. We do not believe that a public

inquiry is needed. As I have said on many occasions in the House, we do not think that there is evidence to suggest wrongdoing. We will examine carefully the new files that the solicitors have passed to us and place the results in the public arena as quickly as possible.

Baroness Barker: My Lords, what steps will the Department of Health take to ensure the safety of the documents and to ensure that they will not be destroyed inadvertently, as documents that should have been kept for 25 years were destroyed between 1994 and 1998?

Lord Warner: My Lords, they were passed from solicitor to solicitor. Government solicitors have professional responsibilities in this area. My colleague Caroline Flint and I will ensure that they are safeguarded, but we need the time to go through the documents to see what their significance is. There are a large number of documents to be gone through.

Baroness Gardner of Parkes: My Lords, surely the Minister accepts, though, that the haemophiliacs who have hepatitis got it from blood products. He said that there was no evidence of wrongdoing, but I do not think that anyone is talking about wrongdoing. People would never have given blood products if they had been aware that they were contaminated. It was a most unfortunate thing. As chairman of a hospital that had a major haemophiliac unit, I saw such tragic cases, and it should be acknowledged that that was the cause.

Lord Warner: My Lords, I do not want to give a science lecture, but we have been over the ground before. The blood infected with hepatitis C was used in circumstances where there was no means of identifying hepatitis C in the blood. The clinical opinion at the time was that hepatitis C was a mild infection, and it took 25 years to find out its seriousness. There was no means of treating the blood in those circumstances. This was blood given to people when it was a matter of life or death whether they received that blood, and we were acting on the best scientific and clinical advice at the time.

Baroness Finlay of Llandaff: My Lords, given the distress caused to those who are now bereaved, can the Minister give an assurance that the information gleaned from the review of documents will be communicated not just to the public through the press and media but directly to bereaved families, who may need help in interpreting the information that they receive?

Lord Warner: My Lords, the noble Baroness's point is absolutely fair, and I accept it. We will be working with the Haemophilia Society. We will consult it, as we do on many occasions, when we have been through the documents, and we will discuss with it how best to inform individual members of the society and others, where that is appropriate and necessary.