

Tuesday, 22 September 2020

(10.00 am)

SIR BRIAN LANGSTAFF: The last six months will have been difficult for all of us, especially participants. We meet under the shadow of COVID still. A large proportion of those who were given blood or blood products and as a result were infected or put at risk of deadly disease are now from the older sections of society, and that itself, let alone the continuing effects or after effects of their diseases, or of the treatments they and their spouses, families and friends have endured, is enough to make them particularly careful for their safety. Yet so many have registered to come in person to these hearings already timetabled that for a number of those hearings the places are fully subscribed.

I'm sorry that we can't accommodate more. You will understand why that is. We, of all people, have to take care to reduce the risks. I'm sorry if this seems restrictive but I don't want to dwell on my regrets, though they are at least tempered by knowing that we have been able to find as much space as we have in the hearing room for those members of the public most affected by what took place and who particularly wanted to be here.

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mean that we should all the more respect and value their willingness to give evidence under the current challenging circumstances.

They too may feel threatened by the keen edge of risk but also recognise the importance of being here to deliver their testimony. Treating every witness with respect is one of the six key principles fundamental to this Inquiry. We have listened with deep respect to those who had the bravery to describe some of their most intimate feelings, not just to friends but to strangers.

You will have heard some say things you would not necessarily agree with but you have respected their right to say them. I believe that you would wish to pay similar respect to the clinicians and others from whom we are about to hear. You may well hear some of them say things you do not and will not agree with but I trust that you will respect their right too to say them.

It is a central principle of this Inquiry that we do that. Many participants in the Inquiry who followed it closely would have been here in person but have to be present remotely, and everyone understands why they cannot be here. There will be witnesses who also cannot, for good reason, be here in person and

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What I would like to focus on first is the fact that you have chosen to come. No-one could have complained if you had chosen to stay home. Indeed, many have had little choice but to do just that. Distance alone may prevent attendance.

Those who are here remotely are very welcome but for those of you who have come in person, your being here in the numbers that you are, despite the perils of the pandemic, tells a story. It emphasises how important the issues are to you. It show the value of these hearings. It says you have chosen to be here rather than keeping strictly to yourselves safely at home, because you see this as really valuable.

The decision to come or not is personal. It's a courageous decision, not for everyone to make. Courageous? "Courage" is, I think, the right word to use, and I'd like to pay tribute to you for having had the courage to come here in present times.

Just as I acknowledge your courage in being here, I would like to acknowledge in advance the courage of those witnesses who have agreed to come in person here from whom we will hear in the autumn months and early next year and today. Many are old. Age, fading memories, and, for some I suspect, a sense that they may feel isolated in the witness chair, all

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they will have to give their evidence remotely. Now, when that happens, those of you who are here will see counsel in person, you will see me here in person, you will see the witness on a large screen above the witness chair, and it will come as close as we can get to their being here in person, being physically present.

Please don't take it against them that they are not here in person but accept my assurance that there is in each case a good reason for it.

During our earlier hearings, there have been occasions when something has been said which is not to be repeated. For instance, where an anonymous witness has unintentionally described events in a way which indicated what their name was. To deal with this, there has been a time lag on the simultaneous transmission, to allow the technicians to ensure that the public listening remotely did not hear it, did not hear what they shouldn't have heard, and it has never appeared in any transcript.

However, I am determined that arrangements should be made for those who would have been here but simply can't be because of COVID, and that those arrangements should be replicate as closely as is possible what would have been the position if they had

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1 been. So those who have given an undertaking of
2 confidentiality can access a live stream without
3 a time lag. They will hear what is said as it is said
4 and see what is to be seen even though it may later be
5 redacted from YouTube or the transcript in order to
6 protect confidentiality.

7 This privilege has necessarily to be subject to
8 some restrictions, and so just as from time to time in
9 earlier hearings I made an order which made it against
10 the law to break that confidentiality, I shall make
11 one now. It reads like this:

12 It is ordered that (1) unless express permission
13 is given by the chair of the Inquiry (me) or the
14 solicitor to the Inquiry acting on my behalf, evidence
15 given to the Inquiry in oral hearings and broadcast by
16 live feed accessible on the Zoom platform must be kept
17 confidential and must not be disclosed or published in
18 any form unless and until such evidence is broadcast
19 on the time-delayed YouTube platform and/or
20 a transcript published on the Inquiry's website.

21 Any information that is redacted from the
22 time-delayed feed and/or the transcript of proceedings
23 must not be repeated, disclosed, or duplicated to
24 any -- any -- third party.

25 This order remains in force for the duration of

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1 to my staff, applies to counsel and to me. I will
2 miss not being free to meet and chat with many of you
3 over the course of the day. You'll understand why.

4 I will be staying apart every evening, as will
5 Ms Richards. I would ask all of those of you coming
6 to Fleetbank to be mindful of others and careful of
7 your own social distancing, especially if you are away
8 from home for the days you've booked to come. I don't
9 ask you to do anything that I would not expect to do
10 myself.

