

PQ 04540:

How many requests her department has received for original copies of legal waivers signed by haemophiliacs undertaking not to take legal action against the department or any other public body in respect of infection with HIV or hepatitis viruses as a result of infected blood products; how many documents the department has provided following those requests; and if she will make a statement

Suggested reply:

In the period April 2006 to March 2007 the Department received three requests for copies of waivers signed by haemophiliacs infected with HIV through blood products. The Department has been unable to satisfy these requests. There is no requirement for such waivers in relation to infection with hepatitis

Background

In 1988, a special payments scheme was introduced for haemophiliacs infected with HIV through blood products. This scheme is administered by the Macfarlane Trust. In 1991, as part of a settlement of court proceedings a further lump sum payment was made under the scheme for haemophilia patients infected with HIV. From that time, all beneficiaries of the Trust have been required to sign a waiver undertaking not to take legal action against the Department or any other public body in respect of infection from HIV, or hepatitis viruses. It is usual in litigation that when a settlement is reached, claimants cannot then reopen the proceedings. In the last year the Department has received three requests for copies of individual waivers. The Department was unable to find the requested waivers because some files had been inadvertently destroyed. The subject of the destroyed files has been the subject of recent parliamentary questions (the last written answer was on 27 February 2006),

PQ04541

How many haemophiliacs infected with HIV or hepatitis C or both via contaminated blood products received compensation from out of court settlements in (a) 1989 and (b) 1991; and if she will make a statement.

Suggested reply

This information is not available in the form requested. Most of the registrants of the Macfarlane Trust are haemophiliacs infected with HIV. There is also a smaller number of their 'infected intimates', and some female carriers who were infected with the Von Willebrands disease.

On 31 March 1989 there were 700 registrants of the Trust and on 31 March 1991 there were 970 registrants.

There were no out of court settlements for the period concerned in relation to infection with hepatitis C.

PQ04542:

How many legal waivers were recorded by the department as being signed by haemophiliacs undertaking not to take legal action against the department or any other public body in respect of infection with HIV or hepatitis viruses as a result of infected blood products; how many original copies of such documents the department holds; and if she will make a statement

Suggested answer:

The Macfarlane Trust has 364 registrants (as at 31 March 2007), most of whom are haemophiliacs infected with HIV, who were required to sign a 'Deed of Undertaking' at the time of their registration which indemnified the Government against any further litigation.

The Department currently hold 90 original waivers. A number of signed waivers, going back to 1989, were inadvertently destroyed with the files in which they were held.

There is no requirement for such waivers in relation to infection with hepatitis.

Background

In 1988, a special payments scheme was introduced for haemophiliacs infected with HIV through blood products. This scheme is administered by the Macfarlane Trust. In 1991, as part of a settlement of court proceedings a further lump sum payment was made under the scheme for haemophilia patients infected with HIV. From that time, all beneficiaries of the Trust have been required to sign a waiver undertaking not to take legal action against the Department or any other public body in respect of infection from HIV, or hepatitis viruses. It is usual in litigation that when a settlement is reached, claimants cannot then reopen the proceedings. In the last year the Department has received three requests for a copy of a waiver.

In 2004, the Government set up the Skipton Fund to administer the ex-gratia payment scheme for people infected with hepatitis C from National Health Service blood or blood products. Beneficiaries were not required to sign a waiver.