

Rt Hon Ian Lang MP
Secretary of State for Scotland
Scottish Office
Dover House
Whitehall
London
SW1A 2AL

RE: HIV POSITIVE
PLAINTIFFS
V. THE
SECRETARY OF
STATE
MR. LANG
MR. ANTON
DR. SLO
MR. KIRK
MR. TEE

Richmond House

79 Whitehall

London SW1A 2NS

Telephone **GRO-C**

From the Secretary of

State for Health

Dear Secretary of State,

Rec 12
30 January 1991

HAEMOPHILIACS WITH HIV

I am replying to your letter of 17 January in which you proposed some flexibility over the settlement offer for litigants in Scotland.

We have not yet set a deadline for acceptance of the offer by the English plaintiffs. The indications are, though, that the vast majority will accept and I am hopeful that the final terms of settlement can be agreed by the Court in March at the latest. There are around 30 plaintiffs who at present are minded to refuse or are undecided but I would not wish to halt the momentum towards settlement for such a small number. Indeed once the money begins to reach the majority those resisting the offer may have second thoughts and we would allow a little time before finally withdrawing the offer.

However I quite understand the difficulties you would face in trying to complete a settlement in Scotland in the same timescale. I have no objection, therefore, to your proposal to set a reasonable period for Scottish litigants to be advised by their lawyers on a response to the offer.

While differences over timing are manageable, I think that the terms of the settlement must be the same for all to avoid re-opening the whole issue. Even if it were only a question of distributing the overall sum differently among the Scottish litigants this would create problems. The English plaintiffs who had received less under their own settlement could then be expected to press for more. No doubt you would also come under pressure from those Scottish litigants who were worse off than their counterparts in England. I hope, therefore, you will accept that the size and categories of payment on offer must be common to all litigants wherever they have pursued their action.

C A R I N G F O R T H E 1 9 9 0 S



The drafting of the detailed terms of settlement is continuing. Our Counsel has informally shown our plaintiffs' lawyers the various drafts and has tried to take their views into account as we work towards the final version. I understand there are now only a few points to be resolved. If the lawyers representing Scottish litigants were willing to respond to such informal soundings, this could help reduce the time they will need later to consider the final offer. No doubt your officials will have considered this.

As for costs, I think your remarks are primarily intended for the Chief Secretary but I have no objection to your proposals. My understanding is that the Treasury has agreed to meet reasonable costs for the plaintiffs and presumably this applies in respect of actions against all the Health Departments.

I am copying this letter to the Secretary of State for Northern Ireland and Chief Secretary to the Treasury.

GRO-C

for WILLIAM WALDEGRAVE

*agreed by the Treasury
to sign in his name*