

B264

PO1046192

Richmond House
79 Whitehall
London
SW1A 2NS
Tel: 020 7210 3000

27 April 2004

Sir Michael Spicer MP

Dear Sir Michael,

Thank you for your letter of 23 March to Lord Warner on behalf of your constituent
Mrs Colette Wintle of GRO-C

GRO-C about the Hepatitis C payment scheme. The scheme falls within my ministerial
portfolio so I am replying on Lord Warner's behalf. I apologise for the delay in
replying.

I am very sorry that Mrs Wintle has not received a response to her previous
correspondence. I have been advised that the officials who had been asked to deal
with this letter were due to reply shortly. I hope Mrs Wintle will accept this letter as
a reply to both.

I read the letter Mrs Wintle sent following the debate in the House of Lords on 5
February with interest. With regards to the comments she made regarding the
compensation scheme in Ireland, she will be interested to note that during a later
debate in the House of Lords on 25 March, Lord Warner provided clarification on
this issue. I have attached the relevant extract from the debate for her attention.


I am aware that some people in the haemophilia community are disappointed with
the amounts payable under the payment scheme. I believe that the scheme strikes
the right balance and ensures that we are able to make value for money payments
while not adversely affecting the rest of the health service. The payments are fair
and reasonable and I hope that they will go some way to help improve the lives of
those who have been inadvertently infected.

Turning to Mrs Wintle's comments about a public inquiry into the issue of haemophiliacs infected with hepatitis C, I think it is important to stress that despite our decision to make ex gratia payments, the position with regards to accepting liability has not changed. The Government does not accept that any wrongful practices were employed and does not consider a public inquiry justified, as we don't believe that any new light would be shed on this issue as a result.

Yours,

GRO-C

MELANIE JOHNSON

 **Zubeda Seedat**

26/04/2004 17:31

To: Kevyn Austyn/POLICY/DOH/GB@GRO-C

CC:

Subject: PO1046192 Sir Michael Spicer and TO1050380

Kevyn,

Sorry you are landed with a PQ. I attach a letter for PS(PH) to send to Michael Spicer. I think you are already familiar with some of the reasons why we are having difficulty with meeting our deadlines. We are doing our best.

Sorry I couldn't get this to you earlier as promised, however I wanted a colleague involved in setting up the hep C scheme to check the letter, unfortunately he was tied up with urgent briefing for SofS which was also required today.

Thanks
Zubeda



PO 1046192 Spicer Payment Schem.doc Extract from Hansard 25 March.do

PO1046192

Sir Michael Spicer MP

Thank you for your letter of 23 March to Lord Warner on behalf of your constituent Mrs Colette

GRO-C

GRO-C

about the Hepatitis C payment scheme. The scheme falls within my Ministerial portfolio so I am replying on Lord Warner's behalf. I apologise for the delay in replying.

I am very sorry that Mrs Wintle has not received a response to her previous correspondence. I have been advised that the officials who had been asked to deal with this letter were due to reply shortly. I hope Mrs Wintle will accept this letter as a reply to both.

I read the letter Mrs Wintle sent following the debate in the House of Lords on 5 February with interest. With regards to the comments she made regarding the compensation scheme in Ireland, she will be interested to note that during a later debate in the House of Lords on 25 March, Lord Warner provided clarification on this issue. I have attached the relevant extract from the debate for her attention.

I am aware that some people in the haemophilia community are disappointed with the amounts payable under the payment scheme. I believe that the scheme strikes the right balance and ensures that we are able to make value for money payments while not adversely affecting the rest of the health service. The payments are fair and reasonable and I hope that they will go some way to help improve the lives of those who have been inadvertently infected.

Turning to Mrs Wintle's comments about a public inquiry into the issue of haemophiliacs infected with hepatitis C, I think it is important to stress that despite our decision to make ex gratia payments, the position with regards to accepting liability has not changed. The Government does not accept that any wrongful practices were employed and does not consider a public inquiry justified, as we don't believe that any new light would be shed on this issue as a result.

