

R J Moore HS1A

102/7  
From: Frances Logan, SolC3  
Date: July 20, 1988

cc: Mr M Harris  
Dr Pickles  
Mr Barton ✓  
Mr Brown  
Mr Proven  
Mr Angilley  
Mrs Kerrigan

FINANCIAL HELP FOR TRANSFUSION/ORGAN RECIPIENTS WITH AIDS

1. Your minute of 19 July refers.
2. I have considered whether the proposal enclosed with your minute could be brought within the MacFarlane Trust.
3. There are considerable difficulties which I will outline briefly. You will appreciate that the time limit imposed of 20 July does not allow for any informal consultation with the Charity Commission nor would it be possible in the circumstances to discuss your proposal with the solicitors who drew up the MacFarlane Trust.
4. At present the MacFarlane Trust, a charitable trust, has objects which state that the Trust is established: "to relieve those persons suffering from haemophilia who as a result of receiving infected blood products in the UK are suffering from AIDS or are infected with HIV and who are in need of assistance etc ..."
5. You would wish to cover:
  - a. Only UK nationals. At present the Trust does not limit the needy group by way of nationality.
  - b. AIDS sufferers only. At present the Trust covers AIDS and HIV.
  - c. Infected blood transfusion/infected organs and tissues. At present the Trust covers receipt of infected blood products only.
  - d. Diplomats and civil servants who are AIDS sufferers through infected products etc. abroad. At present the Trust covers receipt of products in the UK only.
  - e. You do not limit your group of potential recipients in any way to those linked with suffering from haemophilia.
6. These differences between your proposals and the Trust would make it extremely difficult to have a set of objects to cover both the existing group of potential beneficiaries under the MacFarlane Trust and our "new" group. You will note that the MacFarlane Trust would need completely new objects.

7. We have discussed in the past the impact of Clause 12 of the Trust Deed which limits the power of the Trustees to alter/amend the Trust Deed in relation to the objects in Clause 4.

8. In the circumstances a Charity Commission scheme would seem necessary. As already stated, I have not discussed the matter with the Commission. Miss Taylor of the Commission whom we dealt with on the detail of the Trust is on leave until 27 July 1988. I will, if you wish, approach one of her colleagues in her absence if you feel it would assist.

9. Assuming a scheme was a) necessary and b) possible; from my limited experience you would be talking about approximately 6 months. A scheme involves public notices, in newspapers (in this case The Times, I suspect) and time limits for representations to be received on the proposal by the Commission before it can be made.

10. You will recall that I discussed with Mrs G Kerrigan, Sol A2, the question of social security regulations. Although the reference in those regulations is to the MacFarlane Trust, it is further defined in the regulations and a proposal to change the objects of the Trust would probably result in amendment to the regulations. I am copying this minute to Mrs Kerrigan for information.

11. You mention the question of the views of the existing trustees. I do not think any of the proposed changes are possible without the Trustees agreement.

GRO-C

Frances Logan  
B1004, AFH, Ex

GRO-C