

**Lawson H (Heather)**

**From:** Teale TS (Thea)  
**Sent:** 11 April 2000 13:53  
**To:** Lawson H (Heather)  
**Subject:** FW: HCV - Irish Tribunal

*Sandra - perhaps we shd hold off*  
*Ms Dora [Min draft sub. + plc Thea Fri.]*  
*Could we discuss pl.*  
[GRO-C] 12.4 [GRO-C]

12/4

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**From:** Towers LA (Lynda)  
**Sent:** Tuesday, April 11, 2000 1:53:01 PM  
**To:** Falconer S (Sandra); Teale TS (Thea)  
**Cc:** Dora C (Christine); Keel A (Aileen)  
**Subject:** RE: HCV - Irish Tribunal  
**Auto forwarded by a Rule**

Apologies for not coming back as quickly as anticipated. My comments still apply so far as how the Minister will feel about the facts set out in her report possibly being pre-empted. I have less concern however on the tactics and interest point if the other solicitors are acting for the Irish Blood Transfusion Service. There is still a real danger that others will attempt to set one authority against the other and SNBTS will have no-one protecting their corner, assuming cross examination is allowed. Since I have no feel as to how these tribunals operate, I cannot take a judgement on how realistic my concerns are.

Lynda

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

Thea

You asked about the papers referred to in Lynda's note below. You will recall that we originally only had a letter from Francis Gibb advising of the invitation and seeking the Departments' views. We asked SNBTS for further info on the nature of the request and what SNBTS' involvement would be. Bob Perry provided copy letters - some were from a firm of Solicitors and one was from the Solicitor for the Tribunal. We have since clarified that the firm of solicitors is representing the Irish BTS and they in fact suggested to the Tribunal that it might wish to ask SNBTS to attend as experts. Lynda has since been informed of this and agreed to reconsider her answer and come back to us hopefully today.

Sandra

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

I have now read the papers on this request and have some concerns, although I can understand the desire to be helpful.

Firstly the request is from a firm of solicitors, who presumably have a client, with a view of the matter, rather than from the Solicitor to the Tribunal who would normally be expected to take a neutral, fact gathering position. I do not know the solicitors and it is possible they will adopt a neutral position towards SNBTS but equally they may have an agenda on behalf of their client, which may be quite proper but SNBTS would be part of that. It may be prudent to check who they are acting for.

Secondly, I am not sure that the SE are yet clear on the chronology here, at least until the Minister publishes her report. I assume she will not wish to challenge such details of timing, but it is possible SNBTS may be challenged in public on their position if they give evidence. We do not want to be faced with a transcript from Ireland saying something different because SNBTS have agreed to something under cross examination (if that is to be allowed) which might not be their fully considered view out of the witness box. This is also assuming they can contain their evidence to chronology and not into wider issues of what was being done elsewhere in the UK and their views on that process.

If we are in a situation of considering possible settlement in England, I'm not sure we wish to be

going public now in Scotland if this is not necessary. Clearly CSA would not have this in contemplation when they thought it was a good idea. The timing now appears unfortunate.

Happy to discuss. I have mentioned these concerns to Dr Keel this morning.  
Lynda