MELANIE JOHNSON

House of Lords, extract from Hansard

Thursday, 25 March 2004.

Earl Howe: My Lords, when the noble Lord, Lord Morris, asked a similar Question some time ago, the Minister commented that the equivalent schemes for compensating haemophiliacs in Canada and the Irish Republic, which are much more generous than the scheme that the Government have now proposed, were based on the fact that the governments of those countries had accepted liability for the damage that took place. Can the Minister confirm the Answer that he gave before, because my information is different from his?

Lord Warner: My Lords, I am grateful to the noble Earl for giving me the opportunity to clarify the issue. My understanding of the position in Ireland, which has been corroborated by officials in the Department of Health and Children in Dublin since my last utterances on the subject in the House, is that the Irish Government set up their hepatitis C compensation scheme following evidence of negligence by the Irish Blood Transfusion Service. A judicial inquiry, the Finlay report, found that "wrongful acts were committed". It is important to stress that the blood services in the UK have not been found to be similarly at fault. Compensation is therefore being given in very different, specific circumstances in Ireland that do not apply in the UK. I do not believe that the Irish scheme creates any precedent for us.

The awards being made in Canada follow a class action brought against the Canadian Government. The compensation from the federal Government is limited to those infected between 1986 and 1990. Subsequent inquiries found that wrongful practices had been employed, and criminal charges were made against organisations including the Canadian Red Cross Society. Those conditions in Ireland and Canada do not apply in the UK.

30/3.

PO - Reference PO1046192**Request to Action Officer (Person responsible for the correspondence)**

Please do not delete this message as it contains important instructions which you must follow

A REPLY IS REQUIRED BY NO LATER THAN 17:00 HOURS ON 09/04/2004

Minister Replying:	PS(PH)	Correspondent:	SIR MICHAEL SPICER MP
Keyword:	Diseases/Hepatitis C - Compensation	Constituency:	WEST WORCESTERSHIRE
Service First Target:	26/04/2004	Party:	C
		Constituent:	Mrs. Colette Wintle
MCU Contact:		Who allocated this in MCU:	Man Yee Lam/PR-OFF/DOH/GB
To:	Richard Gutowski/PH6/DOH/GB Richard Gutowski/PH6/DOH/GB Zubeda Seerdat/PH6/DOH/GB	GRO-C	
cc:	Gerard Hetherington/TRRO-PEREC/DOH/GB Charles Lister/PH6/DOH/GB	GRO-C	
From:	CN-LN1093/OU-SERVER5/O=DOH/C=GB	GRO-C	
Subject:	PO (Ref No. PO1046192) from SIR MICHAEL SPICER MP: Reply Due 09/04/04 - link to TO1050380		

You have been identified as the Action Officer for this piece of correspondence.

HELP & SUPPORT FOR CORRESPONDENCE HANDLING:

SYSTEM HELPDASK
TRAINING SUPPORT

GRO-C

CORRESPONDENCE MANAGEMENT

GRO-C

PLEASE ACTION THIS CASE WITHIN 48 HOURS

Officials have a maximum of 10 days in total to obtain contributions and draft a reply, 5 days for 'fast track' cases. The total time is reduced by the amount of time it takes you to accept, re-allocate or reject this case.

IF THIS CASE IS NOT FOR YOU:

Please re-allocate it quickly so that your policy colleague has as much time as possible to deal with the response.

If the person who should deal with this case is not an Action Officer, please reject the case, and provide the name of the person it should go to in the reason for rejection. Correspondence Management will set the person up as an action officer, and amend the keyword if necessary.

If you do not act promptly on this case, you may be expected to deal with it anyway, with a contribution from the correct policy official.

IF THIS CASE IS CLOSE TO, OR PAST THE SERVICE FIRST TARGET:

Please accept our apologies. The correspondent still requires a response as soon as possible, so please try to respond within 48 hours. If you have any difficulty with this please contact Correspondence Management on 7 210 5340. Thank you for your support.

