

**Undertakings in the HIV Haemophilia Litigation and Blood Transfusion Scheme**

**Appendix**

**HIV litigation settlement terms for England and Wales**

URN	Date	Relevant provision
DHSC0003655_02 2	18 December 1990	<p>“5. The Plaintiffs will discontinue their actions against all Defendants and will undertake not to bring fresh proceedings, save that those Plaintiffs who have already made allegations as to clinical management shall be entitled to pursue that element only of these claims against the relevant Health Authority. For the purpose of this settlement allegations as to clinical management shall be...</p> <p>...</p> <p>7. Any qualifying non-plaintiff shall be entitled to receive benefits from the MacFarlane Trust corresponding to their circumstances upon signing an undertaking not to bring proceedings against any Defendant or against any other Government body.”</p>
DHSC0004523_09 1	21 January 1991, incorporating 1 March 1991 amendments	<p>“5. The Plaintiffs will discontinue their actions against all Defendants and will undertake not to bring fresh proceedings against any Defendant or against any other Government Department, Health Authority or treating doctor, save that those Plaintiffs who have already made allegations as to medical negligence or who are given leave by the Court to do so...shall be entitled to pursue that element only of these claims against the relevant Health Authority...</p> <p>...</p>

		8. Any qualifying non-plaintiff shall be entitled to receive benefits from the MacFarlane Trust corresponding to their circumstances upon signing an undertaking not to bring proceedings against any Defendant or against any other Government body.”
SCGV0000502_103	19 March 1991	<p>“5. The Plaintiffs will discontinue their actions against all Defendants and will undertake not to bring fresh proceedings against any Defendant or against any other Government Department, Health Authority or treating doctor, save that those Plaintiffs whose code numbers are set out in Schedule Seven hereto shall be entitled to pursue that element only of these claims against the relevant Health Authority provided that... For the purposes of this settlement allegations as to medical negligence shall be...</p> <p>...</p> <p>8. Any qualifying non-plaintiff shall be entitled to receive benefits from the MacFarlane Trust corresponding to their circumstances upon signing an undertaking not to bring proceedings against any Defendant or against any other Government body.”</p>
DHSC0041209_07 6	22 March 1991	<p>“5. The Plaintiffs will discontinue their actions against all Defendants and will undertake not to bring fresh proceedings against any Defendant or against any other Government Department, Health Authority or treating doctor in respect of the administering of cryoprecipitate, Factor VIII or Factor IX, save that those Plaintiffs whose code numbers are set out in Schedule Seven hereto shall be entitled to pursue that element only of these claims against the relevant Health Authority provided that ... For the purpose of this settlement allegations as to medical negligence shall be...</p> <p>...</p> <p>8. Any qualifying non-plaintiff shall be entitled to receive benefits from the MacFarlane Trust corresponding to their circumstances upon signing an undertaking not to bring proceedings against any Defendant or against any other</p>

		Government body.”
SCGV0000233_040	22 April 1991	<p>“5. The Plaintiffs will discontinue their actions against all Defendants and will undertake not to bring fresh proceedings against any Defendant or against any other Government Department, Health Authority or treating doctor in respect of the administering prior to 13<sup>th</sup> December 1990 of cryoprecipitate, Factor VIII or Factor IX, save that:-</p> <p>(1) those Plaintiffs whose code numbers are set out in Part 1 of Schedule Eight hereto shall be entitled to pursue that element only of these claims which relates to allegations of medical negligence against the relevant Health Authorities provided that they comply with the directions laid down by the Court on 1<sup>st</sup> March 1991; and</p> <p>(2) nothing herein shall prevent the Plaintiff from bringing proceedings in respect of the administering prior to 13<sup>th</sup> December 1990 of cryoprecipitate, Factor VIII or Factor IX where:-</p> <p>(i) that has caused damage to such Plaintiff which had not been diagnosed prior to 13<sup>th</sup> December 1990; and/or</p> <p>(ii) the damage alleged does not include infection or the risk of infection by HIV and/or the hepatitis viruses.</p> <p>For the purpose of this settlement allegations as to medical negligence shall be...”</p> <p>...</p> <p>8. Any qualifying non-plaintiff shall be entitled to receive benefits from the new Macfarlane Trust corresponding to their circumstances upon signing an undertaking not to bring proceedings against any Defendant or against any other</p>

