

**SCHEME OF PAYMENTS FOR THOSE INFECTED WITH HIV THROUGH BLOOD OR
TISSUE TRANSFER**

April 1992

Scottish Office Home and Health Department
St Andrew's House
Edinburgh

Contents

1. Scope and purpose of the Scheme.
Interpretation
2. Persons to whom payments may be made
Categories of qualifying persons
Qualifying persons now deceased
3. Scheme for payment
Rates of payment
Special Needs Fund
Social Security Disregard
4. Undertakings
5. No admission of liability
6. Medical Negligence
7. Legal expenses
8. Legal expenses in medical negligence actions
9. Documents
10. Application for payment
11. Consideration of applications
12. The Panel
- Sch. 1. Form of Undertaking
- Sch. 2. Application form

SCHEME FOR PAYMENTS FOR HIV/BLOOD TRANSFUSION ETC INJURY IN SCOTLAND

1. General Scope of Scheme

1.1 The general purpose of this Scheme is to extend the payment scheme already provided for HIV infected haemophiliacs as set out in terms of settlement issued by the Secretary of State in June 1991. This scheme makes provision to regulate payments by the Secretary of State for Scotland (hereinafter referred to as "the Secretary of State") to certain persons who received certain medical treatment by way of blood transfusion, tissue transfer or treatment with blood products provided by the National Health Service, and who as a result of such treatment became infected with HIV.

1.2 The persons to whom such payments under this scheme may be made are specified in paragraph 2 below.

1.3 The amounts which may be paid in any individual case are specified in paragraph 3 below.

1.4 The conditions on which payments shall be made in any individual case are specified in paragraphs 4 to 8 below.

1.5 The procedure which shall apply in relation to the submission of and consideration of claims under the scheme is specified in paragraphs 10 to 12 below.

1.6 Interpretation

For the purposes of this document the following expressions shall have the following meanings:-

"dependent children" means

(a) any person under the age of 18 liable to be maintained by a person who is a beneficiary under this scheme,

(b) any unborn child who when born would be liable to be so maintained, and

(c) includes also any person aged 18 or over in full time education liable to be so maintained, except where that full time education is provided by that person's employer as part of the terms and conditions of employment, or where that person receives payment from a person or body with whom he has undertaken to work on completion of his education.

"dependent former spouse" means a former spouse in respect of whom an infected donee has an obligation to make a periodical allowance.

"the Secretary of State" means the Secretary of State for Scotland;

"Health Service body" means any Health Board, the Common Services Agency including the Scottish National Blood Transfusion Service.

"HIV" means the Human Immunodeficiency Virus;

"Haemophiliac" includes a person who has Von Willebrand's Disease;

"infected intimate" means a person who has been infected with HIV before 17 February 1992:

(a) by relevant contact with a qualifying person, or

(b) in utero, time of delivery or by breast feeding from a mother who is either entitled to payment under the Scheme in respect of HIV transmission by blood, blood product or tissue or is herself entitled as an infected interest, provided that the child so infected is also the child of the infected recipient.

"AIDS" means Acquired Immune Deficiency Syndrome.

"the Panel" means the Panel set up in terms of paragraph 12 of this Scheme.

"qualifying person" means a person who is qualified to receive payment in terms of paragraph 2 hereof.

"relevant action" and "relevant proceedings" mean any action or proceedings before the Scottish courts by any person comprised in any of the categories listed in paragraph 2(1) against the Secretary of State or any Health Service body alleging injury arising from relevant treatment of that person or any other person.

"relevant treatment" means

(a) blood transfusion (transfusion of whole blood, red cells, platelets or plasma) in Scotland, using blood supplied by the Scottish National Blood Transfusion Service or any other National Health Service.

(b) tissue transfer, including transplantation of part of an organ or of tissue, in Scotland, using tissue or an organ provided by the National Health Service,

(c) treatment of any person in Scotland, other than a haemophiliac, using blood products, supplied by the Scottish National Blood Transfusion Service or any other National Health Service source.