Options available to you. Please click on the button to action.

	To view the original scanned letter (if there is one).
---	--

		To view further details of the correspondence. This will show more details that you may need to create a reply.
		Allocate this to another person. For instance, this request may have come to you, but should be sent to someone else.
		Accept responsibility for actioning the reply to this correspondence.
		Reject responsibility for actioning the reply to this correspondence. You will be asked to specify your reasons.
		Read the current reply which may be a draft, final or interim version. This launches Word with the current reply (in Read-only mode).
		Forward scanned correspondence letter and draft reply to anyone else whether in OIS or not.
		Close the current window.

Related Correspondence

Created by
MCUtemp4/PR-OFF/DOH/GB on
26/03/2004 at 14:34:44

PO
PS(PH) Reply Due 09/04/2004

Reference Number PO1046192

Correspondence Details

Type: PO
Type of Medium: Letter
Keyword: Diseases/Hepatitis C - Compensation
Keyworded By:
Policy File: PO1046192
Reference:

Status: Final Reply Sent to MCU

MP Details
Sender Name (MP): SPICER, MICHAEL (SIR)
Full Name: SIR MICHAEL SPICER MP
MP Constituency: WEST WORCESTERSHIRE
MP Party: C
Sender's Ref:
Addressee (Minister): PS(L)
Minister Replying: PS(PH)
Person Responsible
in MCU:
Subject: link to TO1050380

Constituent Details
Constituent: Mrs. Colette Wintle
Address:
House Number
Street
Town
City
County
PostCode

GRO-C

Letter Date	23/03/2004	Date Received in MCU	26/03/2004
Draft Reply Deadline	09/04/2004	Service First Deadline	26/04/2004

OGD Details

☐ Transferred from OGD

Notes

23/4 - spoke MP office to confirm this PO is linked to chase PQ04139. Rang Zubeeda who is dealing but unable to draft reply at present as difficult case - KA

System Dates

Allocated by MCU on 30/03/2004
Accepted by Policy Division on 02/04/2004
Replied by Policy Division on (blank)

Override Reason

Action Officer cannot use system to return reply
(Kevyn Austyn/POLICY/DOH/GB on 27/04/2004
09:53:52)

Dates for Reporting Purposes

Allocated by MCU on 30/03/2004
Accepted by Policy Division on 02/04/2004
Replied by Policy Division on 27/04/2004

Audit Trail

Accepted by Policy (by Zubeda Seedat) 02/04/2004 16:35
Sent for response - to Richard Gutowski, Richard Gutowski, Zubeda Seedat (by Man Yee Lam) 30/03/2004 15:01

SIR MICHAEL SPICER MP



HOUSE OF COMMONS

LONDON SW1A 0AA

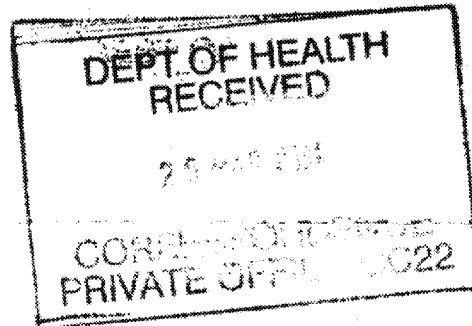
~~Lo~~
Po
(Chase TO)

1050380

PS(PH) Hepatitis C - Compens

The Lord Warner
Parliamentary Under-Secretary of State
Department of Health
Richmond House
79 Whitehall
London SW1A 2NS

23rd March 2004



Dear Lord Warner,

My constituent Mrs Colette Wintle of GRO-C
GRO-C wrote to you on 25th February about your statement of the 5th February during
a debate on Hepatitis C. I would be grateful if you would respond to Mrs Wintle as soon
as possible and copy me with your letter to her.