		<p>Government body in respect of the administering of cryoprecipitate, Factor VIII or Factor IX before 13th December 1990, save that nothing herein shall prevent a qualifying non-plaintiff from bring proceedings in respect of the administering of cryoprecipitate, Factor VIII or Factor IX before 13<sup>th</sup> December 1990, save that nothing herein shall prevent a qualifying non-plaintiff from bringing proceedings in respect of the administering prior to 13<sup>th</sup> December 1990 of cryoprecipitate Factor VIII or Factor IX where:-</p> <p>(1) that has caused damage to such Plaintiff which had not been diagnosed by 13th December 1990; <u>and</u></p> <p>(2) the damage alleged does not include infection or the risk of infection by HIV and/or the hepatitis viruses.”</p>
SCGV0000233_038	24 April 1991	<p>“5. The Plaintiffs will discontinue their actions against all Defendants and will undertake not to bring fresh proceedings against any Defendant or against any other Government Department, Health Authority or treating doctor in respect of the administering prior to 13<sup>th</sup> December 1990 of cryoprecipitate, Factor VIII or Factor IX, save that:-</p> <p>(1) those Plaintiffs whose code numbers are set out in Part 1 of Schedule Eight hereto shall be entitled to pursue that element only of these claims which relates to allegations of medical negligence against the relevant Health Authorities provided that they comply with the directions laid down by the Court on 1<sup>st</sup> March 1991; and</p> <p>(2) nothing herein shall prevent a Plaintiff from bringing proceedings in respect of the administering prior to 13<sup>th</sup> December 1990 of cryoprecipitate, Factor VIII or Factor IX where the damage alleged does not include infection or the risk of infection by HIV and/or the hepatitis viruses.</p>

		<p>For the purposes of this settlement allegations as to medical negligence...</p> <p>...</p> <p>8. Any qualifying non-plaintiff shall be entitled to receive benefits from the new Macfarlane Trust corresponding to their circumstances upon signing an undertaking not to bring proceedings against any Defendant or against any other Government body in respect of the administering of cryoprecipitate, Factor VIII or Factor IX before 13<sup>th</sup> December 1990, save that nothing herein shall prevent a qualifying non-plaintiff from bringing proceedings in respect of the administering prior to 13<sup>th</sup> December 1990 of cryoprecipitate Factor VIII or Factor IX where:-</p> <p>(1) that has caused damage to such Plaintiff which had not been diagnosed by 13<sup>th</sup> December 1990; <u>and</u></p> <p>(2) the damage alleged does not include infection or the risk of infection by HIV and/or the hepatitis viruses.”</p>
HSOC0023174	26 April 1991 Final, formally offered terms.	<p>“5. The Plaintiffs will discontinue their actions against all Defendants and will undertake not to bring fresh proceedings against any Defendant or against any other Government Department, Health Authority or treating doctor in respect of the administering prior to 13<sup>th</sup> December 1990 of cryoprecipitate, Factor VIII or Factor IX, save that:-</p> <p>(1) those Plaintiffs whose code numbers are set out in Part 1 of Schedule Eight hereto shall be entitled to pursue that element only of these claims which relates to allegations of medical negligence against the relevant Health Authorities provided that they comply with the directions laid down by the Court on 1<sup>st</sup> March 1991; and</p> <p>(2) nothing herein shall prevent a Plaintiff from bringing proceedings in respect of the administering prior to 13<sup>th</sup> December 1990 of cryoprecipitate, Factor VIII or Factor IX where the damage alleged does not include</p>

		<p>(3) infection or the risk of infection by HIV and/or the hepatitis viruses.</p> <p>For the purposes of this settlement allegations as to medical negligence...</p> <p>...</p> <p>8. Any qualifying non-plaintiff shall be entitled to receive benefits from the new Macfarlane Trust corresponding to their circumstances upon signing an undertaking not to bring proceedings against any Defendant or against any other Government body in respect of the administering of cryoprecipitate, Factor VIII or Factor IX before 13<sup>th</sup> December 1990, save that nothing herein shall prevent a qualifying non-plaintiff from bringing proceedings in respect of the administering prior to 13<sup>th</sup> December 1990 of cryoprecipitate Factor VIII or Factor IX where:-</p> <p>(1) that has caused damage to such Plaintiff which had not been diagnosed by 13<sup>th</sup> December 1990; <u>and</u></p> <p>(2) the damage alleged does not include infection or the risk of infection by HIV and/or the hepatitis viruses.”</p>
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#### **HIV litigation settlement terms for Scotland**

<b>URN</b>	<b>Date and draft number</b>	<b>Relevant provisions</b>
SCGV0000501_114	Around 11 January 1991	““qualifying person” means a person who is qualified to receive payment in terms of paragraph 2 from the MacFarlane Trust.

