

HIV HAEMOPHILIAC LITIGATION : BPL : NORTH WEST THAMES REGIONAL HEALTH
AUTHORITY

I spoke to John Canavan on the phone concerning his minute of the
3rd January 1990.

I explained that it would be quite open to North West Thames Regional Health
Authority in due course, if they felt that their evidence was strong enough,
to issue a "contribution notice" against us claiming that we should pay all or
part of damages awarded against them in respect of this stewardship of BPL
between 1980 and 1982.

In the context of any such proceedings before the Judge the documents that had
now been supplied would be relevant. It seems to me really these documents
however that they were inconclusive.

It was arguable therefore that we could say that they would not establish the
necessary link between themselves and the Department we should therefore deny
responsibility.

Equally, if HSI were happy too, there was no reason why they should not now
except liability for the conduct of BPL at the relevant period. What held me
back from encouraging HSI to do that was the fact that the period in question
- 1980 to 1982 - could be crucial in respect of any allegation of negligence.
Mr Canavan agreed that it would be disastrous if having accepted legal
liability for BPL during that period negligence was established.

We decided in the short run that no admissions could be made the line to be
taken as regards Mr Kenny was that as the documents still at present we could
not except that it was our liability. There was no reason however why we
should not try to find more information about what was going on at the
relevant time from the people who were actually there. A Mr Armour who was
one of the managers at BPL was seconded there from North West Thames and also
very much involved was a former deputy chief medical officer of ours,
Dr Harris. We should suggest to Mr Kenny that he should obtain information
from Mr Armour as to what was going on at the relevant time. I said if
somebody in the Department could find Dr Harris' current address (he had
retired recently) we could go to see him and obtain a statement.

It was plain from the documents that North West Thames Regional Health Authority were responsible for staffing by which one assumed they hired and fired staff and made arrangements for them to be paid. It was also clear that they were taking on responsibility for capital projects management though precisely what that meant, apart from refurbishment of buildings etc, was not clear.

What we needed to know was who was responsible for making decisions about the medical course that the laboratory ran, what tests were to be carried out, how had blood was to be handled, whether it was to be treated etc before it was made available to the public. The documents did not indicate this the only way to find out was to speak to the people involved.

Mr Canavan agreed that he would speak to Mr O'Gorman who was seeing Mr Kenny tomorrow (5th January) and suggest that there was no reason why Mr Kenny could not go and see Mr Canavan at the same time to discuss matters further.

4th January 1990