

Edward Goff

26/09/2006 15:53

To: peter@GRO-C

cc: Martin@GRO-C

Brian Bradley/HP-SL/DOH/GB@GRO-C

Glen Clarke/HP-SL/DOH/GB@GRO-C

bcc:

Subject: Macfarlane Trust Special Payments 2 - signed waivers

Peter

I am now able to respond to your email of 19 Sept to Zubeda. Although Martin is aware of the background to the requests for waivers (I have copied him in to this email) a brief summary of the action that we have taken might be helpful:


You will be aware that earlier this year both Mr GRO-A and Mr GRO-A had approached the Macfarlane Trust for a copy of their respective waiver that they were told they would have had to sign before any payment could be made under the Macfarlane Special Payment No 2 Trust. Both Mr GRO-A and Mr GRO-A were advised by the trust that they had no record of their signed waivers. In May 2006 they each wrote to the Department asking for a copy of the signed waiver from our records.

After a thorough search through our files we were unable to trace either waiver and we wrote to Mr GRO-A and to Mr GRO-A to say that we were unable to find a copy of either of their waivers. We also quoted from the Macfarlane (Special Payments (No 2) Trust report and accounts for the period 1 May 1991 to 31 January 1992, which stated that all applicants would be 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. This annual report also confirmed that all Deeds of Undertaking were copied, with the originals sent to the Department.

We received another request for a copy of a signed waiver from GRO-A and in August 2006 we wrote to him to say that we could not trace a copy of his waiver. We believe that all of these documents may have been amongst several files which we know were inadvertently destroyed since that time.

In short, I am unable to confirm what payments have been made (presumably payments were made by the Trust) to any of the above, and cannot trace any of their applications or signed waivers. You also enquired about the cases of GRO-A and GRO-A, and again, we have not traced their application, payment or signed waiver.

You asked us to provide a list of applicants who have signed waivers. We have only been

able to find some 20 cases and these are listed in the attachment:  - Sp payments 2 list of waivers.xls

I appreciate the frustration that these individuals must feel in this fruitless search for documents that we say they have signed. Nevertheless, we have expended a great deal of time in an attempt to trace the applications and waivers, and although we were able to find some, it would seem that many of the applications were inadvertently destroyed. We can do no more. Furthermore, it seems that their enquiries with you have also produced little. I have copied this email to Martin, who is familiar with the above background.

If you have any further queries please let me know

Regards

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