	Draft 3	<p>...</p> <p>“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, [any Health Board or any medical practitioner] alleging injury arising from treatment of that person or any other person with Factor VIII, Factor IX or cryoprecipitate.</p> <p>...</p> <p>7. Any person entitled to benefit in terms of para 2(3) or (4) above shall be entitled to receive benefits from the MacFarlane Trust corresponding to their circumstances only upon signing an undertaking not to bring relevant proceedings against any Defender in particular the Secretary of State, or against any other Government body any Health Board or any medical practitioner.”</p>
SCGV0000232_091 and SCGV0000232_092	Around 22 February 1991 Draft 7.3	<p>““qualifying person” means a person who is qualified to receive payment in terms of paragraph 2 from the MacFarlane Trust.</p> <p>...</p> <p>“relevant action” and “relevant proceedings” mean any action of 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 treatment of that person or by any other person with Factor VIII, Factor IX or cryoprecipitate.</p> <p>...</p> <p>2.5 It is a condition of entitlement to receive payment as specified above that persons to whom payment is to be made shall give an undertaking to the Secretary of State in the form set out at Schedule [blank] hereto, not to bring or continue relevant proceedings, except proceedings related to medical negligence as specified in para 7 below against the Secretary of State or any Health Service body”.</p>

SCGV0000502_076 and SCGV0000233_105	Around 27 March 1991  Draft 8	<p>““qualifying person” means a person who is qualified to receive payment in terms of paragraph 2 from the MacFarlane Trust.</p> <p>...</p> <p>“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 from treatment of that person or any other person with Factor VIII, Factor IX (whether cryoprecipitate or concentrate).</p> <p>...</p> <p>2.5 It is a condition of entitlement to receive payment as specified above that persons to whom payment is to be made shall give an undertaking to the Secretary of State in the form set out at Schedule [blank] hereto, not to bring or continue relevant proceedings, except proceedings related to medical negligence as specified in para 7 below against the Secretary of State or any Health Service body”.</p>
SCGV0000502_042 and SCGV0000502_043	Around 17 April 1991  Draft 9	<p>““qualifying person” means a person who is qualified to receive payment in terms of paragraph 2 from the MacFarlane Trust.</p> <p>“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 treatment of that person or any other person with Factor VIII, Factor IX (whether cryoprecipitate or concentrate).</p> <p>...</p> <p>2.5 It is a condition of entitlement to receive payment as specified above that persons to whom payment is to be made shall give an undertaking to the Secretary of State in the form set out Schedule 1 hereto, not to bring or continue relevant proceedings, except proceedings related to the medical negligence as specified in para 7 below</p>



SCGV0000233_056	Around 18 April 1991	<p>against the Secretary of State or any Health Service body.”</p> <p>“<u>Schedule 1</u></p> <p>UNDERTAKING TO BE GIVEN BY A QUALIFYING PERSON TO RECEIVE PAYMENT FROM THE MACFARLANE TRUST</p> <p>Whereas the Secretary of State for Scotland has set out proposals for payment of certain sums to or in respect of haemophiliacs infected with human immuno deficiency virus and to or in respect of other persons who may have become infected as a consequence of their relationship to such a haemophiliac;</p> <p>and whereas the proposals for payment involve such payment at the instance of the Trustees of the MacFarlane (Special Payments) (No.2) Trust; and whereas it is a condition for payment of funds to persons entitled to receive funds from the Trust that a discharge and undertaking be granted to the Secretary of State and others.</p> <p>Now therefore I [blank] residing at [blank] hereby undertake as follows;</p> <p>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 as “the Crown”), from any liability they may have in respect of the infection of [blank] with human immuno deficiency virus, allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate)</p> <p>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[blank] or any of their respective agents, servants or employees whomsoever (hereinafter referred to as “a health service body”) from any</p>
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		<p>liability they may have in respect of the infection of [blank] with human immuno deficiency virus allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate)</p> <p>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.</p> <p>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 [blank] by human immuno deficiency virus.</p> <p>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 [blank] with human immuno deficiency virus allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate), and for the purpose of this undertaking the expression medical negligence shall include only specific allegations as to negligence in the application of treatment including treatment with Factor VIII, Factor IX or cryoprecipitate and shall not extend to averments as to the policy for such treatment or the selection or screening of any blood products of any other material in such treatment, and by way of example:-</p> <p>a. that self-sufficiency in blood products should have been achieved at any date prior...”</p>
SCGV0000503_086 and SCGV0000503_087	Around 25 April 1991  Draft 10	<p>““qualifying person” means a person who is qualified to receive payment in terms of paragraph 2 from the MacFarlane Trust.</p> <p>“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</p>