11 In addition to paying tribute to your collective
12 courage in being here and recognising that of the
13 witnesses yet to come, the last six months have made
14 me reflect on the resilience shown by so many. From
15 what I have seen, it appears that the legal
16 representatives of participants have continued their
17 work despite the challenges. From what I know
18 firsthand, the Inquiry's own staff and counsel team
19 have continued their work relentlessly. It may have
20 seemed to you as if nothing much was happening or was
21 happening. There is more to an inquiry than public
22 hearings in the full glare of publicity. They may
23 have been working from home but they have been working
24 full on. Their collective resilience has been and
25 will yet be vital in ensuring that this Inquiry is

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1 the Inquiry and at all times thereafter unless
2 ordered, and I may vary or revoke the order by making
3 a further order during the course of the Inquiry.

4 Now, that's an order but can I also make some
5 requests of you. First, those of you who have been
6 here before will know that others do not wish anything
7 to be done which might affect their legitimate desires
8 for anonymity. The press will take care not to film
9 or photograph anyone without first getting their
10 permission. Please also be careful that if you do
11 take photographs or film yourself, make sure that you
12 don't inadvertently capture anyone who does not want
13 to be photoed or filmed, please.

14 Secondly, we have a responsibility not to harm
15 others. It will be a great pity -- well, actually
16 more than that, it would be a great disaster if
17 because we weren't scrupulous about social distancing,
18 about "Hands, Face, Space", and sticking to our
19 pre-allocated seats, that we happen to be the cause of
20 someone else's infection. Then our contacts might
21 have to self-isolate. It could lead to the Inquiry
22 staff having to self-isolate if they have been too
23 close to you for too long, or even to counsel to the
24 Inquiry or to me being put out of action.

25 I said "we" because what applies to you applies

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1 able to reaffirm its principle of being as quick as
2 reasonable thoroughness permits.

3 Finally, let me say this: some who are listening
4 may have wondered how important this Inquiry really
5 is. Well, lest anyone doubt the importance of this
6 inquiry continuing as best it can, and the potential
7 importance of any recommendations it may make as to
8 the future, they may wish to reflect on this.

9 As of 1 pm yesterday, COVID was reported to have
10 caused 31 million infections and just over
11 960,000 deaths worldwide. That is a horrifyingly huge
12 number.

13 Yet our experts have already told us that as at
14 today, it is estimated that more than double that
15 number are already infected and living with
16 hepatitis C, 71 million worldwide. As for
17 hepatitis B, over three times more are positive.
18 39 million have died from hepatitis B infection,
19 a figure not only higher than the number of deaths
20 from COVID so far but higher than the number of
21 infections from COVID so far. And 36.9 million
22 people, more people, worldwide currently live with HIV
23 infection and those numbers too are huge and
24 horrifying.

25 Now, of course, the Inquiry is dealing with the

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1 transmission of hepatitis and HIV viruses through
 2 blood or blood derivatives. That is by no means the
 3 only cause of transmission of such viruses. What we
 4 are concerned about is this country, by which I mean
 5 the whole UK alone, not the whole world. The
 6 infections occurred over several years rather than
 7 several months and none was a respiratory infection.
 8 Of course, we are concerned with whether preventable
 9 human error played a part. I'm not trying to minimise
 10 at all the importance of COVID. We all have to take
 11 it very seriously indeed but, against the backdrop of
 12 such worldwide figures, no-one should be in any doubt
 13 that this Inquiry is dealing with other viruses also
 14 capable of doing serious, lasting damage to society.
 15 Those diseases should not be minimised either. They
 16 had a significant impact in this country. No-one
 17 should underestimate their potential severity, no-one
 18 should undervalue the hurt they have caused and no-one
 19 should doubt the importance of what this Inquiry is
 20 about.

21 Ms Richards, that's all I want to say at the
 22 moment. We're now in a position to hear from
 23 Lord Owen.

24 Lord Owen, would you come forward, please.

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1 a massive ministry, and it was called the Department
 2 for Health and Social Security. Just to lighten the
 3 mood, we used to call it the department of stealth and
 4 total obscurity. And Barbara Castle was the overall
 5 Secretary of State, and she was very involved in
 6 pensions for reform and wanting to -- and I was
 7 initially appointed as a Parliamentary under-secretary
 8 because the Prime Minister had run out of minister
 9 state positions but he said that as soon as he
 10 legislated he would increase it. So I was made
 11 Minister of State but I was treated really as
 12 a Minister of State right from the start because I was
 13 the main relationship with the medical profession, the
 14 nursing profession and the patients.

15 **Q.** Just so that we can place the political context, you
 16 were part of the newly formed Labour Government after
 17 the election in February 1974?

18 **A.** Yes, sir.

19 **Q.** As you've indicated, Barbara Castle became Secretary
 20 of State for Health. She replaced Keith Joseph, and
 21 the Prime Minister was Harold Wilson, replacing
 22 Edward Heath?

23 **A.** Yes.

