

**"URGENT - HEP C"**

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**Gerry Robb/PH6/DOH/GB**  
17/06/2003 15:53

To: Richard Gutowski/MDA/DOH/GB@GRO-C  
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cc  
bcc  
Subject: URGENT - HEP C

Early warning.

----- Forwarded by Gerry Robb/PH6/DOH/GB on 17/06/2003 15:57 -----

**Sammy Sinclair**  
17/06/2003 15:37

To: Vicki  
cc: Robert Finch/PR-  
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Subject: URGENT - HEP C

Vicki,

As you can imagine, both SofS DWP and Malcolm Chisholm/Jack McConnell are wanting to speak to the new SofS about Hep C.

At the moment SofS is totally unsighted on this. I've told his special advisers the broad outline - ie, the Scottish Health Minister - Malcolm Chisholm - announced unilaterally last year that Scotland was considering financial compensation for people infected with Hep C via

contaminated blood products, breaching the principle we'd all UK-wide adhered to that there would be no such scheme. DH, DWP and HMT have all been very firm that Scotland should not go ahead unilaterally with a financial assistance scheme, and that we share a strong concern about the financial knock-on to England and the other devolved administrations if Scotland breach the principle on Hep C and compensation. We have been working with DWP on this (as we think any kind of financial assistance scheme would count as a benefits scheme and would therefore be a social security issue) to look at whether the Scots in any case have the right to do this unilaterally as social security matters are reserved, not devolved. We have asked the Attorney General for a definitive legal view. This was delayed so it wouldn't arrive before the Scottish elections, but is now due any day. Obviously this will be quite a difficult one for SofS given that he is a Scottish MP now in charge of the NHS in England!!

However, this will not really be adequate for SofS. So, ahead of those calls, please could you let me have a one or two page note for SofS that sets out the background and issues, plus latest state of play and the suggested line to take with each Minister.

**I'll need this by lunchtime tomorrow (Wednesday), or later on today if at all possible.**

Many thanks,

Sammy