SCGV0000503_089	<p>Service body alleging injury arising from treatment of that person or any other person with Factor VIII, Factor IX (whether cryoprecipitate or concentrate).</p> <p>...</p> <p>“3.4 It is a condition of entitlement to receive payment as specified above that persons to whom payment is to be made shall give an undertaking to the Secretary of State in the form set out Schedule 1 hereto, not to bring or continue relevant proceedings, except proceedings related to medical negligence as specified in para 7 below against the Secretary of State or any Health Service body.”</p> <p>“<u>Schedule 3 to Trust Deed</u>  <u>Schedule 1 to Terms of Settlement</u>  UNDERTAKING TO BE GIVEN BY A QUALIFYING PERSON TO RECEIVE PAYMENT FROM THE  MACFARLANE TRUST</p> <p>Whereas the Secretary of State for Scotland has set out proposals for payment of certain sums to or in respect of haemophiliacs infected with human immuno deficiency virus and to or in respect of other persons who may have become infected as a consequence of their relationship to such a haemophiliac;  and whereas the proposals for payment involve such payment at the instance of the Trustees of the MacFarlane (Special Payments) (No.2) Trust; and whereas it is a condition for payment of funds to persons entitled to receive funds from the Trust that a discharge and undertaking be granted to the Secretary of State and others.</p> <p>Now therefore I [blank] residing at [blank] hereby undertake as follows;</p> <p>1. I hereby discharge the said Secretary of State and all other Ministers of the Crown and Government Departments</p>
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	<p>or bodies or any of their respective agents, servants or employees whomsoever (hereinafter referred as “the Crown”), from any liability they may have in respect of the infection of [blank] with human immuno deficiency virus, allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate)</p> <p>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[blank] 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 [blank] with human immuno deficiency virus allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate)</p> <p>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.</p> <p>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 [blank] by human immuno deficiency virus.</p> <p>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 [blank] with human immuno deficiency virus allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate), and for the purpose of this undertaking the expression medical negligence shall include only specific allegations as to negligence in the application of treatment including treatment with Factor VIII, Factor IX or cryoprecipitate and shall not extend to averments as to the policy for such treatment or the</p>
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		<p>selection or screening of any blood products of any other material in such treatment, and by way of example:-</p> <p>a. that self-sufficiency in blood products should have been achieved at any date prior...”</p>
<p>SCGV0000503_055 and SCGV0000503_056</p>	<p>Around 3 June 1991</p> <p>Redraft of draft 11</p>	<p>““qualifying person” means a person who is qualified to receive payment in terms of paragraph 2 hereof from the MacFarlane Trust.</p> <p>“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 treatment of that person or any other person with Factor VIII, Factor IX (whether cryoprecipitate or concentrate).</p> <p>...</p> <p>3.4 It is a condition of entitlement to receive payment as specified above that persons to whom payment is to be made shall give an undertaking to the Secretary of State in the form set out Schedule 1 hereto, not to bring or continue relevant proceedings, except proceedings related to medical negligence as specified in para 8 below, against the Secretary of State or any Health Service body.”</p>
<p>DHSC0003635_065 and BNOR0000329</p>	<p>24 June 1991</p> <p>Final, formally offered terms.</p>	<p>““qualifying person” means a person who is qualified to receive payment in terms of paragraph 2 hereof from the MacFarlane Trust.</p> <p>“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 treatment of that person or any other person with Factor VIII, Factor IX (whether cryoprecipitate or concentrate).</p> <p>...</p> <p>3.4 It is a condition of entitlement to receive payment as specified above that persons to whom payment is to be</p>

