

Mr Davey PS to MS(H)

From: J C Dobson HS1

GRO-C

Date: 26 October 1989

cc: Mr A McKeon PPS to SofS
Mrs E Baldock PS to MS(L)
Miss Gwynn PS/Perm Sec
Mr Heppell PG
Mr Hart Dir/Ops
Mrs T Keswick Pr/Off
Mrs Cristopherson ID
Dr Metters MED ISD
Dr Pickles MED ISD
Dr Rejman MED ISD
Mr Barton AIDS Unit
Mrs Walden AIDS Unit
Dr Lader AIDS Unit
Mr Powell Sol B3
Mr Brand Sol B3
Mr Wilson MCA
Mr Gutowski MCA
Mrs Armstrong Sol C5
Mr Kendall FA2
Miss Pease HS1
Mr Canavan HS1
Mr Arthur HS1

HAEMOPHILIACS AND AIDS: SUNDAY TIMES CAMPAIGN

Your minute of 11 October to Mr Heppell asked for advice on various aspects of the current litigation and the related Sunday Times campaign.

2. I attach a paper which has been prepared in consultation with medical and legal colleagues, with Medicines Division, and with Finance. Part I reviews the current position both on the litigation and on the Macfarlane Trust. Part II considers a number of options for making more money available to the haemophiliacs. None of them are without difficulty; the cheaper ones are unlikely to buy much peace, and the more expensive ones run a severe risk of knock-on effects (eg on other litigation against the licensing authority, or of setting a precedent which would encourage other victims of medical accidents). And it is likely that Treasury would resist any additional expenditure so long as Counsel advises that we have a good chance of winning the case. Our advice therefore remains that ministers should continue with the litigation and should not signal any readiness to provide additional funding, beyond the steps already in hand to allow greater flexibility to the Trust (and a veiled promise to consider topping up when it is needed). Ministers are also invited to consider the possibility of responding to the more inaccurate newspaper comments, so far as this is possible or advisable now that the case is before the courts.

3. MS(H)'s specific questions on the Trust are covered at paragraphs 5 and 13 and Annex B of the paper.

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