Yours sincerely

GRO-C

Sir Michael Spicer MP

TO - Reference TO1050380**Request to Action Officer (Person responsible for the correspondence)**

Please do not delete this message as it contains important instructions which you must follow

A REPLY IS REQUIRED BY NO LATER THAN 17:00 HOURS ON 02/04/2004

Keyword:	Diseases/Hepatitis C - Public Inquiry
Sender:	Mrs Colette Wintle
Service First Target:	02/04/2004
Who allocated this:	TOTemp4/PR-OFF/DOH/GB
To:	Richard Gutowski/PH6/DOH/GB@GRO-C Zubeda Seedat/PH6/DOH/GB@GRO-C Richard Gutowski/PH6/DOH/GB@GRO-C
cc:	Gerard Hetherington/TRRO-PEREC/DOH/GB@GRO-C Charles Lister/PH6/DOH/GB@GRO-C
From:	CN=LN1093/OU=SERVERS/O=DOH/C=GB
Subject:	TO (Ref No. TO1050380): Reply Due 02/04/04








You have been identified as the Action Officer for this piece of correspondence.

Another person may be better suited to respond to this, if so please re-allocate it to them by clicking the re-allocate button below and then follow the instructions displayed.

If you do not know who to re-allocate this to, reject the correspondence and complete the reason as directed.

PLEASE NOTE TREAT OFFICIAL CASES NOW HAVE SCANNED IMAGES ATTACHED. You may proceed to action this case.

Further details are as follows:


Options available to you. Please click on the button to action.	
	To view the original scanned letter (if there is one).
	To view further details of the correspondence. This will show more details that you may need to create a reply.
	Allocate this to another person. For instance, this request may have come to you, but should be sent to someone else.
	Accept responsibility for actioning the reply to this correspondence.
	Reject responsibility for actioning the reply to this correspondence. You will be asked to specify your reasons.
	Read the current reply which may be a draft, final or interim version. This launches Word with the current reply (in Read-only mode).
	Forward scanned correspondence letter (if applicable) and draft reply to anyone else

	whether in OIS or not.
	Close the current window.

Related Correspondence

PO Correspondence from the same House Number/PostCode:

04/07/03 - chased policy for reply. CH

chased official to get response back 20/06/03 DF (received 09/05/2003) 

DISEASES/ HEPATITIS C - TO
PUBLIC INQUIRY

Lord Warner
Under Secretary of State for Health
House of Lords
Westminster
London
SW1 OAW

GRO-C

25 February 2004

Dear Lord Warner,

I am writing to you with regard to your comments during a debate on Hepatitis C which took place on February 5th this year. In your responses to Lord Alf Morris and Lord Robert of Conwy, you appear to have given them both incorrect statements in regard to the way in which the Eire government set out their compensation settlement for infected Haemophiliacs who were made ill through receiving contaminated plasma.

I am very concerned that by suggesting to the House of Lords and your own government that the Eire scheme was influenced by public and criminal charges is entirely wrong, and I am enclosing a copy of a letter written to me by the Irish lawyer who dealt with the HIV/HCV cases and the settlements awarded to victims in Eire. You will note that he is very clear that the level of payout was made on the basis of what the Irish government saw as being morally fair and equitable. That there was no acceptance of liability attached to the settlement is also very clear. If this was the stumbling block that has prevented the British government from being fair, and morally obliged to do the right thing for its haemophiliacs, then it has just been removed, and I would hope that you will retract what you have publicly stated and advise John Reid and his government to increase the woefully and unacceptable settlement he has proposed through the Skipton Scheme.

I am sure you will concur that when you compare the payouts, the disparity is disgraceful, and can not be considered fair. I also think the European Parliament would not consider what the government here is doing as fair and just. The lawyer who dealt with the Eire government confirmed to me that the six figure sums awarded were worked out on the basis of the losses incurred both in terms of health and financial, and what victims could expect to receive had they mounted a legal challenge!!