	<p>made shall give an undertaking to the Secretary of State in the form set out at Schedule 1 hereto, not to bring or continue relevant proceedings, except proceedings related to medical negligence as specified in para 8 below, against the Secretary of State or any Health Service body.</p> <p>...</p> <p><u>[Schedule 3 to Trust Deed]</u></p> <p><u>Schedule 1 to Terms of Settlement</u></p> <p>UNDERTAKING TO BE GIVEN BY A QUALIFYING PERSON TO RECEIVE PAYMENT FROM THE MACFARLANE TRUST</p> <p>...</p> <p>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 as “the Crown”), from any liability they may have in respect of the infection of [blank] with human immuno deficiency virus, allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate)</p> <p>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[blank] 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 [blank] with human immuno deficiency virus allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate)</p> <p>3. I acknowledge that payment of any sums is made without admission of liability on the part of the Crown or any health servsvice body.</p>
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		<p>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 [blank] by human immuno deficiency virus.</p> <p>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 [blank] with human immuno deficiency virus allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate), and for the purpose of this undertaking the expression medical negligence shall include only specific allegations as to negligence in the application of treatment including treatment with Factor VIII, Factor IX or cryoprecipitate and shall not extend to averments as to the policy for such treatment or the selection or screening of any blood products of any other material in such treatment, and by way of example:-</p> <p>a. that self-sufficiency in blood products should have been achieved at any date prior...”</p>
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**Macfarlane (Special Payments) (No.2) Trust Deed**

<b>URN</b>	<b>Date and draft number</b>	<b>Relevant provision for England and Wales</b>	<b>Relevant provision for Scotland</b>

SCGV0000502_101 and SCGV0000502_102	20 March 1991	<p>“SCHEDULE 1</p> <p>UNDERTAKING TO BE GIVEN BY AN INDIVIDUAL NOT UNDER A DISABILITY IN ACCORDANCE WITH CLAUSE 7 OR CLAUSE 10</p> <p>...</p> <p>1. In expectation of receiving from the Macfarlane (Special Payments) (No.2) Trust the sum of [£[blank]] I undertake with the Secretary of State for Health that I will not at any time hereafter bring any proceedings against any person or body involving any allegations concerning the spread of the human immuno-deficiency virus through Factor VIII or Factor IX (whether cryoprecipitate or concentrate).”</p> <p>“SCHEDULE 2</p> <p>UNDERTAKING TO BE GIVEN BY PERSONAL REPRESENTATIVES IN ACCORDANCE WITH CLAUSE 8</p> <p>...</p> <p>1. In expectation of receiving from the Macfarlane (Special Payments) (No.2) Trust the sum of [£[blank]] in respect of deceased we undertake:-</p>	
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		<p>...</p> <p>(ii) with the Secretary of State for Health that we will not at any time hereafter bring any proceedings against any person or body on behalf of the estate or dependants of [[blank]] deceased concerning the spread of the human immuno-deficiency virus through Factor VIII or Factor IX (whether cryoprecipitate or other concentrate).”</p>	
SCGV0000233_039	24 April 1991	<p>“SCHEDULE 1</p> <p>UNDERTAKING TO BE GIVEN BY AN INDIVIDUAL NOT UNDER A DISABILITY IN ACCORDANCE WITH CLAUSES 10, 13 OR 15</p> <p>...</p> <p>1. In expectation of receiving from the Macfarlane (Special Payments) (No.2) Trust the sum of [£[blank]] I undertake with the Secretary of State for Health that I will not at any time hereafter bring any proceedings against the Department of Health, Welsh Office the Licensing Authority under the Medicines Act 1968, the Committee on Safety of Medicines, any district or regional health authority or any other Government body involving any allegations</p>	<p>“SCHEDULE 3</p> <p>UNDERTAKING TO BE GIVEN BY A QUALIFYING PERSON TO RECEIVE PAYMENT FROM THE MACFARLANE TRUST</p> <p>Whereas the Secretary of State for Scotland has set out proposals for payment of certain sums to or in respect of haemophiliacs infected with human-immuno deficiency virus and to or in respect of other persons who may have become infected as a consequence of their relationship to such a haemophiliac;</p> <p>and whereas the proposals for payment involve such payment at the instance of the Trustees of the MacFarlane (Special Payments) (No.2) Trust; and whereas it is a condition for</p>