"relevant contact" means contact with a qualifying person through either:-

(a) having been a heterosexual partner of that person, or

(b) having been in regular intimate physical contact with that person in particular as a carer, parent or otherwise through sharing the same household as that person.

"blood product" includes fractionated and non fractionated blood products.

"tissue" includes heart, lungs, liver, spleen, pancreas, Islet of Langerhans, corneas, skin, dura mater, heart valves, trachea, tendons, blood vessels, bone marrow, bone chips, ossicles, fibroblast cultures,

fallopian tube, amnion, ova, embryos, semen, foetal serum, tissues and cultures, thymus, liver, pituitary, brain, kidneys.

Any reference to the masculine includes reference to the feminine.

Any reference to persons who upon first testing are found to be HIV positive means those who are correctly so found, false positive and false negative tests being disregarded.

2. Persons To Whom Payments May Be Made

2.1 The Secretary of State may make payments in terms of the scheme to a qualifying person who falls within any of the categories defined in sub paragraph 2.3 below. When such a person has not been made aware of his condition as HIV positive prior to 17 February 1992 the provisions of paragraph 2.4 will also apply. When a person has died prior to receiving payment under this scheme the provisions of paragraph 2.5 will also apply. The rate of any payment in terms of this scheme shall be determined by reference to the category of qualifying person as specified in sub paragraph 3(a) below.

2.2 For the purposes of the scheme the expression "qualifying person" means either:-

(i) a person who has received relevant treatment prior to 17 February 1992, and has thereby become infected with HIV whether or not he has or had developed AIDS, or

(ii) an infected intimate

2.3 The categories of qualifying person to whom payment may be made by the Secretary of State are as follows:

I an "infected adult with children" being any qualifying person under paragraph 2.2 above who on 17 February 1992, or if deceased by that date then at the date of death has dependent children.

II a "married but childless infected adult" being any qualifying person under paragraph 2.2(i) above who,

(i) on 17 February 1992, or if deceased by that date then at the date of death, was married, divorced with a dependent former spouse, or in the case of any person aged over 18 years to that date or prior date of death not married to the person with whom he or she was at that date or at date of death living together in the same household as husband and wife, and

(ii) had at that date or prior date of death no dependent children.

III an "infected adult" being any qualifying person under paragraph 2.2(i) above who

(a) on 17 February 1992, or if deceased by that date then at the date of death was aged 18 or over, and

(b) was at that time or at the date of death, unmarried, divorced without a dependent former spouse or widowed.

IV an "infected minor" being a qualifying person under paragraph 2.2(i) above who on 17 February 1992 or if deceased by that date then at the date of death was aged under 18 years.

V an infected intimate.

2.4 The provisions of this scheme will apply to the following categories of persons who have not as at 17 February 1992 been informed that they are HIV positive:-

(1) any person who by 17 February 1992 had not been tested for HIV and who upon first testing is found to be HIV positive and who would otherwise be eligible as a qualifying person under sub paragraph 2.2(i);

(2) the spouse of a qualifying person within sub-paragraph 2.2(i) above and any person who on 17 February 1992 was the spouse or widow of a qualifying person who had prior to that date been diagnosed as HIV positive provided that such spouse has either not previously been tested for HIV or has been tested and found to be HIV negative, and who after 17 February 1992 is tested and found to be HIV positive;

(3) the child of a qualifying person within sub paragraph 2.2(i) who has been born or conceived before 17 February 1992 and who is found to be HIV positive (other than with passive antibodies) within 5 years from 17 February 1992 or within 5 years of birth, whichever is the later.

(4) any person who has been diagnosed as HIV positive, but has not yet been informed of that fact, and who would otherwise be eligible under paragraph 2.2 above.

2.5 Where a qualifying person referred to in paragraph 2.2 above has died prior to receiving payment in terms of this settlement payment at the appropriate rate in terms of paragraph 3 and on the conditions set out in this scheme will be made in respect of that qualifying person as follows:-

(1) in any case in which the deceased was married but childless and was at the date of death living together with his or her spouse then the relevant payment under paragraph 3 below shall be paid to that spouse.

