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**The
Haemophilia
Society**

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PRESS RELEASE

December 11, 1990

SETTLEMENT ANNOUNCED FOR THOSE WITH HAEMOPHILIA AND HIV

The Haemophilia Society today reacted with grave disappointment to the announcement by the Government that £42m is to be made available to people with Haemophilia and HIV.

David Watters, General secretary of the Society observed, "We welcome the fact that the Government have finally recognised a greater responsibility to people with haemophilia and regret that by deferring that decision for so long a great deal of personnel anguish and suffering has been caused to so many of our members."

"It is a triumph for a caring Prime Minister and Secretary of State for Health. John Major and William Waldegrave are to be applauded for addressing this problem so promptly - it is unfortunate the settlement has been so low.

"We are naturally very disappointed with the level of the proposed settlement. It means that each of the 1,217 claimants will receive an average payment of £35,000. This is a settlement which has been agreed between both the claimants and the Government's lawyers and is naturally one which we have to accept.

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"The role of the Society has been that of arousing public and political opinion in this matter so that it became politically expedient for the Government to bring the whole matter to a speedy conclusion so that people infected with HIV might benefit from a settlement in their lifetime and know that at least some provision has been made for their dependants. This we have achieved in no uncertain terms.

"Settlement, and the terms of any settlement, are a matter that lies between the individual and the Department of Health. We cannot interfere in any individual action nor can we comment generally since each case is different and the matter of acceptance is a personal matter between the individual his lawyer and the Department of Health.

"There never has been a totally satisfactory settlement in any group compensation claim in the UK. The fault lies very much with our wretched compensation laws which are in need of total review so that matters similar to this can be resolved more speedily in the future".

Mr Watters also outlined the ways in which the work of the Society had been seriously handicapped for the past four years because of the ongoing resistance of the Government to settle the matter out of Court.

"We have had to devote 80% of our resources to the pressing needs of 25% of our members. We have done this gladly as a matter of top priority, but other areas of our work have suffered as a result and the Government can now expect to hear more forcibly from us a number of issues affecting everyone with haemophilia in the UK."

The Society made their first approaches to the Government in 1986 in pursuit of an out of court settlement. At that time a charitable Trust was established which was able to pay in response to individual need. This Trust was established with an ex-gratia payment of £10m.

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In November 1989 a further payment of £24m was made by the Government to a non-charitable Trust and this enabled each individual to receive a grant of £20,000 - again on an ex-gratia basis. At all times the government have insisted that compensation could only be paid in the courts and that process would have to be followed.

During the summer the Government suffered a number of setbacks in their vigorous pursuit of the matters in the High Court.

First of all His Honour Judge Roughton ruled that the Department of Health were required to produce certain papers to the plaintiffs' lawyers. The Government appealed against that ruling asking the Court of Appeal to rule that no papers should be produced and, further, that the Judges rule that there was no case to answer.

The plaintiffs appealed too - asking that the Department should be required to produce all the papers. At the end of the day the Appeal Court ruled that virtually all the papers should be produced and, further and most tellingly, that there was a case to answer.

The following week a statement issued by Lord Justice Ognall was leaked to the Sunday Times. In this document the Judge made it clear that he wanted both sides to find a compromise and settle out of court.

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For further information:

GRO-D

Tel:

GRO-C



DATE: 12 December 1990 TIME: 1:41pm

FOR THE ATTENTION OF: ALL LOCAL GROUP OFFICERS AND EXECUTIVE
COMMITTEE

PLEASE REPLY TO: DAVID WATTERS

MESSAGE: SUBJECT: Proposed out of court settlement

It came as more than a surprise on Tuesday afternoon to learn that the lawyers involved in the HIV litigation had agreed on a package to recommend to individual plaintiffs. It came as more of a surprise that the announcement was made in the House of Commons without the proposal having been put to those taking legal action themselves!

However, I attach a copy of our Press Release and all the national newspaper cuttings for today - December 12. From that you will gather that we are disappointed at the level of the proposed settlement while welcoming the intervention of the new Prime Minister and Secretary of State: it is only eight weeks since Mrs Thatcher said firmly that there would be no out of court settlement and that the matter would have to go through the full legal process.

Many of the details still need working out: those involved will hear from their lawyers speedily and within a few days and they will be holding meetings with groups of litigants over the coming week or so.

It is also important to know that the level of the proposal has been increased to take account of all those people with haemophilia who are HIV positive as a result of treatment with contaminated factor VIII and not only those who have started a legal action.

With regard to any possible individual award, it appears that this will be on a graduated scale with more going to those with dependents and less to children. That is an issue that individuals will need to discuss with their lawyers.

If I can offer further help I will gladly do so but please understand that I will not necessarily be available to deal with each and every telephone call immediately it is received!

GRO-C

David G Watters
General Secretary

12 December 1990

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