		<p>concerning the spread of the human immuno-deficiency virus or the hepatitis viruses through Factor VIII or Factor IX (whether cryoprecipitate or concentrate) administered before 13<sup>th</sup> December 1990.</p> <p>...</p> <p>SCHEDULE 2</p> <p>UNDERTAKING TO BE GIVEN BY PERSONAL REPRESENTATIVES IN ACCORDANCE WITH CLAUSES 8, 12 OR 16</p> <p>...</p> <p>1. In expectation of receiving from the Macfarlane (Special Payments) (No.2) Trust the sum of [£[blank]] in respect of [blank] deceased we undertake:-</p> <p>...</p> <p>(ii) with the Secretary of State for Health that we will not at any time hereafter bring any proceedings against the Department of Health, Welsh Office, the Licensing Authority under the Medicines Act 1968, the Committee on Safety of Medicines, any district or regional health authority or any other Government</p>	<p>payment of funds to persons entitled to receive funds from the Trust that a discharge and undertaking be granted to the Secretary of State and others.</p> <p>Now therefore I [blank] residing at [blank] hereby undertake as follows:-</p> <p>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 as “the Crown”), from any liability they may have in respect of the infection of [blank] with human-immuno deficiency virus, allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate).</p> <p>2. I hereby discharge any Health Board, the CSA, the BTS or any other body established under the National Health Service (Scotland) Act 19[blank] 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 [blank] with human-immuno deficiency virus allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate).</p>
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		<p>body as Schedule 1 on behalf of the estate or dependants of [blank] deceased concerning the spread of the human immuno-deficiency virus of the hepatitis viruses through Factor VIII or Factor IX (whether cryoprecipitate or other concentrate) administered before 13<sup>th</sup> December 1990.”</p>	<p>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.</p> <p>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 [blank] by human-immuno deficiency virus.</p> <p>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 [blank] with human-immuno deficiency virus allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate).”</p>
<p>SCGV0000233_027, SCGV0000503_086 and SCGV0000503_089</p>	<p>25 April 1991</p>		<p>“<u>Schedule 3 to Trust Deed</u> <u>Schedule 1 to terms of Settlement</u> UNDERTAKING TO BE GIVEN BY A QUALIFYING PERSON TO RECEIVE PAYMENT FROM THE MACFARLANE TRUST</p> <p>...</p> <p>1. I hereby discharge the said Secretary of State and all other</p>

			<p>Ministers of the Crown and Government Departments or bodies or any of their respective agents, servants or employees whomsoever (hereinafter referred as “the Crown”), from any liability they may have in respect of the infection of [blank] with human immuno deficiency virus, allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate)</p> <p>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[blank] 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 [blank] with human immuno deficiency virus allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate)</p> <p>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.</p> <p>4. I undertake not to bring any proceedings against the Crown</p>
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			<p>or any health service body now or at any time in the future in respect of the said infection of [blank] by human immuno deficiency virus.</p> <p>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 [blank] with human immuno deficiency virus allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate), and for the purpose of this undertaking the expression medical negligence shall include only specific allegations as to negligence in the application of treatment including treatment with Factor VIII, Factor IX or cryoprecipitate and shall not extend to averments as to the policy for such treatment or the selection or screening of any blood products of any other material in such treatment, and by way of example:-</p> <p style="padding-left: 40px;">a. that self-sufficiency in blood products should have been achieved at any date prior to..."</p>
SCGV0000503_067 and SCGV0000503_068 <sup>1</sup>	26 April 1991	"SCHEDULE 3 UNDERTAKING TO BE GIVEN BY AN INDIVIDUAL NOT UNDER A DISABILITY IN	"SCHEDULE 2 UNDERTAKING TO BE GIVEN BY A QUALIFYING PERSON TO RECEIVE PAYMENT FROM THE

		<p>ACCORDANCE WITH CLAUSES 13, 16, 8, 19 OR 21</p> <p>...</p> <p>1. In expectation of receiving from the Macfarlane (Special Payments) (No.2) Trust the sum of [£[blank]] I undertake with the Secretary of State for Health that I will not at any time hereafter bring any proceedings against the Department of Health, Welsh Office the Licensing Authority under the Medicines Act 1968, the Committee on Safety of Medicines, any district or regional health authority or any other Government body involving any allegations concerning the spread of the human immunodeficiency virus or the hepatitis viruses through Factor VIII or Factor IX (whether cryoprecipitate or concentrate) administered before 13<sup>th</sup> December 1990.</p> <p>...</p> <p>SCHEDULE 4</p> <p>UNDERTAKING TO BE GIVEN BY PERSONAL REPRESENTATIVES IN ACCORDANCE WITH</p>	<p>MACFARLANE TRUST</p> <p>...</p> <p>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 as “the Crown”), from any liability they may have in respect of the infection of [blank] with human-immunodeficiency virus or hepatitis viruses, allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate).</p> <p>2. I hereby discharge any Health Board, the CSA, the BTS or any other body established under the NHS (Scotland) Act 19[blank] 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 [blank] with human-immuno deficiency virus or hepatitis viruses allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate).</p> <p>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.</p>
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<sup>1</sup> Manuscript amendments appear to have been added to this version and circulated on 1 May 1991 [SCGV0000503\_062 and SCGV0000503\_063]. Some of these amendments are difficult to read but they seem to have been incorporated in the final document, executed on 3 May 1991 [MACF0000083\_004].