(2) in any case in which the deceased was an infected adult with children then the relevant payment under paragraph 3 below shall be paid for behoof of those children subject to the proviso that where the qualifying person was at the date of death living together with his or her spouse then one half of that payment should be paid to that spouse.

(3) in any case in which the deceased is survived by a parent or parents then the relevant payment under paragraph 3 below shall be paid in accordance with the provisions of this paragraph with deduction of the sum of £2,000 in respect of each surviving parent which shall be payable £2,000 to each parent.

(4) in any other case and in any case in which a party designated as entitled to receive payment waives that entitlement the relevant payment under paragraph 3 below shall be paid to and form part of the deceased's estate.

3. Scheme for Payments

3.1 The sum which the Secretary of State may pay in respect of any qualifying person shall be the sum specified in column two below in respect of the relevant category of qualifying person specified in column one below.

<u>Column 1</u>	<u>Column 2</u>
Infected minor	£41,500
Infected adult	£43,500
Infected adult with children	£80,500
Married but childless infected adult	£52,000

Infected intimate

(a) who is as at 17 February 1992
aged 18 or over, or who, if
under age 18, is married as
at that date £23,500

(b) who is as at 17 February 1992
under age 18 and not comprised
in (a) £21,500

3.2 For the avoidance of doubt no qualifying person shall be entitled to receive sums under more than one of the above categories. This is without prejudice to the right of any qualifying person to benefit in terms of paragraph 2.5.

3.3 Special Needs Fund: The Secretary of State will make arrangements analogous to those pertaining in terms of the MacFarlane (Special Needs) Trust to provide a special needs fund to which qualifying persons (but not including infected intimate) may have access for payments beyond those specified in paragraph 3.1 in cases of special need.

3.4 Social Security Disregard: The Government will take steps to ensure the sums derived from the Scheme will be disregarded in accruing entitlement for income related Social Security payments, Community Charge Benefits or Housing Benefits as well as for the purposes of recovery of sums and to benefit.

Conditions on which Payments will be made

4. Undertaking by or on behalf of Qualifying Person

4.1 It is a condition of entitlement to receive payment as specified above that any person to whom payment may be made shall give an undertaking to the Secretary of State in the form set out in Schedule 1 hereto, not to bring or continue any relevant proceedings, except proceedings specified in paragraph 6 below, against the Secretary of State or any Health Service body.

5. No Admission of Liability

5.1 Payments in terms of this scheme in Scotland are made on behalf of the Secretary of State for Scotland and not on behalf of any other defender in relevant proceedings and are made without any admission of negligence, breach of statutory duty or other liability on the part of the Secretary of State.

5.2 For the avoidance of doubt no other defender in relevant proceedings is a contributor to this settlement. Acceptance by the Secretary of State of any claim under this scheme does not imply any admission so far as any other defender or any other party is concerned of any negligence, breach of statutory duty or other liability; nor do they imply the absence of any such liability.

6. Conditions for Settlement of Relevant Actions
Medical Negligence Issues and Settlement on Joint Minute

6.1 This paragraph makes provision to allow any person pursuing relevant proceedings to continue those proceedings but only in relation to matters of alleged medical negligence.

6.2 For the purpose of this paragraph:-

(1) the expression "relevant proceedings" includes

(a) relevant proceedings as defined in paragraph 1.2 and

(b) any legal aid application in contemplation of such proceedings, where the application has been lodged prior to 17 February 1992, and

(2) the expression "medical negligence" shall include only specific allegations as to negligence in the application of relevant treatment and shall not extend to averments as to the policy for such treatment or the selection or screening of any blood, blood products, tissue or other material in such treatment, and by way of example:-

a. that self-sufficiency in blood products should have been achieved at any date prior to the date of a claimant's sero-conversion;

b. that donor warnings were inadequate;

c. that heat-treated blood products should have been made available for use by any Health Service body by any earlier date than that date on which they became available for such use;

d. that blood, blood products, tissue etc screened for HIV should have been made available for use by any Health Service body by any date earlier than that date on which they became available for such use;

e. that Health Service bodies should have taken steps to increase the supply of blood products made from non-commercial plasma, whether by arranging for fractionation of such plasma otherwise than by the NHS or by increasing supplies of plasma by investment in plasmapheresis or by having plasma fractionated in Scotland or otherwise.

