

CONFERENCE ON 18TH MAY 1990

Those Attending: Andrew Collins
 Jayent Desai
 Justin Fenwick
 Ronald Powell
 Andrea Rejman
 Christine Bendall
 John Canavan and
 Peter Brand

Counsel, Mr Andrew Collins, opened the conference by saying that we had not yet sorted out the documents on public interest immunity (PII). We must stop destruction on the date the litigation comes on. Hepatitis virtually nothing. Most of it has already been destructed. What is policy and what is implementation - difference. The fact that document is submitted to the Minister is not perse PII. If in doubt, claim PII. If there is a doubt, take a second opinion. Documents concerned with the source allocation is PII. Also, competing claims of finance. Although if you caught Hepatitis B the results would be unpleasant, there are not likely to be fatal. Resource allocations are PII. Parliamentary questions and advice on the same, are PII. Suggested approach and replies are PII. The Donor Leaflet is not PII. Dangers of putting off people who should not give transfusions. Since policy is wide, extend PII to include concerns on leaflet. Background information is there and is PII because it shows how Minister made up his mind. On resource implementation side, those were PII. Before decision is made, Mr Collins will speak to John Laws so as to get a consistent approach on PII. Contents claimed depends on identification of individual documents. Counsel then considered a class claim. Mr Fenwick needs documents relating to BPL so that it can be split up eg, Parliamentary questions relating to AIDS or BPL; so documents can be isolated. Naturally Minister gives certificate. Divide documents into categories. Not every document brought into instance after cut off date is irrelevant. Serve list limited to 6th June 1990.

Regarding limitation, Counsel said the relevant section is Section 33 not Section 14 of the 1980 Limitation Act. He advised that the point on limitation be reserved in the pleadings. Take limitation in pleadings and but then decide whether you wish to pursue it later on. Retain the limitation point. What are factors which bring Section 33 into play? Write to Pannone Napier.

PGB