		<p>CLAUSES 15, 21 OR 23</p> <p>...</p> <p>1. In expectation of receiving from the Macfarlane (Special Payments) (No.2) Trust the sum of [£[blank]] in respect [[blank]] deceased we undertake:-</p> <p>...</p> <p>(ii) with the Secretary of State for Health that we will not at any time hereafter bring any proceedings against the Department of Health, Welsh Office, the Licensing Authority under the Medicines Act 1968, the Committee on Safety of Medicines, any district or regional health authority or any other Government body as Schedule 1 on behalf of the estate or dependants of [[blank]] deceased concerning the spread of the human immuno-deficiency virus or the hepatitis viruses through Factor VIII or Factor IX (whether cryoprecipitate or other concentrate) administered before 13<sup>th</sup> December 1990.”</p>	<p>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 [blank] by human-immuno deficiency virus or hepatitis viruses.</p> <p>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 [blank] with human-immuno deficiency virus or hepatitis viruses allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate).”</p>
MACF0000083_004	3 May 1991 Finalised	<p>“SCHEDULE 1</p> <p>UNDERTAKING TO BE GIVEN BY AN</p> <p>INDIVIDUAL NOT UNDER A DISABILITY IN</p>	<p>“SCHEDULE 4</p> <p>UNDERTAKING TO BE GIVEN BY A QUALIFYING</p> <p>PERSON IN SCOTLAND TO RECEIVE PAYMENT</p>

	Macfarlane (Special Payments) (No.2) Declaration of Trust	<p>ACCORDANCE WITH CLAUSES 12, 15, 17, 18 OR 20</p> <p>...</p> <p>1. In expectation of receiving from the Macfarlane (Special Payments) (No.2) Trust the sum of [£[blank]] I undertake with the Secretary of State for Health that I will not at any time hereafter bring any proceedings against the Department of Health, the Welsh Office [in Northern Ireland – the Department for Health and Social Services Northern Ireland] the Licensing Authority under the Medicines Act 1968, the Committee on Safety of Medicines, any district or regional health authority [in Northern Ireland – any health and Social Services Board] or any other Government body involving any allegations concerning the spread of the human immuno-deficiency virus or hepatitis viruses through Factor VIII or Factor IX (whether cryoprecipitate or concentrate) administered before 13<sup>th</sup> December 1990.</p> <p>...</p> <p>SCHEDULE 2</p>	<p>FROM THE MACFARLANE (SPECIAL PAYMENTS) (NO.2) TRUST</p> <p>Whereas the Secretary of State for Scotland has set out proposals for payments of certain sums to or in respect of haemophiliacs infected with human-immuno deficiency virus and to or in respect of other persons who may have become infected as a consequence of their relationship to such a haemophiliac;</p> <p>and whereas the proposals for payments involve such payment at the instance of the Trustees of the Macfarlane (Special Payments) (No.2) Trust; and whereas it is a condition for payment of funds to persons entitled to receive funds from the Trust that a discharge and undertaking be granted to the Secretary of State and others.</p> <p>Now therefore I [blank] residing at [blank] hereby undertake as follows:-</p> <p>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 [blank] with human-immuno deficiency virus or hepatitis viruses, allegedly arising out of treatment before 13<sup>th</sup> December 1990</p>
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	<p>UNDERTAKING TO BE GIVEN BY PERSONAL REPRESENTATIVES IN ACCORDANCE WITH CLAUSES 14 OR 22</p> <p>...</p> <p>1. In expectation of receiving from the Macfarlane (Special Payments) (No.2) Trust the sum of [£[blank]] in respect [[blank]] deceased we undertake:-</p> <p>...</p> <p>(ii) with the Secretary of State for Health that we will not at any time hereafter bring any proceedings against the Department of Health, the Welsh Office, [in Northern Ireland – the Department of Health and Social Services in Northern Ireland], the Licensing Authority under the Medicines Act 1968, the Committee on Safety of Medicines, any district or regional health authority [in Northern Ireland – any Health and Social Services Board] or any other Government body as Schedule 1 on behalf of the estate or dependants of [[blank]] deceased concerning the spread of the human immuno-deficiency virus or hepatitis viruses through Factor VIII or Factor IX</p>	<p>with Factor VIII or Factor IX (whether cryoprecipitate or concentrate).</p> <p>2. I hereby discharge any Health Board, the CSA, the BTS or any other body established under the NHS (Scotland) Act 19[blank] 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 [blank] with human-immuno deficiency virus or hepatitis viruses allegedly arising out of treatment before 13<sup>th</sup> December 1991<sup>2</sup> with Factor VIII or Factor IX (whether cryoprecipitate or concentrate).</p> <p>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.</p> <p>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 [blank] by human-immuno deficiency virus or hepatitis viruses.</p> <p>Provided that this discharge and undertaking shall be without</p>
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<sup>2</sup> Reference to the year 1991 rather than 1990 seems likely to be an error.