6.3 Any person pursuing relevant proceedings who is entitled to benefit in terms of these proposals and who applies to the Secretary of State in terms of paragraph 10 shall if the action is not already sisted enrol within 14 days of so applying to sist any relevant action pending settlement and lodging of an appropriate joint minute for dismissal of the action.

6.4 Where any pursuer in relevant proceedings is awarded damages against any Health Service body in respect of medical negligence then the entirety of such sums as the pursuer may receive under the terms of this scheme shall be brought into account in assessing what damages if any such pursuer is entitled to receive from the appropriate Health Service Body in respect of the allegation of medical negligence made against such body but only insofar as such damages are awarded in respect of infection of the pursuer with HIV or the increased risk of infection. For the avoidance of doubt, the fact that a person pursues a claim against a Health Service body for medical negligence shall not disentitle such person from receiving all sums due to him under this agreement save insofar as set out in this scheme.

7. Legal Expenses

7.1 The Secretary of State will reimburse legal expenses, in accordance with sub-paragraph 2, 3 and 4 below, incurred by any qualifying person who is a pursuer in relevant proceedings, and who is entitled to benefit under paragraph 2 above, where the relevant proceedings were instituted prior to 17 February 1992.

7.2 Any such persons will be entitled to expenses at their option either under sub-paragraph 3 or sub-paragraph 4 below but not both.

7.3 Subject to sub-paragraph 2 above any person to whom this paragraph applies will be entitled to recover pre-litigation expenses including recoverable outlays, as taxed by the Auditor of Court on an agent-client basis, incurred prior to 17 February 1992, together with an extra judicial settlement fee chargeable in accordance with Part IV of Section 3 of the Table of Fees of Solicitors in the Court of Session.

7.4 Subject to sub-paragraph 2 above any person to whom this paragraph applies will be entitled to fees on the Law Society of Scotland's scale for extra judicial settlements, together with recoverable outlays. In the event of any dispute in relation to outlays the matter will be referred to the Auditor of the Court of Session, whose decision will be final.

7.5 The Secretary of State may reimburse reasonable legal expenses incurred by any qualifying person who has not, prior to 17 February 1992, initiated relevant proceedings but who prior to 17 February 1992

has sought legal advice in contemplation of such relevant proceedings. In the absence of agreement as to whether legal expenses claimed are reasonable or not the matter will be referred to the Auditor of Court to determine, whose decision will be final.

7.6 The Secretary of State will indemnify each pursuer entitled to expenses in terms of paragraph 7.1 above against any claim for expenses by any other party (other than expenses incurred after the date hereof relating to issues of medical negligence which are pursued notwithstanding this settlement).

7.7 The Secretary of State may contribute to the expenses including legal expenses incurred by any applicant under this scheme so far as incurred in presentation of an application to the panel, and in any such case the amount of any such contribution shall be entirely within the discretion of the Secretary of State. In any case in which the Panel has awarded expenses in terms of paragraph 12.9 the Secretary of State shall be liable to reimburse the expenses so awarded. -

8. Conditions of Settlement of Relevant Actions - Expenses in Relation to Medical negligence

8.1 Where any qualifying person who is a pursuer in relevant proceedings has prior to 17 February 1992 made averments on record as to medical negligence, or lodged an application for legal aid for that purpose, and where that pursuer subsequently discontinues those proceedings, then the Secretary of State may reimburse reasonable legal expenses in connection with the matter of medical negligence incurred by that pursuer in the taking and consideration of relevant advice prior to 1 September 1992. Where these proceedings are not discontinued prior to 1 September 1992 then such expenses shall not be liable to be reimbursed unless incurred prior to 17 February 1992.

