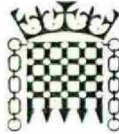


From: Robin Cook MP



HOUSE OF COMMONS
LONDON SW1A 0AA



Rt Hon William Waldegrave MP
Secretary of State
Department of Health
Richmond House
79 Whitehall
LONDON SW1A 2NS

1/2350/SS
A03 01/004 (S)

31 January 1991

Dear William

I noted the parliamentary answer last week from Virginia Bottomley confirming that there are a total of only 135 persons who are known to be HIV positive as a result of blood transfusion from any source. Two of these are constituents of mine, and as you will be able to see from the files I have over the years taken a close personal interest in their position, raising it with three successive Secretaries of State. I also raised this matter in an adjournment debate to which Roger Freeman replied last April.

The recent settlement with haemophiliacs who are HIV positive has again raised awareness among this group of the injustice of their position. Frankly I find it wholly untenable to accept that the NHS has a responsibility to provide financial compensation to one group who are HIV positive as a result of NHS treatment whilst denying the same response to another group of NHS patients who are also HIV positive as a result of NHS treatment. I could understand, although not accept, this distinction, if the group to whom liability was being denied was the larger group with a larger cost, but the continued refusal to accept responsibility in this case is all the more difficult to comprehend as the numbers involved are so few and the cost of settlement would be so much less than the amount already provided for the greater number of haemophiliacs.

I do appreciate that it is important for the NHS, and no doubt the Treasury, that a clear ring fence is drawn round any compensation made in order to avoid a precedent for wider claims from other NHS patients. However it does seem to me wholly untenable to try and erect a ring fence round one group of HIV positive patients, whilst leaving another group outside. It would surely be much more easy to defend a ring fence which accepted that this precedent applied only to those patients who

became HIV positive as a result of treatment with infected blood or blood products and did not apply in any wider medical circumstances.

These are the points which I have urged at intervals over the past three years. I hope though that now there is obviously a greater willingness to resolve this matter it will be possible for you to take a fresh look at the claim of this small group and put them on a par with the settlement to haemophiliacs.

Yours sincerely

GRO-C

Robin Cook MP