

Monday 12 November 2001
Written Answer
Wednesday 14 November 2001

PQ2048 /2001/2002
Han Ref: Vol 374
Col 795w

BLOOD

N120 Brian Cotter (LD. Weston-Super-Mare):

To ask the Secretary of State for Health, what assessment he has made of the recommendations of the Scottish Executive's Health and Community Care Committee regarding financial assistance to haemophilia sufferers infected with hepatitis C as a result of receiving contaminated blood transfusions. (13700)

MR HUTTON

[holding answer 12 November 2001]:

The devolved Administration in Scotland is considering these recommendations. We currently have no plans to compensate haemophiliacs who became infected with hepatitis C through National Health Service blood products.

Wednesday 07 November 2001

Written Answer

PQ2048 /2001/2002

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Cotter, Brian (Ld Weston-Super-Mare):

Brian Cotter (Weston-Super-Mare): To ask the Secretary of State for Health, what assessment he has made of the recommendations of the Scottish Executive's Health and Community Care Committee regarding financial assistance to haemophilia sufferers infected with hepatitis C as a result of receiving contaminated blood transfusions. (13700).

SUGGESTED REPLY

The devolved ^{have} Administration in Scotland is considering these recommendations. ~~The~~ ^{we} ~~Government~~ currently has no plans to compensate haemophiliacs who became infected with hepatitis C through NHS blood products.

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Background**Scottish Parliament Health & Community Care Committee**

In March 2001, the High Court in eng awarded damages to 114 people who had been infected with hepatitis C virus during the period between the coming into force of the Consumer Protection Act (CPA) and the introduction of hepatitis C screening for blood donors in the UK. Negligence was not the issue but the ruling increases moral pressure on Government(s), especially for other Groups seeking compensation.

Following the CPA High Court ruling, the Scottish Executive announced in August a decision to settle outstanding legal actions brought under the Act by Scottish blood recipients infected with hepatitis C. However, the Parliament's Health & Community Care Committee published a report in October calling for financial and other support to all patients infected with hepatitis C through blood and blood products irrespective of whether negligence has been proven. This moves away both from established policy and the strict liability basis of the High Court ruling.

Current policy across the UK is that the NHS does not pay compensation where it is not at fault.

Haemophiliacs/hep C

Around 4,000 haemophiliacs were infected with hepatitis C through contaminated blood products prior to the mid 1980s when methods were developed to remove viruses from these products. Well over 100 have since died and many are seriously ill with liver disease. There is no legal liability on the part of the NHS but campaigners argue that there is a moral case for compensation, pointing to the fact that:

- a special payments scheme for haemophiliacs infected with HIV through contaminated blood products was established by Government in the late 80s;
- a High Court Judgement in March 2001 awarded damages, under product liability legislation, to a number of people infected with hepatitis C through blood transfusion. Those receiving damages were infected between March 1988 (the introduction of the Consumer Protection Act) and September 1991 when screening for hepatitis C was introduced in the UK.
- last year, the Government announced a "no fault" compensation package for people with vCJD.

The Government and its predecessor have held to the policy that compensation is only paid to patients when the NHS has been at fault and that an exception to this rule is not justified in the case of haemophiliacs with hepatitis C.

PARLIAMENTARY RELATIONS UNIT
FINAL MINUTE

1. Reply approved by:

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	Branch Head	Room	<i>641B</i>
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2. Reply composed by:

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3. The following special points should be noted:

PARLIAMENTARY QUESTION

DEPARTMENT OF HEALTH

PQ2048	2001-2002
NAMED DAY WRITTEN	

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MP (Party):	Cotter, Brian (Ld)
MP Number:	5508

DRAFT REPLY TO REACH PARLIAMENTARY BRANCH BY

12:00 Friday 9 November 2001