9. Conditions for Settlement of Relevant Actions - Documents

9.1 All copies of all documents recovered by commission and diligence by any pursuer in any relevant proceedings shall be returned:-

(a). in the case of documents held by Solicitors for individual pursuers within 28 days of the acceptance in writing of the proposed settlement on behalf of such pursuer;

(b). in the case of documents held by Solicitors acting as coordinators of HIV/Haemophiliac claims within 28 days of the acceptance in writing of the proposed settlement by all pursuers represented by them or upon their ceasing to act for any pursuers in relevant proceedings, whichever is the earlier or as otherwise directed by the Court.

9.2 For the avoidance of doubt all parties undertake that they will make no further use of any information acquired from documents recovered by commission and diligence save for the proper purpose of pursuing such claims for medical negligence against a Health Service body as may be permitted hereunder.

10. Applications for Payments

10.1 The Secretary of State shall consider applications for payment under this Scheme. Applications for payment should be made by 30 April 1995 or within 3 years of the date on which the applicant is first notified that he is HIV positive whichever is later. Applications will ordinarily be in the form set out in Schedule 2. The Secretary of State will have discretion to consider applications not in that form, provided that the applicant made available the information specified in the forms. Part I shall be completed by or on behalf of the applicant. The applicant shall be responsible for ensuring the completion of Part II by a medical practitioner. The applicant will submit the application to the Secretary of State. The Secretary of State shall send the form to the Scottish National Blood Transfusion Service and to the relevant Health Board for completion of Part III and Part IV.

10.2 The applicant will be required to grant any consent necessary to allow the Secretary of State or the panel referred to in paragraph 12 below, to have access to the applicant's medical records. The applicant may also be required to produce such further evidence or documents as the Secretary of State may reasonably require for initial consideration of the application. The applicant will be required to consent to medical examination including blood test if so required by the Panel.

11. Consideration and Disposal of Applications by Secretary of State

11.1 The Secretary of State shall, as soon as reasonably practicable after receipt of the application, and on initial consideration of the application, decide

- i to reject the application
- ii to grant the application
- iii to refer the application to the panel.

11.2 The Secretary of State shall give reasons for his decision and shall issue such reasons to the applicant within 28 days of the date of decision under paragraph 11.1.

11.3 Where after initial consideration the Secretary of State is not satisfied that the applicant had or has HIV, then the Secretary of State shall be entitled to reject the application.

11.4 Where after initial consideration the Secretary of State is satisfied

- (a) that the applicant had or has HIV, and
- (b) that on the balance of probabilities the applicant became so infected as a result of relevant treatment,

then the Secretary of State shall make the payment to the applicant at the rate appropriate to the category which he considers appropriate in the case of that applicant.

11.5 When after initial consideration the Secretary of State has neither rejected an application under para.11.3 nor granted an application under 11.4 he shall within 21 days of the date of decision under paragraph 11.1 refer the application to the Panel for an opinion.

11.6 Where in the case of an application for payment in the category of infected intimate the Secretary of State is not satisfied that the applicant, while being HIV positive, was infected as a result of relevant contact then he shall within 21 days of the date of decision under paragraph 11.1 refer the application to the Panel for an opinion.

11.7 Where the applicant is dissatisfied with any decision of the Secretary of State under this paragraph then the applicant may require the Secretary of State to refer his case to the panel for an opinion, and in that case the Secretary of State's decision referred to, on that case, shall not have effect.

11.8 Where in any case the Secretary of State has referred an application to the Panel in terms of this paragraph, the Secretary of State shall on receipt by him of the opinion of the Panel, immediately determine the application in accordance with the opinion of the Panel.

12. The Panel

12.1 The Secretary of State shall set up a Panel consisting of 2 medical practitioners and one legally qualified chairman, to which individual cases may be referred in terms of paragraph 10 above.

12.2 Where the Secretary of State refers a case to the Panel then he shall ordinarily refer all the papers and records which he has had before him in considering the application in terms of paragraph 10. The Secretary of State may in referring papers recommend that any particular papers or records or class of papers or records shall not be disclosed by the Panel to the applicant or his representative. In any event the Panel shall not disclose to the applicant or his representative any information identifying or tending to identify the donor of any blood or tissue as a result of the transfusion or implantation of which the applicant is alleged to have become infected with HIV.