24 **Q.** And I understand that there were two posts of Minister
 25 of State for Health. The other at the time I think

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LORD DAVID OWEN (sworn)

Questioned by MS RICHARDS

MS RICHARDS: Lord Owen, I'm going to start by asking you
 a handful of questions about your career and
 background. You qualified as a doctor in the early
 1960s and then became MP for Plymouth in 1966. You
 remained a Plymouth MP I think until 1992; is that
 right?

A. That's right, when I didn't fight the election
 in 1992.

Q. And at that point you became a Life Peer and you sat
 and continue to sit in the House of Lords?

A. Yes. I went off to the Balkans for nearly two and
 a half years.

Q. Now, the questions that I'm going to ask you today are
 primarily concerned with the time that you were
 a minister in the Department of Health. And just so
 that we can understand the dates, in March 1974, you
 became the Parliamentary Under-Secretary of State for
 Health?

A. *(The witness nodded)*

Q. And then on 26 July 1974 you were appointed as
 Minister of State for Health. Could you just explain
 briefly the difference between those two appointments?

A. Well, the Ministry of Health in those days was

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was Brian O'Malley?

A. Well, he was called that but he was Minister of State
 in the Department of Health and Social Security, and
 his sole responsibility was social security and my
 sole responsibilities were health.

Q. I just wanted to ask you a little, if I may, about the
 structure and organisation and dynamics of the
 Department in those two/two and a half years that you
 were there.

First of all, in terms of the Secretary of State
 for Health at the time, I think until April '76
 Barbara Castle, what interest or role did she take in
 issues relating to blood and blood products and blood
 safety?

A. Well, we met every week, ministers, with her and so
 there were -- the Minister for the Disabled was there,
 Alf Morris, and her Private Parliamentary Secretary,
 Jack Ashley, was there, who was actually deaf. So
 there was a sort of quite a lot of emphasis on people
 who were handicapped and serving actually in our own
 Ministry. Then Brian O'Malley would be there to deal
 with social security and her own Private Parliamentary
 Secretary in the House of Commons, Jack Straw, who
 then later went on to have a distinguished career, was
 there. We discussed almost everything that was

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1 political, going to come up in the House of Commons
 2 and the overall manifesto, what we were dealing with
 3 that, and these were informal discussions. But that
 4 was the occasion in which you would keep her abreast
 5 of what she was well aware was a difficult and
 6 controversial issue, which was blood contamination and
 7 the whole question of treatment of haemophilia. So
 8 she was, I would have said, fairly continuously kept
 9 in touch. As a consequence, she was quite happy to
 10 delegate practically all the decision-making to me.

11 **Q.** And then in terms of the --

12 **A.** Sorry, I should add, she also had --
 13 Professor Abel-Smith was a political adviser to her,
 14 but he was also a very experienced and knowledgeable
 15 academic in the Health Service and Social Services.

16 **Q.** And then in terms of the role of the Chief Medical
 17 Officer, who I think again at the time we're talking
 18 about was Dr Yellowlees, what discussions or dealings,
 19 if any, do you recall having with him, again on the
 20 issue of blood safety, blood products or treatment for
 21 haemophilia?

22 **A.** I discussed some of the sensitive issues with him
 23 directly but he had a very good deputy, Reid,
 24 Professor Reid, who was mainly involved with blood
 25 transfusion services. So I saw -- he would be more or

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1 medical profession is a very, very important aspect of
 2 being a doctor, and the personal relationship between
 3 the doctor and the individual, the one-on-one
 4 relationship, is, I believe, the very essence of the
 5 National Health Service. And it's usually done
 6 through your family doctor but if you were referred to
 7 a consultant, then that relationship transfers in
 8 a hospital setting to the consultant.

9 I know we're all living in an age where
 10 everything is going to be done by computer and
 11 everything like this and all the conversations are
 12 going to be done on the telephone and everything like
 13 that. That is the response, and a necessary response
 14 to COVID and the situation of a pandemic. But I do
 15 hope we don't reverse out of the important one-on-one
 16 private relationship between the clinician and the
 17 patient. And in the case of young children, and a lot
 18 of haemophiliacs were presenting as young children,
 19 then of course it's the parents.

20 **Q.** So in terms of the giving of any advice or guidance to
 21 the medical profession, that would essentially, from
 22 your perspective, have been the Chief Medical
 23 Officer's role?

24 **A.** Yes, entirely, and the hierarchy underneath him, going
 25 down through Regional Medical Officers of health and

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1 less there at any big meeting I called on the subject.
 2 Henry Yellowlees would be kept in touch with him by
 3 him. We would discuss -- he'd sort of come in with
 4 a list of issues, I should think more or less every
 5 week really, to just discuss informally with me what
 6 was happening, and then sometimes this issue would
 7 come up at that stage.

8 But he kept a close watch on it and he was the
 9 one who issued instructions to doctors, a so-called
 10 "Dear Doctor" letter from the Chief Medical Officer,
 11 and that, from time to time, would deal with this
 12 issue -- sometimes only devoted to this issue to give
 13 guidance.