What is also fact is that the Irish Haemophiliacs were infected by the same plasma products that infected British Haemophiliacs, so there is no difference between us. The government has never accepted responsibility for any wrongdoing, but it must be prepared to accept that there is such a thing as accountability and the lives of 1300 dead haemophiliacs as a result of being infected through their NHS treatment and a further 4,500 suffering requires a public inquiry and a public apology as Eire has done.

Please deal with the issues I have raised as a matter of urgency, and I look forward to hearing from you.

Yours Sincerely

Mrs Colette Wintle (Haemophilia victim of HCV via NHS treatment)



Iceland House, Arran Court, Smithfield, Du

T: +353 (0) 1 874 4422

F: +353 (0) 1 874 4055

E: info@mlaw.ie

W: www.mlaw.ie

DX: 1060 Four Courts

Collette Wintle,

GRO-C

England.

Our Ref: 7

17th February 2004

Re: - Hepatitis C Compensation in Ireland

Dear Mrs. Wintle,

I refer to our telephone discussions in respect of the circumstances that gave rise to Hepatitis C compensation for persons with Haemophilia in Ireland.

I wish to confirm that our firm represents in excess of 90% of people with Haemophilia who become infected with HIV and/or Hepatitis C in this jurisdiction. In addition, I confirm that I have represented persons infected by both viruses at the following inquiries:-

1. The Finlay Inquiry into the circumstances of infections of Anti-D Immunoglobulin, a product administered to women post delivery of a first child.
2. The Tribunal of Inquiry into the infection with HIV and Hepatitis C of persons with Haemophilia and related matters, otherwise and colloquially known as The Lindsay Tribunal.

For in excess of 10 years I have been involved in either litigation against the Irish Government, or alternatively representing persons infected with HIV and/or Hepatitis C at public statutory inquiries, such as the above mentioned tribunals of inquiry, and, in addition, I have represented those same persons at the Hepatitis C and HIV Compensation Tribunals. Consequently, I have a unique perspective in the sequence of events that resulted in a compensation scheme in this jurisdiction.

I wish to confirm the following:-

- A. A non-statutory Hepatitis C compensation tribunal was established in late 1995, almost one year in advance of the establishment of the Finlay Inquiry into the circumstances of infection of women with Anti-D Immunoglobulin. This compensation tribunal was placed on a statutory footing with the Hepatitis C Compensation Tribunal Act 1997, which was brought into effect by Ministerial Regulation on the 1st November 1997.

PARTNERS
Raymond Bradley
Malcolmson
Frank Tansdon

ASSOCIATE SOLICITORS
Terry Doyle
Lorraine Nolan

ASSOCIATE SOLICITORS
Sandra Cusack
Greg Nolan

CARLOW OFFICE:
Court Place, Carlow, Ireland
Tel: +353 (0) 51 874 4422
Fax: +353 (0) 51 874 4055

- B. The Lindsay Tribunal of Inquiry was established pursuant to Statutory Instrument in September 1999 and commenced its public hearings in May 2000.
- C. Persons with Haemophilia had entered into a settlement with the Irish Government in respect of their HIV infections in 1991. This settlement was determined by the Government, after submission and much consideration, to be neither fair nor equitable to those persons, and, was in effect, reversed. This resulted in the Hepatitis C Compensation Tribunal (Amendment Act) 2002, which I negotiated on behalf of people with Haemophilia. These negotiations were concluded prior to the delivery of the Lindsay Tribunal report. As a matter of fact, the Irish Government gave its commitment to the enactment of such legislation in advance of the Statutory Instrument that established the Lindsay Tribunal.

