

From: **GRO-D** <**GRO-D**@ibca.org.uk>
Sent: Tuesday, April 22, 2025 12:51 PM
To: Julie Taberer <JTaberer@**GRO-C**>; Graham **GRO-C** <**GRO-C**>
Subject: Re: #DPS:FA:nvwc:A# Claim update

Hi Julie,

We can't use 1980 as this is not the first or only time Graham received blood, he was receiving blood since 1967.

The HIV liability window under the Infected Blood Compensation Scheme begins on 1 January 1982, even though there is evidence that some individuals may have contracted HIV from blood or blood products prior to this date.

This cut-off is not a reflection of whether infections happened before 1982 — we fully acknowledge that they did. Rather, it reflects the point at which, based on current legal advice, it is considered that the UK Government and health authorities should reasonably have foreseen the risk of HIV transmission through blood and blood products and taken precautionary action.

Legal Basis for 1982 Start Date

- The year 1981 saw the first published cases in the United States of what was later understood to be AIDS, but at the time, the cause was unknown.
- By early 1982, there was emerging international evidence linking a new transmissible virus to blood and blood product use — particularly in haemophiliacs in the United States.
- This included reports suggesting that a blood-borne agent was likely responsible, raising red flags about the safety of the blood supply and commercial clotting factor products.
- From this point onward, the Government is considered to have had a duty to investigate and act, given the growing scientific concern and international awareness.

The legal test for liability focuses on what the Government knew or ought to have known, and whether it failed to act on that knowledge in a way that could have prevented harm. Therefore, infections that occurred before 1 January 1982 fall outside the liability window because — based on current legal advice — it is not accepted that the risk was reasonably foreseeable by UK authorities prior to that date, nor that they were under a legal duty to act differently at that point.

We recognise that for those infected before 1982 — and for their families — this distinction can feel deeply unfair. Their suffering is no less significant, and many understandably feel that they were failed by the system. We also acknowledge that campaigners are continuing to challenge these legal boundaries, and such challenges may shape future decisions or legislative changes. However, at present, the Scheme is required to operate within the legal framework set by the Infected Blood Compensation Scheme Regulations 2024, and those regulations currently do not allow discretion or flexibility to extend liability outside the dates set out.

Kind regards

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Claims manager

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