		(whether cryoprecipitate or other concentrate) administered before 13 <sup>th</sup> December 1990.”	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 [blank] with human-immuno deficiency virus or hepatitis viruses allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate).”
SCGV0000234_105 and SCGV0000234_102	4 June 1991		<p>“<u>Schedule 3 to Trust Deed</u>  <u>Schedule 1 to terms of Settlement</u>  UNDERTAKING TO BE GIVEN BY A QUALIFYING PERSON TO RECEIVE PAYMENT FROM THE MACFARLANE TRUST</p> <p>...</p> <p>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 as “the Crown”), from any liability they may have in respect of the infection of [blank] with human immuno deficiency virus, allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate)</p> <p>2. I hereby discharge any Health Board, the Common Services</p>

			<p>Agency, the Scottish National Blood Transfusion Service or any other body established under the National Health Service (Scotland) Act 19[blank] 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 [blank] with human immuno deficiency virus allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate)</p> <p>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.</p> <p>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 [blank] by human immuno deficiency virus.</p> <p>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 [blank] with human immuno deficiency virus allegedly arising out of treatment with Factor</p>
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			<p>VIII or Factor IX (whether cryoprecipitate or concentrate), and for the purpose of this undertaking the expression “medical negligence” shall include only specific allegations as to negligence in the application of treatment including treatment with Factor VIII, Factor IX or cryoprecipitate and shall not extend to averments as to the policy for such treatment or the selection or screening of any blood products of any other material in such treatment, and by way of example:-</p> <p>a. that self-sufficiency in blood products should have been achieved at any date prior to...”</p>
MACF0000083_003	<p>19 September 2011 Deed of Variation relating to the Macfarlane (Special Payments) (No.2) Trust</p>		<p>“SCHEDULE 4 UNDERTAKING TO BE GIVEN BY A QUALIFYING PERSON TO RECEIVE PAYMENT FROM THE MACFARLANE (SPECIAL PAYMENTS) (NO.2) TRUST</p> <p>Whereas the Secretary of State for Scotland has set out proposals for payment of certain sums to or in respect of haemophiliacs infected with human immuno deficiency virus 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 haemophiliac; and whereas the proposals for payment involve such payment</p>

			<p>by the Trustees of the Macfarlane (Special Payments) (No.2) Trust;</p> <p>and whereas it is a condition for payment of funds to persons entitled to receive funds from the Trust that a discharge and undertaking be granted to the Secretary of State and others.</p> <p>Now therefore I [blank] residing at [blank] hereby undertake as follows:-</p> <p>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 [blank] with human immuno deficiency virus, allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate).</p> <p>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 1978 or any of their respective agents, servants or employees whomsoever (hereinafter referred to as “a health</p>
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			<p>service body”) from any liability they may have in respect of the infection of [blank] with human immuno deficiency virus allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate).</p> <p>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.</p> <p>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 [blank] by human immuno deficiency virus.</p> <p>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 [blank] with human immuno deficiency virus allegedly arising out of treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate) and for the purpose of this undertaking the expression “medical negligence” shall include only specific allegations as to negligence in the application of treatment including treatment with Factor VIII or Factor IX (whether cryoprecipitate or</p>
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			<p>concentrate) and shall not extend to averments as to the policy for such treatment or the selection or screening of any blood products or any other material in such treatment, and by way of example:-:</p> <p>a. that self-sufficiency in blood products should have been achieved at any date prior to...”</p>
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