

Witness Name: Andrew Michael March

Statement No: WITN1369014

Exhibits: WITN1369015-63

Dated: March 2020

INFECTED BLOOD INQUIRY

EXHIBIT WITN1369051

Our ref: TO00000145823

Richmond House
79 Whitehall
London
SW1A 2NS

Tel: 020 7210 3000

Mr Andrew March

GRO-C

London

GRO-C

17 October 2006

Dear Mr March,

Thank you for your letter of 3 October about your Macfarlane Trust MFTSP2 Waiver. I apologise for the delay in writing to you with the details of the search for a copy of your waiver.

The Macfarlane (Special Payments No 2) Trust report and accounts for the period 1 May 1991 to 31 January 1992 confirms that all applicants were required to supply documents to support their category of claim, and that an *“essential element of all applications was the ‘Deed of Undertaking’ which indemnified the Government against any further litigation.”*

We have carried out a thorough search through the Department’s files and we have not been able to trace your signed document. We believe that it may have been amongst several files which we know were inadvertently destroyed since that time. We have also approached the Macfarlane Trust for their copy of your waiver. Unfortunately, neither the Macfarlane Trust nor their legal representatives were able to find a copy of your waiver.

I enclose, however, an example of a Deed of Undertaking that was signed by other applicants in 1991, which I hope you will find helpful. I should point out that the precise wording of each Deed varies according to the category of payment and whether the applicant was the infected person, a carer or guardian, or the executor of a deceased person.

The acceptance of the sums paid to you under the Macfarlane (Special Payments No. 2) Trust was approved by the Court on 9 May 1991.

I hope this reply is helpful.

Yours sincerely,

GRO-C

Bilal GHAFOR
Customer Service Centre
Department of Health

UNDERTAKING TO BE GIVEN BY AN INDIVIDUAL NOT UNDER THE DISABILITY
IN ACCORDANCE WITH CLAUSES 12, 15, 17, 18, OR 20 OF THE DEED OF THE DEED
OF THE MACFARLANE (SPECIAL PAYMENTS) (NO. 2) TRUST

This DEED of undertaking is made _____ day of _____
1991 by _____ of _____

1. In expectation of receiving from the Macfarlane (Special Payments) (No.2) Trust the sum of £ _____ I undertake with the Secretary of State for Health that I will not at any time hereafter bring any proceedings against the Department of Health., the Welsh Office, the Licensing Authority under the Medicines Act 1968, the Committee on Safety of Medicines, any district or regional health authority or any other Government body involving any allegations concerning the spread of the human immuno-deficiency virus or hepatitis viruses through Factor VIII or Factor IX (whether cryoprecipitate or concentrate) administered before 13th December 1990.

2. I believe that under the terms of the Trust Deed I should be entitled to a higher level of payment and therefore while holding to the the above undertaking it is made subject to my retaining the right to continue my application for the balance of the higher payment.

Signed and delivered by _____)
_____)
_____)
As a Deed in the presence _____)

of:-

Name and address of witness:

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