14 It's pretty important for people to understand
 15 that it's an accident of history that I'm a medical
 16 doctor. I'm a politician first and foremost, in that
 17 role, and I have to be very careful not to use my
 18 medical knowledge to try to overturn decisions which
 19 are really about clinical expertise and advice. When
 20 I left the department, he wrote to me a rather nice
 21 letter and said he was horrified at the thought of
 22 having a doctor in my position but fortunately there
 23 were no problems.

24 I had to be very careful about that. And
 25 I wanted to be because the clinical freedom for the

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1 everything like that.

2 Indeed, there was in my day a structure in the
 3 Ministry of Health which had been introduced by
 4 Sir George Godber, one of the great Chief Medical
 5 Officers of Health that we have ever had, and this was
 6 a dual hierarchy, it was called, and no big decisions
 7 were ever taken that weren't taken by two individuals.
 8 One would be a representative of the Civil Service
 9 within the Department and the other would be
 10 a representative of the medical profession.

11 It's one of, I think, the issues which may be,
 12 sir, you and your Inquiry will wish to address, that
 13 the dual hierarchy system was effectively abandoned
 14 in 1980 when the then Prime Minister queried why there
 15 were all these doctors in the Ministry of Health. Why
 16 weren't they out seeing patients? Why aren't they
 17 doing that?

18 Well, these are doctors with a public health
 19 interest. The then Chief Medical Officer came in from
 20 the Department as a paediatrician, Professor Acheson,
 21 and he seemed quite happy to shed this. The Civil
 22 Service were only too happy to take complete control
 23 of the Department.

24 I think it has been one of the factors why some
 25 pretty odd decisions have been taken by the Department

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1 of Health over the last two or three decades, that it
2 has been deprived. And I have drawn attention in my
3 witness statement to an academic study by Sally Sheard
4 of Liverpool University, now a professor of social
5 science there, which does draw attention to this.

6 To some extent, this was dealt with, and it can
7 be read about in Lord Crisp's evidence, when he was
8 the chief civil servant in the Department, and he
9 introduced what was called SARS, and you brought in
10 people of experience and medicine and surgery, into
11 being -- advising the Department and that to some
12 extent dealt with the issue of dual hierarchy.

13 But the Treasury, of course, always wanted it to
14 be run entirely by the Civil Service. They disliked
15 the idea that the Department of Health was different
16 and that there was input from the medical profession.
17 But I personally think this has been a very, very
18 serious error and it has damaged health
19 decision-making overall over the last 30 years.

20 **Q.** In terms of the civil servants and doctors with whom
21 you were dealing within the Ministry, can you recall
22 and identify for us by name the senior individuals
23 with whom you were dealing on the issues of blood
24 safety and blood products?

25 **A.** Well, as I say, Professor Reid. The deputy CMO is

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1 But I would stress this: it was a pleasure to
2 work with these people. They were dedicated to the
3 National Health Service. They were ready to accept
4 political decisions. In one of the papers that is
5 before you, a paper right at the start, was
6 effectively warning me this is going to be costly and
7 are you prepared to pay for it, and are you prepared
8 to pay a price elsewhere, which could be a sign --
9 indeed it was a sign -- that some people in the
10 department thought there were other priorities, acute
11 medicine, acute surgery. They were all bearing on you
12 every hour of the day. But I took the decision and
13 that's where it was important that we provided for the
14 regional health authorities for self-sufficiency half
15 a million pounds -- not much actually in terms of
16 a massive budget that I was dealing with day by day,
17 but it indicated to the regional transfusions that
18 this was a central policy that we were going for
19 self-sufficiency and it made it easier to grease the
20 wheels, if you like, of the decision-making process.

21 Many of the regional health authorities wanted
22 their own independence and there is a scathing article
23 in the British Editorial -- in the British -- the BMJ,
24 the British Medical Journal, I think in 1980 written
25 by the Scottish, head of the Scottish Blood

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1 really the main one. Sometimes people came from the
2 regional blood transfusion services but my
3 relationship was pretty much a secondary one, you
4 know. I issued a decision within the departmental
5 structure which had doctors and civil servants there.
6 Of course the pretty important civil servant was the
7 one with relationships with the Treasury explaining
8 how to cope with it.

9 Remember, the Treasury in those days, and
10 I think to some extent still exists, used to have
11 a year-by-year budget. One of the things that
12 horrified me about it was the difficulty of taking
13 long-terms decisions and, you know, five-year
14 programmes. But the overall Treasury involvement in
15 what decisions were made was pretty intense and you
16 had to live within your budget.

17 One of the problems was it was sometimes easier
18 to get revenue than capital and, you know, in order to
19 reduce revenue you need sometimes to put down capital
20 and you only get the return back in revenue three,
21 four, five, seven years' time on. That was again
22 a problem in the decision-making structure. It's to
23 some extent been changed by successive
24 re-organisations which the Health Service has been
25 subjected to.

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1 Transfusion Service. In those days Scotland was all
2 part of the UK but they had their separate secretary
3 of state answerable for health policy -- very, very
4 critical of the blood transfusion service -- and
5 basically questioning in that '80 journal whether the
6 Government really were committed to self-sufficiency,
7 so flagging up that issue very much. It's an
8 extremely important article, actually.