12.3 The Panel's proceedings shall be conducted in private.

12.4 Applicants whose cases are to be considered by the Panel shall be entitled to make representations to the Panel in writing and or request but only, if the Panel thinks fit, at oral hearing.

12.5 Applicants shall be entitled to be represented. Neither the Secretary of State nor any other person shall be entitled to be present or represented at any Panel hearing.

12.6 The applicant may call witnesses at any oral hearing.

12.7 The Panel shall in deciding upon any issue before it determine any matter of proof on the balance of probabilities.

12.8 The Panel shall report to the Secretary of State in writing and give reasons. It shall copy to the applicant its findings of fact.

12.9 The applicant shall, if requested so to do by the Secretary of State, return to the Secretary of State any or all of the papers or records referred to in paragraph 12.2. The Panel, if it thinks fit, may require the Secretary of State to reimburse to the applicant the applicant's reasonable expenses in connection with the referral of the application to the Panel. The applicant shall in any event be entitled to be reimbursed

by the Secretary of State for recoverable travelling costs incurred in attending any oral hearing of the Panel.

12.10 The Secretary of State will indemnify the members and chairman of the Panel against any liability arising from the discharge of their functions as members of the panel in terms of this scheme.

12.11 The Secretary of State shall be responsible for the expenses incurred in setting up and administering the Panel, and for the fees and expenses of Panel members.

GRO-C

GEORGE W TUCKER
Assistant Secretary

Scottish Office
10 April 1992

SCHEDULE 1 TO SCHEME

UNDERTAKING TO BE GIVEN BY A QUALIFYING PERSON TO RECEIVE PAYMENT FROM THE SECRETARY OF STATE

Whereas the Secretary of State for Scotland has set out in a scheme, proposals for payment of certain sums to or in respect of persons infected with human immunodeficiency virus as a result of blood transfusions, tissue transfer or contracted with blood products, and to or in respect of other persons who may have become [or may yet become] infected as a consequence of their relationship to such a person;

and whereas it is a condition for payment of such sums that a discharge and undertaking be granted to the Secretary of State and others.

Now therefore I _____ residing at _____

hereby undertake as follows;

1. I hereby discharge the said Secretary of State and all other Ministers of the Crown and Government Departments or bodies or any of their respective agents, servants or employees whomsoever (hereinafter referred to as "the Crown"), from any liability they may have in respect of the infection of _____

with human immunodeficiency virus, allegedly arising out of medical treatment _____ in blood transfusions, tissue transfer or treatment with blood products.

2. I hereby discharge any Health Board, the Common Services Agency, the Scottish National Blood Transfusion Service or any other body established under the National Health Service (Scotland) Act 19 _____ or any of their respective agents, servants or employees whomsoever (hereinafter referred to as "a health service body") from any liability they may have in respect of the infection of _____ with human immunodeficiency virus allegedly arising out of treatment specified in paragraph 1 above.

3. I acknowledge that payment of any sums is made without admission of liability on the part of the Crown or any health service body.

4. I undertake not to bring any proceedings against the Crown or any health service body now or at any time in the future in respect of the said infection of _____ by human immunodeficiency virus.

5. I undertake that I shall not disclose or use except with the express consent in writing of the Secretary of State, for the purpose of litigation or otherwise, any information or documents which have come into my possession or knowledge, from the Secretary of State or any Health Service body, in connection with my application in terms of the Secretary of State's scheme.

