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Reference

Mr Robertson

INFECTIVE HEPATITIS

Since minuting you in some detail on the application of the injury allowance provisions of the Superannuation Regulations, I have considered the further question you put to me as to what information could be made available to your Committee and possibly other persons with an interest.

The only publicity so far given to the question of injury allowances in the context of infective hepatitis cases is the statement circulated by the Scottish Home and Health Department to RHB Secretaries in Scotland - of which you already have a copy. So far as your Committee is concerned, I would suggest that the best course would be for them to be made aware of the terms of the Scottish statement and told that there is no reason to suppose that cases in England and Wales will be treated less generously than their Scottish counterparts. I see no advantage in going further.

So far as general publicity is concerned I think this is best avoided at the present time. The powers under which injury allowances are granted do not specify a scale of allowances; the amount is discretionary and within certain limits the Secretary of State may grant such amount as he "may from time to time consider reasonable, having regard to all the circumstances of the case".

The very discretionary nature of these awards makes it quite inappropriate to try to anticipate how the discretion would be exercised on the basis of purely hypothetical cases. Indeed this could lead to circumstances where it would be impossible subsequently for any real discretion to be exercised at all. In these circumstances all that can be said is that powers exist under which an injury allowance can be granted to a person who becomes permanently incapacitated by a disease contracted by him to which he was exposed by the nature of his duty and, if he does not survive, to his widow. Officers in the superannuation scheme should already be aware of this fact from the booklet issued to them on joining and to draw specific attention to this particular provision of the Regulations in the present circumstances would be likely, I suggest, to have an adverse effect, rather than the opposite, so far as morale is concerned.

GRO-C

R P Pole
HSSD
Fleetwood
14.8.70

Copied to
Mr Alton (a copy of the
Scottish statement is
attached for information).