9 **Q.** Which you have exhibited I think to your statement.

10 **A.** It's in my evidence, yes.

11 **Q.** Just returning to the officials and whether civil
12 servants or medical within the Department of Health,
13 in your evidence to the Archer Inquiry you suggested
14 there had been a degree of resistance to the idea of
15 the policy that was introduced but then you went on in
16 your evidence to say that once you had made the policy
17 decision, civil servants and others within the
18 department were not obstructive and implemented your
19 will.

20 Is that correct analysis of your evidence?

21 **A.** Absolutely. That was the memo I referred to, which
22 they quite rightly drew to my attention. You can't
23 have your cake and eat it, despite people believing
24 you can, you can't. You have to choose in a big
25 spending department like this, with any number of

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1 priorities coming at you, and it's always easy to find
2 money for the big issues, the dramatic operations, the
3 new cancer cure and everything like that and your job
4 is to try to make sure that the money is spent on
5 proper priorities, not always the ones that are
6 popular or things like that, sometimes the minority
7 cases.

8 When we were starting, you know, a treatment for
9 haemophilia had only just come through, Factor VIII,
10 and we should remember that we're really in an
11 experimental area all this time, gradually finding out
12 what's right to be done.

13 But I had no doubt whatever. I was [redacted]
14 I was going every week or sometimes more often than
15 that to Great Ormond Street and I was seeing, day by
16 day -- people should not -- I'm sure you have had
17 a lot of evidence on it, I don't want to press it too
18 much, but this haemophilia, the bleed into the joints
19 of a young child are crippling, and you could see it
20 in Great Ormond Street out-patient clinic. I was
21 waiting there in the queue as Minister of Health
22 [redacted] and you would see a child seriously
23 crippled in the legs or the arms because of a bleed
24 into the joint. So we're not dealing with a minor
25 issue.

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1 you can still have your cup of tea but I'm afraid you
2 can't give blood.

3 Now, the problem of the donor when the donor has
4 been paid and is off Skid Row or is a drug addict or
5 anything like that, is they are not going to answer
6 that question.

7 Now, I went to Greece when I was a young medical
8 student and you could give blood and earn some
9 Drachma, so we went off and gave blood, and that was
10 when I first experienced, in Greece, they asked that
11 question, carefully, and we answered it. So
12 I actually had that experience. So when I read about
13 this in Titmuss' book it was all for real, and it was
14 a sign of -- his purpose was to remind people that not
15 everything is valued by the money that you're given.
16 Sometimes a voluntary gift can bring health to
17 a child, in this case perhaps with haemophilia, but
18 its operations and everything like that.

19 I think we've actually -- we were at danger of
20 taking the Blood Transfusion Service for granted
21 actually a little at that stage and one of the first
22 things that happened with the decision to go to
23 self-sufficiency is the number of people volunteering
24 increase and I think we should never forget it and
25 that was when I first realised how dangerous it was to

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1 Q. Your interest in the blood supply and blood safety, in
2 fact, pre-dated your appointment as Minister because
3 you'd read and written a review of a book by
4 Richard Titmuss, *The Gift Relationship*?

5 A. Well, it is a wonderful book and I actually believe --
6 any of you who're involved with this Inquiry,
7 I recommend you read it because it's absolutely
8 modern, up-to-date. All the stuff is still there.

9 This is a professor at LSE on social -- and he
10 was trying to write a book about altruism, and he
11 chose as a demonstration of altruism the simple
12 arrangement in the United Kingdom that you walked in
13 voluntarily into a blood transfusion clinic or
14 a mobile van, you gave blood, you were asked a few
15 questions. A very important question that was
16 starting to be asked was, "Have you ever had jaundice?
17 Have you ever been yellow?" Which was a question
18 which would indicate whether or not you had had
19 hepatitis. We didn't know how to find hepatitis, let
20 alone treat it very well, at that time. And this was
21 the sort of question. And he draws attention to the
22 fact that if you're going in there and you are not
23 paid, you volunteered, all you get afterwards is a cup
24 of tea, you're likely to answer that question
25 truthfully. And if your answer is yes, people said

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1 rely on blood coming in from abroad, from people who
2 were giving their blood for money, were often giving
3 it too frequently, and lying about it and within that
4 community of blood-givers they soon sack out that
5 a decision to say that you have been yellow means that
6 you are taken off the thing and no money, so they
7 don't answer the question truthfully.

8 All this with academic precision, but also
9 beautiful writing, is explained in it. So I reviewed
10 it for the New Statesman in I think 1970, so even
11 before I became Minister of Health I had taken a view
12 on blood transfusions and I had taken it when I was
13 a young doctor, when I was a medical student.

14 Q. One of the chapters of the Titmuss book entitled "Is
15 the gift a good one" looks at this very issue of the
16 risk of transmission of hepatitis?

