

**"RE: Hep C in Scotland - compenstion and public inquiry demands"**

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Charles Lister/PH6/DOH/GB
30/04/2003 09:44

To: Vicki King/PH6/DOH/GB@GRO-C; Jill
Taylor/PH6/DOH/GB@GRO-C; Zubeda
Seedat/PH1/DOH/GB@GRO-C

cc

bcc

Subject: RE: Hep C in Scotland - compenstion and public inquiry demands

To be aware.

----- Forwarded by Charles Lister/PH6/DOH/GB on 30/04/2003 09:50 -----

Hill David G - Propriety
and Ethics Team -

<David.G.Hill@GRO-C>
GRO-C

30/04/2003 09:48

To: Janet Walden/CQEG-IIU/DOH/GB@GRO-C; Elaine Edgar/CQEG-IIU/DOH/GB@GRO-C; Mike Evans/CQEG-IIU/DOH/GB@GRO-C; Simon Stephenson/CQEG-IIU/DOH/GB@GRO-C; Charles Lister/PH6/DOH/GB@GRO-C; Samantha Savage/CQEG-IIU/DOH/GB@GRO-C; peter.thompson@GRO-C; pwhitehurst@GRO-C; <pwhitehurst@GRO-C>
cc: Hill David G - Propriety and Ethics Team - <David.G.Hill@GRO-C>
bcc:
Subject: RE: Hep C in Scotland - compenstion and public inquiry demands

Janet

Thanks for copying me in - apologies for not commenting sooner but I have been away on leave.

I agree with you that it would be very difficult, in practice, to have a purely Scottish inquiry when the events in question relate to the pre-devolution period. However, I am not clear whether it is in the gift of Scottish Executive Ministers to concede an inquiry in these circumstances. I would be grateful for Peter Whitehurst's views on this point and advice on whether any of the statutory powers to set up inquiries have been devolved. For instance, the Lord Advocate has a role in relation to major accident inquiries, but little else is defined in the guidance.

If Scottish Ministers do have discretion to establish a Scotland only inquiry, yet the particular circumstances are such that any inquiry would cut across UK Govt responsibilities, I assume that the agreement of UK Ministers would be needed before any inquiry could be set up (or public commitments given). Again, I'd be grateful for Peter's views, and whether Peter Thompson is aware of any guidelines on such points in the devolution concordats.

David

David Hill
Propriety and Ethics Team
Cabinet Office
Tel: **GRO-C**
Fax: **GRO-C**

-----Original Message-----

From: Janet.Walden@**GRO-C**
Sent: 23 April 2003 09:46
To: Elaine.Edgar@**GRO-C**; Mike.Evans@**GRO-C**
Simon.Stephenson@**GRO-C**; Charles.Lister@**GRO-C**
Samantha.Savage@**GRO-C**
Cc: david.g.hill@**GRO-C**
Subject: Hep C in Scotland - compenstion and public inquiry demands

Charles

Thanks for letting me know about this. I would think it would be v difficult to establish a purely Scottish Inquiry - inevitably, as you say, they will have to widen it into a UK wide issue. I have copied your note onto David Hill at Cabinet Office, who provides central guidance on inquiries and who may wish to consider the wider implications.

Would you please make sure that your successor keeps me in the loop as things develop

Janet

----- Forwarded by Janet Walden/CQEG-IIU/DOH/GB on 22/04/2003 15:50 -----

Charles Lister

To: "Peter Thompson"

16/04/2003

<Peter.Thompson@**GRO-C**

14:37

Walden/CQEG-IIU/DOH/GB,

cc: Janet

Graham Bickler/PH6/DOH/GB, Vicki

King/PH6/DOH/GB, Jill

Gerry Robb/PH6/DOH/GB, hugh

nicholas/PH6/DOH/GB, Zubeda

Seedat/PH1/DOH/GB, sammy

sinclair/PR-OFF/DOH/GB, Robert

Finch/PR-OFF/DOH/GB

bcc:

Subject: Hep C in Scotland -

compensation and public inquiry

(Document link: Janet Walden)

Taylor/PH6/DOH/GB,

demands

Peter

Bob Stock in the Scottish Exec has recently updated me on his perception of likely developments in Scotland after the election. Just prior to the Election the outgoing Parliamentary Health Committee expressed some support for continuing demands from Scottish haemophilia patients with hepatitis C for a public inquiry. Those same demands are being made here. Bob expects these demand to be renewed with some vigour after the election with a good deal of support from the Scottish Parliament. Should Scottish Ministers concede on this under Parliamentary pressure, we will inevitably find ourselves dragged in despite our Ministers determination to resist an inquiry. Any inquiry would focus on events in the 70s and 80s when policy in Scotland was largely determined by Whitehall and by DH in particular. It therefore seems to me that even if an inquiry were set up only in Scotland it would become de facto a UK inquiry. Do you have any advice on what the constitutional position would be in such a situation?

On compensation, Bob Stock's feeling is that too much time may have already elapsed since Malcolm Chisholm raised the proposal of payments substantially below those recommended by the Expert Group, for him to sustain this approach. He is expecting a lot of Parliamentary pressure for much bigger cash pay outs. Do you know if the Law Officers have formulated their advice and are waiting for the end of the purdah period before releasing it, or is it still under consideration? Some idea of timing would be very helpful. Some - even preliminary - advice on the outcome of the Law Officers deliberations would be even better.

Charles

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