6. Provided that this discharge and undertaking shall be without prejudice to any claim competent to me against any health service body in respect of any alleged medical negligence in connection with the infection of _____ with human immunodeficiency virus allegedly arising out of treatment specified in paragraph 1 above, and for the purpose of this undertaking

the expression "medical negligence" shall include only specific allegations as to negligence in the application of such treatment and shall not extend to averments as to the policy for such treatment or the selection or screening of any blood, blood products or tissue or other material in such treatment, and by way of example:-

- a. that self-sufficiency in blood, blood products or tissue should have been achieved at any date prior to the date of an applicant's sero-conversion;
- b. that donor warnings were inadequate;
- c. that heat-treated blood products should have been made available for use by any Health Service body by any earlier date than that date on which they became available for such use;
- d. that blood, blood products or tissue screened for HIV should have been made available for use by any Health Service body by any date earlier than that date on which they became available for such use;
- e. that Health Service bodies should have taken steps to increase the supply of blood products made from non-commercial plasma, whether by arranging for fractionation of such plasma otherwise than by the NHS or by increasing supplies of plasma by investment in plasmapheresis or by having plasma fractionated in Scotland or otherwise.

Further provided that this discharge and undertaking is conditional upon receipt by me of the sum of £ from the
which shall be evidenced by my grant of a receipt

Dated at this day 1992.

Signed

Witness

Address

Occupation

Witness

Address

Occupation

SCHEDULE 2 TO THE SCHEME

APPLICATION FOR PAYMENT OF COMPENSATION UNDER HIV/BLOOD
TRANSFUSION ETC SCHEME

PART IA TO BE COMPLETED BY OR ON BEHALF OF THE APPLICANT
AND SUBMITTED TO:

Mr G W Tucker
Scottish Office Home and Health Department
Division ME3
Room 260
St Andrew's House
Edinburgh.

1. I have seen a copy of the Secretary of State's scheme for payment to persons infected with HIV as a result of medical treatment involving blood transfusion, transplantation of an organ or tissue, or treatment with blood products.

2. I hereby apply to the Secretary of State for Scotland for a payment under that scheme.

3. I have been informed by the medical practitioner that I am HIV positive.

4. (a) I authorise the release of my confidential medical records to the Secretary of State and the Panel for consideration in connection with this claim.

(b) I consent to medical examination including blood test if so required by the Panel

5. I have authorised (name of medical practitioner) to complete Part II of the application form.

* I am aware of the contents of Part II as completed.

6. As at 17 February 1992 I was;

- * i aged under 18 years
- * ii aged over 18 years
- * iii aged over 18 years and I had dependent children whose dates of birth are

.....
.....
.....
.....

- * iv aged over 18 years and married/divorced/living together with another person as husband and wife.

- * v married to, or living together with as husband and wifewho was infected with HIV as a result of medical treatment on(date) at(hospital).

- * vi looking after and sharing the same household as

..... who was infected with
HIV as a result of medical treatment on(date)
at (hospital).

* DELETE THOSE PARTS WHICH DO NOT APPLY, AND FILL IN THE
RELEVANT BLANKS

.....
Signature of patient

.....
Full name

.....
Address

.....
Date

PART 1B TO BE COMPLETED IN THE CASE WHERE A QUALIFYING PERSON IS DECEASED BEFORE AN APPLICATION HAS BEEN MADE

I/We are the Executors of the late

..... (name)

..... (address)

.....

1. We have seen a copy of the Secretary of State's scheme for payment to persons infected with HIV as a result of medical treatment involving blood transfusion, transplantation of an organ or tissue, or treatment with blood products.

2. We apply for payment under that scheme in respect of

..... (name)

who died on (date of death)

3. So far as we are aware(name) was HIV positive.

4. We authorise the release of the confidential medical records relating to to the Secretary of State and the Appeal Panel for consideration in connection with this claim.

5. We have authorised medical adviser for the late to complete Part II of the application form.

*6. As at (date of death) (name) was;

- * i aged under 18 years
- * ii aged over 18 years
- * iii aged over 18 years and had dependent children whose dates of birth are
.....
.....
.....
.....
- * iv aged over 18 years and married/divorced/living together with another person as husband and wife.
- * v married to, or living together with as husband and wifewho was infected with HIV as a result of medical treatment on (date) at (hospital).
- * vi looking after and living in the same household as who was infected with HIV as a result of medical treatment on (date) at (hospital).

7. At date of death was survived by

* (a) his/her spouse (name) who
was living with the deceased at date of death.

