

David Dunleavy
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From: Gwen Skinner
HSD1
Date: 9 May 1999
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ADVICE ON PQ 2447

1. Lady Hayman has asked for legal advice on this PQ. I would be very grateful for an urgent reply. Lord Morris is being pressing about the PQ, and has said that the hepatitis C issue will set an important legal precedent.
2. In the course of a Lords Oral PQ on 24 May Lord Morris asked 'The Secretary of State for Health said last July that the social stigma of HIV and the danger of infecting partners were 'important considerations' in granting special payments for HIV infection which do not apply in the hepatitis C cases. Can my noble friend point to **where that was officially stated when the Major Government announced their HIV compensation scheme?**'
3. Lord Morris subsequently asked PQ 2447 'where it was officially stated that the social stigma of HIV, and the danger of infecting partners, were important considerations in the grant by the then Government of special payments to National Health Service patients infected with HIV during treatment.' A copy of the PQ and the (currently) proposed reply is attached.
4. I am faxing a copy of the Lords Oral Hansard of 24 May 1999, SofS's reply to a Written PQ on 28 July 1998 and his letter of the same date to the Haemophilia Society. (Also the text of the 1987 statement on the introduction of an HIV scheme.)
5. The wording of the 28 July 1998 letter is very close to that of the July 1998 PQ answer 'However we take the view that the circumstances of the people infected with HIV were different. The stigma surrounding HIV at the time the decision was taken, the fact that it was generally considered a sexually transmitted disease and that haemophiliacs could have inadvertently infected their partners were all important considerations which do not apply to hepatitis C.'
6. I believe the wording of the letter and PQ reply were cleared with SOL at the time, but I do not have the papers. It seems to me that the SofS was giving the view of the current Government, not attributing reasons

to a past Government, ie **we take the view that** the circumstances were different and that.. ..were all important considerations.

7. I think Lady Hayman might prefer a draft reply which quoted more directly from SofS and I was thinking of suggesting

`The Secretary of State for Health wrote to the Haemophilia Society on 28 July 1998 giving the decision not to introduce a special payment scheme for people with haemophilia infected with hepatitis C through NHS treatment. He said ` ' We take the view that the circumstances of the people infected with HIV were different. The stigma surrounding HIV at the time the decision was taken, the fact that it was generally considered a sexually transmitted disease and that haemophiliacs could have inadvertently infected their partners were all important considerations which do not apply to hepatitis C.' ' [That is the view of this Government]'

8. I should welcome your advice, and suggestions for a PQ reply.

GRO-C

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