In the circumstances of the above, the following should be appreciated:-

- (a) The non-statutory Hepatitis C Compensation Tribunal predated any public inquiry investigation.
- (b) The statutory Hepatitis C Compensation Tribunal predated, by almost two years, the establishment of the Lindsay Tribunal to investigate the circumstances of infection of people with Haemophilia with HIV and/or Hepatitis C.
- (c) The commitment by the Irish Government to reverse the 1991 HIV Compensation Settlement occurred in advance of the commencement of evidence before the Lindsay Tribunal. Also, the necessary legislation was enacted prior to the delivery of the Lindsay Tribunal Report.
- (d) At no juncture has the Irish Government, in relation to any claim by a person with Haemophilia before the Irish Courts, accepted liability, i.e. filed or delivered a Defence admitting responsibility.

In those circumstances, it is patently incorrect for it to be indicated that the Irish compensation schemes arose in circumstances where the Irish Government admitted responsibility, or, alternatively, were as a consequence of any public tribunal of inquiry investigation. It must be appreciated, however, that the Irish Government may have appreciated their moral and legal responsibility to ensure that fair and equitable compensation was delivered. Obviously, such a responsibility was impressed upon the Irish Government by the Irish Haemophilia Society and its legal representatives.



Iceland House, Arran Court, Smithfield, Dublin

T: +353 (0) 1 874 4422
F: +353 (0) 1 874 4055
E: info@mlaw.ie
W: www.mlaw.ie
DX: 1060 Four Courts

If you have any further queries in relation to any aspect of the matters set out herein, or any other matter pertaining to the circumstances of the establishment of either any public inquiry relating to the infection of people with Haemophilia, or, alternatively, compensation schemes for such persons, please do not hesitate to contact myself.

Yours sincerely

GRO-C

Raymond Bradley
MALCOMSON LAW

Dictated by Raymond Bradley and signed in his absence.

PARTNERS
Raymond Bradley
Malcolmson Law
Frank Jamison

ASSOCIATE SOLICITORS
Terry Doyle
Katie
Lorraine Nolan

ASSOCIATE SOLICITORS
Sandra Cosack
Doreen
Greg Nolan

CARLOW OFFICE:
Court Place, Carlow, Ireland
T: +353 (0) 51 234 1234
E: info@mlaw.ie



Hepatitis C

11.22 a.m.

Lord Morris of Manchester: My Lords, I beg leave to ask the Question standing in my name on the Order Paper, and declare an interest, a non-pecuniary one, as president of the Haemophilia Society.

5 Feb 2004 : Column 800

The Question was as follows:

To ask Her Majesty's Government how they arrived at the scale of ex gratia payments for patients infected by contaminated National Health Service blood products with hepatitis C, proposed by the Secretary of State for Health on 23 January; and why the widows of those who have died are excluded from help.

The Parliamentary Under-Secretary of State, Department of Health (Lord Warner): My Lords, the level of payments was decided after consideration of a number of independent sources. Those included the payment schemes of the Macfarlane and Eileen Trusts, the reports of the Scottish Executive's expert group and the Hepatitis C Working Party to the Haemophilia Society. The underlying principle behind the ex gratia payments is to help alleviate the suffering of people living with inadvertent hepatitis C infection. That is where the money available has been concentrated. These payments are not compensation for bereavement, although we recognise the pain and hardship suffered by widows.

Lord Morris of Manchester: My Lords, while I am grateful to my noble friend and, more especially, to John Reid, for the major reversal of policy in setting up a payments scheme, are Ministers aware of the scale of the disaster that has befallen the haemophilia community: that more than 1,000 people with haemophilia have already died from contaminated NHS blood and blood products; that many others are now terminally ill and waiting to die; that the help the scheme proposes is barely one-tenth of what is paid in Ireland; that excluding widows whose lives have been devastated by the disaster, causing them added distress and double despair, is seen as a total disgrace by the Haemophilia Society; that the society insists that there has been no meaningful consultation about

these, among other deeply disturbing defects in the scheme, and that such consultation should take place forthwith?

Lord Warner: My Lords, this Question gives me the opportunity to pay tribute to the work done by my noble friend in his tireless efforts on behalf of the Haemophilia Society and the wider haemophilia community to put this item on the agenda. As he rightly says, my right honourable friend the Secretary of State has made a big gesture towards the concerns of that community, which we all recognise, and the hardship that has followed. It is important to distinguish between the scheme and that in Ireland, where public inquiries and criminal charges affected the basis of the scheme.