17 A. Yes.

18 Q. Henry, can we just perhaps put the chapter up on the
19 screen. You should have it at HSOC0019917.

20 I am not sure if you have the whole book or just
21 chapter 8. Can we go to page 142.

22 So we can see here and I'll only refer to
23 a couple of extracts, Lord Owen, at the beginning of
24 the second paragraph:

25 "In the United States, Britain and other modern

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1 societies the most dangerous of these hazards [and
2 those are hazards resulting from the use of blood and
3 blood products] is serum hepatitis. It is becoming
4 a major public health problem throughout the world."

5 Then, Henry, if you could just go to the last
6 page of the chapter, which is page 157, we can see
7 under (iv), four lines down, there's reference to
8 three broad conclusions and then there's this, if you
9 could highlight the sentence beginning "The first is
10 that", please, Henry:

11 "The first is that a private market in blood
12 entails much greater risks to the recipient of
13 disease, chronic disability and death."

14 So having read and absorbed and reviewed Titmuss
15 as you did in 1970 you were in no doubt as to the
16 risks from blood and blood products?

17 A. Absolutely. I don't believe that any doctor in the
18 country had not become aware of it. It was first used
19 in 1972, the commercial human Factor VIII was used in
20 this country, and that was because we were not getting
21 enough from our own Blood Transfusion Service, so
22 there was never any secrecy about this.

23 I mean, this is a whole question of clinical
24 freedom and this whole vexed issue about how much to
25 say to a patient. Firstly, we've got to understand

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1 were available, and one of them was that
2 cryoprecipitates were much less dangerous than AHG
3 concentrate, but AHG concentrate allowed a patient to
4 be treated in their home and AHG concentrate meant
5 that somebody, the parents could be taught how to
6 inject it and they could inject it as soon as the fall
7 had taken place, and if they injected as soon as the
8 fall within minutes the chances of the joint being
9 damaged with blood pouring into the joint and leaving
10 permanent damage were much less.

11 So the medical profession was saying overall
12 from the start of their research cryoprecipitate is
13 the safest, but that involves blood in bags and being
14 done, could be done at home but very difficult and
15 much more likely to have to go into hospital for it,
16 and cryoprecipitate therefore was safer but all the
17 time there was this pressure for home use.

18 Cryoprecipitate could be given in an operating
19 theatre environment, for example, easily and would be
20 used and for a long time cryoprecipitate was
21 considerable -- it was only in '74 I think we went up
22 to 13 per cent of AHG concentrate and mainly coming,
23 not always exclusively, but mainly starting to come
24 from abroad because we were short.

25 Well, I didn't sit on any of these committees,

27

1 that the climate has changed a great deal. I mean,
2 now we talk about rights of patients, we talk about
3 the necessity to ensure that everybody knows about all
4 the side effects of almost any drug that you give to
5 people, and that they are put in a decision-making
6 position as patients, making an informed choice.

7 Now, one of, of course, the problems is that
8 when you are dealing with a child that child can't
9 make those decisions so the patient, for the purposes
10 of the doctor making with the family the decision. So
11 quite often the young child will not know about this,
12 either the conversation is above their head, though
13 held with them in the same room, or sometimes it will
14 be held separately with their parents and they go
15 through this vexed and agonising choice about what is
16 being told.

17 Now, that's very difficult but throughout this
18 period you will find evidence coming back before
19 doctors bodies, either through departmental bodies,
20 Safety of Drug Commissions or special groups of
21 doctors connected with haemophilia or the blood groups
22 and many of the people in the department are writing
23 papers and advices. I mean Rosemary Biggs,
24 Dr Maycock, I would see them regularly, and they have
25 been making very clear statements about what options

26

1 and nor should I have done but I don't envy them their
2 choices that they were having to make as doctors, and
3 you all may -- you, Mr Chairman, and your Inquiry and
4 others -- may have already come to a decision about
5 this that the wrong decisions were taken. But
6 I wouldn't like to be second judging. All I can say
7 is, I read those papers, I read the choices, I saw it
8 day by day, and it was not in my power, really,
9 certainly not in my -- I think I would say it was not
10 really in my power. It would have been an abuse of my
11 power to have interfered with that decision-making.

12 But I in all conscience don't think I do
13 disagree with the decision-making. What I did feel
14 was that you've got to stop this blood coming in from,
15 mainly, America, not totally involved in America, and
16 you've got to make it -- because, after all, we know
17 about hepatitis -- not a lot, but we knew about it --
18 but how many other drugs were coming down this --
19 infection was coming down?

20 And of course I didn't have to live with it but
21 the HIV was already there, and we were infecting
22 children and adult haemophiliacs with HIV. AIDS was
23 the disease, HIV was the virus. And then came other
24 viruses, like Creutzfeldt-Jakob disease, which is with
25 us now. I mean, do we all realise that in 1998 the

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1 governments of the day, because of the risk of what is
2 popularly called "mad cow disease", stopped all
3 production from British blood of haemoglobulins, the
4 concentrates.

5 So, as a result, we do not have an
6 immunoglobulin in production in this country from
7 British blood. And we don't actually have it because
8 the Government has not and other governments around
9 the world have not yet moved that. We will transfuse
10 the blood of a patient who has had COVID but we will
11 not transfuse, if you like, the equivalent of
12 Factor VIII, the concentrate of it, because of it.

