

Carol Greyson,

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Re: Hepatitis C Compensation in Ireland

Dear Ms. Greyson,

I refer to your telephone call to this office 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.

- 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.

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.