* (b) his/her children

..... (name)

..... (name)

..... (name)

..... (name)

* (c) his/her parents

..... (name)

..... (name)

.....
Signature of Executors

.....
Full name

.....
Address

.....
.....
Date

* DELETE THOSE PARTS WHICH DO NOT APPLY, AND FILL IN THE
RELEVANT BLANKS

PART II TO BE COMPLETED BY A MEDICAL PRACTITIONER ACTING ON
THE INSTRUCTIONS OF THE APPLICANT TO:

Mr G W Tucker
Scottish Office Home and Health Department
Room 260
St Andrew's House
Edinburgh

I (name)
..... (professional
qualification)
..... (professional
position)

certify that (name of patient)

is/was a patient in my medical care/was executed by me on

- A. 1. The patient is alive
2. The patient died on
- B. 1. The patient is HIV positive or was HIV positive at
date of death.
2. The patient is not HIV positive or was not HIV positive
at date of death.

C. I believe that the patient has received medical treatment in the
United Kingdom namely:-

- * i a transfusion of blood (red cell, platelet or plasma)
provided by an NHS source or
- * ii a tissue or organ transplant provided by an NHS source
or
- * iii medical treatment with blood products (whether
fractionated or otherwise) provided by an NHS source.

D. I believe that such treatment took place on(date)
at (hospital or
facility)

- E. 1. The patient first tested positive for HIV
on
or
2. The patient has at no time been tested for HIV
or

3. The patient died of AIDS

or

4. I believe that the patient was HIV positive at date of death for the following reasons.

.....
.....
.....
.....
.....

F. I believe that the source of the patient's HIV infection was

.....
.....
.....
.....

G. So far as I am aware the patient

(a) has/has not attended a drug dependency unit

(b) has/has not attended a genito urinary medicine clinic

.....Signature

..... Name & Designation

..... Date

PART III TO BE SUBMITTED BY THE SECRETARY OF STATE TO THE
SCOTTISH NATIONAL BLOOD TRANSFUSION SERVICE.

1. The Secretary of State has received an application
from name
..... address

claiming under the scheme for payment to individuals infected with
HIV as a result of blood transfusion or tissue transfer.

representing that he/she received a

- (a) a transfusion of blood on at
(The batch numbers were)
- (b) treatment with blood products on at
(The batch numbers were)

2. Please indicate whether SNBTS has records of the
transfusion/treatment referred to and provide details of batch numbers.

Batch	Yes/No
-------	--------

Batch	Yes/No
-------	--------

3. If records are available please indicate in relation to each batch
whether the blood/blood products were subsequently tested for HIV.

Batch	Yes/No
-------	--------

Batch	Yes/No
-------	--------

4. Please indicate results of tests:

Batch number	tested on	Result.....
--------------	-----------	-------------

Batch number	tested on	Result
--------------	-----------	--------------

5. Please indicate in the case of any batches for which no test results
are available whether SNBTS now has any information suggesting that
such a batch may have been infected eg donor tested positive at next
donation.

PLEASE RETURN TO

.....
.....
.....

.....
Signature

.....
position at SNBTS

.....
Date

PART IV TO BE SUBMITTED BY THE SECRETARY OF STATE TO
HEALTH BOARDS

1. The Secretary of State has received an application from
..... (name)
..... (address)

claiming under the scheme for payments to individuals infected with
HIV as a result of blood transfusion or tissue transfer.
2. The applicant has represented that he/she received medical treatment
consisting in
 - (a) blood transfusion
 - (b) transplantation of tissue
 - (c) treatment with blood products
on (date)

at
.....
..... (address of hospital or unit)
3. Please indicate whether your Board has records of such treatment
Yes/No
4. Please indicate in relation to any blood/tissue/blood product used
whether that material was tested for HIV before use.
5. Please indicate the results of any such tests carried out.
6. PLEASE INDICATE IN THE CASE OF ANY SUCH MATERIAL FOR
WHICH NO TEST RESULTS are available whether your Board now has any
information suggesting that any material used in the case of
..... may have been infected.
7. PLEASE RETURN TO

.....
.....

.....
Signature

.....
Position

.....
Date