13 So this Inquiry is looking back, but in looking
14 back we were looking forward. You were looking
15 forward to how we deal with the current situation of
16 producing immunoglobulin. We have a company called
17 BPL in this country well able to do it. It's actually
18 safer to use the fractionation than use a transfusion
19 of actual blood, because you can take out lots of
20 other factors. But we're still not using it in COVID
21 at this moment. And I put in a supplementary
22 submission to the Inquiry about that. I know you
23 don't want to be overburdened by it, but this is not
24 a historic inquiry. This is not, as the Chairman said
25 in the early introduction, and the numbers and

29

1 awareness of the existence of what was then called
2 non-A non-B hepatitis?

3 A. Yes.

4 Q. A number of years later identified as hepatitis C.
5 Can you recall whether that was drawn to your
6 attention or whether there were any discussions
7 specifically within the department about non-A non-B
8 hepatitis at this time?

9 A. Well, a huge amount of research was being done and
10 papers were being published during this time about it,
11 and we were gradually getting to know more about
12 hepatitis and -- as the figures were done. I mean,
13 worldwide, it was a huge, huge problem.

14 Q. What was --

15 A. But there was a globulin that you could inject
16 yourself with. I suspect many people who -- in this
17 audience or elsewhere who travelled abroad were told
18 by their doctor, "We can give you an injection, which
19 only lasts about two to three months, but if you are
20 going to an area where hepatitis is virtually
21 a pandemic we advise you to have it and that will give
22 you cover from it". So all the time that we were
23 doing research on Factor VIII, we were also doing
24 research on other immunoglobulins. And as I say, we
25 ought to be using it for COVID.

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1 everything like this, this is a very relevant, hugely
2 difficult medical decision, and I personally conclude
3 from all of this that we've got to stop relying on
4 governments to make awards or judgments of liability
5 and inadequate payments after years of pressure in
6 Parliament and all this and go for the New Zealand
7 system, with no fault compensation, and take it out of
8 law courts and take it out of all this confrontational
9 system and accept that in healthcare we sometimes
10 damage patients. Not willingly, not wantingly,
11 sometimes out of ignorance, sometimes out of, in this
12 case, deliberate decision.

13 I'm sorry to go on so much about this but these
14 are huge, complex issues and it's so easy to point the
15 finger and to say, "That was wrong" or "That was
16 wrong". You are faced with a parent absolutely
17 longing to do more for their child, and they hear in
18 The Haemophilia Society or friends or people in the
19 same treatment in hospital and they say, "Well, you
20 know, this new treatment is very much better, we have
21 it all at home", they want it at home, and then they
22 want it prophylactically, to stop it paining. So it's
23 not surprising the demand was increasing all this time
24 but also all the time the risk was increasing.

25 Q. Your time as minister coincided with a growing

30

1 Q. Were you advised or do you recall any discussions with
2 the Chief Medical Officer or within the department
3 about the relationship between the size of donor pools
4 and the risks of hepatitis?

5 A. Yes, and there is no doubt. I mean, Rosemary Biggs
6 wrote a book about all of this, and she posed the
7 question: could we use, for the people who have only
8 minor haemophilia, not too frequent bleeds, bleeding,
9 and not many bleeding in the joints, we'd only give
10 cryoprecipitate? Or small donors? Because as your
11 audience will have probably already had explained to
12 them, that the bigger the pool of donors, the greater
13 the risk, because one donation in a thousand will
14 contaminate. So if you come down to a donor pool of,
15 say, 100, the chances are much -- well, they're
16 10 per cent less.

17 So, I mean, all these were being discussed and
18 tried to be applied but it is difficult to decide.
19 A doctor's trying to do the best for their patient.
20 They explain it to the parents of the child and they
21 may say, "Well, what's the treatment that's least
22 likely to have any bleed?" And he has to say or she
23 says, "This one, but there are chances of ..."

24 Now, I don't know how much was being discussed.
25 You know, some doctors weren't open enough about it,

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1 let's face it. All I decided -- and that was
 2 a political decision -- we will have no secrecy about
 3 this in the department, we will have no secrecy about
 4 this in letters we write to Members of Parliament. At
 5 one time I actually say we must put more information
 6 out to Members of Parliament. They must face up to
 7 these risks because they were getting a lot of
 8 questions and then when I was asked whether I would do
 9 the World in Action programme I said yes, knowing full
 10 well this whole issue would be exposed.
 11 Of course, this was a very popular programme and
 12 a good programme and in two series maybe you will
 13 discuss this and show some things about it but this
 14 was trying to bring it out into the wider public
 15 domain and so we mustn't be afraid of this. These are
 16 difficult choices and, as far as possible, we should
 17 try and tell patients about it. As I say, you know,
 18 nurses were very good on this. Nurses are better at
 19 this than doctors. Doctors in my day were rather
 20 hierarchical and a bit sort of keeping some
 21 information to themselves, nurses were much more open
 22 and probably mainly because they were women and they
 23 were seeing it. So they wanted more discussion about
 24 this and I think that gradually the influence of
 25 nurses and more and more of the treatment began to be