There has been strong dialogue with the Haemophilia Society. It has been involved in meetings with Ministers and departmental officials. It has a nominated representative to sit on the group of experts advising on the trigger point for the scheme's second

5 Feb 2004 : Column 801

payment and, at its behest, that representation was recently increased. We will continue to consult it fully on development of the scheme.

Lord Walton of Detchant: My Lords, is the Minister aware of emerging research evidence suggesting that a modified preparation of Interferon may prove to be an effective treatment for hepatitis C, with the hope that there may ultimately be a means of eliminating the virus? If that is proven, do the Government want such treatment made available under the NHS? Or will they at least promote research into the use of that preparation in treatment?

Lord Warner: My Lords, the National Institute for Clinical Excellence has published guidance on the use of combination therapy for the treatment of hepatitis C. We have provided additional funding and placed statutory obligations on the NHS to implement NICE's recommendations, so that clinical decisions made by doctors involving NICE-recommended treatment or drugs can be funded. I will look into the further points that the noble Lord made, but that is the current position for therapies in that area.

Lord Addington: My Lords, do the Government accept that we have been hearing Questions on this subject for a long time? The impression that many of us have gained from listening to the Answers is that the Government have moved slowly and only when pushed. They seem to have been hiding behind a curtain of legal restriction, and have not been addressing the point that people have died and are dying through no fault of their own, but through government action. Do the Government accept that, in future, quicker action should be taken and that there should not be this ritual dance around legal niceties?

Lord Warner: My Lords, I do not think that we are engaged in a dance around legal niceties. We have been working with the Haemophilia Society and other interests to produce a workable scheme, which has as its basis an initial payment of £20,000, with a further £25,000 if cirrhosis develops or if a claimant has liver cancer or has had a

transplant. We are now trying to ensure that we can bring the scheme into operation as quickly as possible—wherever possible, from April this year.

Lord Campbell of Croy: My Lords, can the Minister tell the House how many patients are still alive and how many widows there are now to be considered?

Lord Warner: My Lords, I do not know the precise number of widows. I will look into the matter and write to the noble Lord; but more than 5,000 or 6,000 people may be beneficiaries of the scheme.

Baroness Gardner of Parkes: My Lords, will the Minister confirm that that benefit will be tax free and that people on social security will have a total disregard of that amount?

Lord Warner: My Lords, I am pleased to tell the noble Baroness that, subject to the necessary amendments to

5 Feb 2004 : Column 802

social security legislation, the payments will be fully disregarded for the purposes of social security benefits. A similar disregard has been secured for tax assessment.

Lord Ackner: My Lords, are widows being included? If not, what is the philosophy behind the decision to exclude them?

Lord Warner: My Lords, I tried to cover that point in my first Answer. These payments are not compensation for bereavement, although we recognise the pain and hardship suffered by widows. They are payments to alleviate the suffering of people who are living with inadvertent hepatitis C infection.

Lord Roberts of Conwy: My Lords, the noble Lord mentioned the Macfarlane Trust. Am I right in thinking that that fund covers widows? It certainly does not seem obvious that there should be any difference between the Government's proposals and the Macfarlane Trust scale. Secondly, have the Government compared their proposals with the scale available, for example, in Canada, which is much more generous?

Lord Warner: My Lords, the awards that were made in Ireland and in Canada followed public inquiries or criminal charges which established that wrongful practices were employed. The payment structures of those schemes were therefore based on claims for punitive damages. We do not acknowledge any such wrongdoing in England, so it is not fair to make a comparison between those schemes. The Macfarlane Trust will be involved in the administration of this scheme, but there are significant differences. The Government's policy is as I set out in the answer to my noble friend.

Planning and Compulsory Purchase Bill

11.32 a.m.