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1 22 August 1967. It's addressed to Dr Godber who was
 2 the then Chief Medical Officer and it's from
 3 Dr Rosemary Biggs at the Oxford Haemophilia Centre.
 4 I just ask you if we could look at two or three
 5 of the paragraphs. Paragraph 3: this is referring in
 6 1967 to the concentrates and she says in the first
 7 sentence:
 8 "They are in very short supply in England and at
 9 present also scarce everywhere else in the world."
 10 Then she goes on to set out her view of their
 11 importance. Then if we look at paragraph 4 the last
 12 six lines please, Henry, we can see that she's
 13 explaining she has good reason to believe that there
 14 will be commercial products made available from the US
 15 over the next couple of years. She identifies the
 16 number of donors and then explains that:
 17 "We may be obliged to buy it at a very high cost
 18 for our patients unless the English shortage can be
 19 remedied."
 20 Then if we go to the last paragraph on that
 21 page, last three lines, Henry, in fact that whole
 22 section thank you. She says:
 23 "In this country we have pioneered this
 24 treatment, we have the personnel who know how to make
 25 the products, we could easily have enough plasma to

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1 done by nurses not by doctors because they would get
 2 specialised in this form of treatment and they would
 3 talk to the patients and they would explain it more.
 4 But -- I know this and many people have said to
 5 me and families, you know, because they come and talk
 6 to me about this, compensation and things like that,
 7 and they say, "But I was never told". Maybe they
 8 weren't but you can be told about something and shut
 9 it out. That's again human nature. You face up to
 10 the choice, you make the decision and you hope and
 11 pray that it won't be -- you won't be the one. That's
 12 another instinctive feeling of people, you will
 13 somehow be the lucky one.
 14 Q. We will be hearing from a number of clinicians over
 15 the coming months who we will ask about that.
 16 Lord Owen, what I would like to do next is look
 17 at a handful of documents that pre-date your
 18 appointment to the Department of Health so that we can
 19 get some sense of what was or was not being done in
 20 relation to self-sufficiency before you arrived and
 21 then we'll move on and look at your own decisions and
 22 actions.
 23 So, Henry, could we have up on screen please
 24 DHSC0100025_062. If you just, perhaps enlarge that
 25 slightly, Henry, so we can see this is a letter

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1 serve as starting material. It would seem to me
 2 a great pity if we cannot make our own material in
 3 this country for lack of the organisation, apparatus
 4 and buildings in which to work."
 5 Then over the page she talks about the purchase
 6 of the finished products in the United States will
 7 undoubtedly be very costly and then last five lines:
 8 "Surely it would be less costly to us to do
 9 everything to expedite the manufacture of these
 10 fractions in England and in particular to accelerate
 11 as much as possible the new fractionation buildings in
 12 Elstree and Edinburgh. I feel that it is perhaps time
 13 to try to reassess the quantities of these products
 14 that might be needed and to try to work out an
 15 emergency plan ... to meet that need."
 16 So we can see this is some seven years before
 17 you take up the reins at the Department, the
 18 Department being made aware from a relatively
 19 authoritative source, Dr Biggs at the Oxford
 20 Haemophilia Centre, of her view that the question of
 21 UK production is something that needs to be urgently
 22 planned for.
 23 A. Well, the only thing you can say is at least she was
 24 asking her into the department to advise them and she
 25 has had a fantastically distinguished career. If

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1 I had to point any single one medical scientist and
2 doctor I think I would say she is, because she gives
3 the unvarnished truth which she writes, she does
4 proper research and she puts it out into journals
5 where it will be read. So she has done a -- she did
6 a fantastic job and her voice was there firmly inside
7 the Department in their advisory capacity. So
8 I think -- it's all there. The evidence is all there.
9 It's in Titmuss' book as you say in 1970 and it was
10 there in numerous medical journals.

11 I mean, I say I stay out of this, I'm not
12 a doctor, but I mean I was in '67 a research worker at
13 St Thomas' Hospital basically working with
14 distinguished neuroscientist who was my exact
15 contemporary, David Marsden, on Parkinson's Disease.
16 I was reading The Lancet and the British Medical
17 Journal all this time and all the time I was
18 a Minister of health. I mean, that was my sample.
19 A lot of these articles I read in my home.

20 Q. Now, the Inquiry will obviously be looking at what did
21 or didn't happen between 1967 and 1973 but we'll pick
22 up the threads again in 1973 and if we could just have
23 up on screen please, Henry, DHSC0100005_033.

24 We're now March 1973 so we can pick up the
25 picture up here about a year before you join the

1 PRSE0004706.

2 As I say, you referred to this in your witness
3 statement Lord Owen. It is a meeting of the expert
4 group on the treatment of haemophilia on
5 20 March 1973. We can see there Dr Reid, that's the
6 deputy Chief Medical Officer that you referred to
7 I think, Dr Biggs, Dr Maycock we've got a Dr MacDonald
8 from the SHHD, so representing Scotland and various
9 other officials.

10 If we go please, Henry, to the second page --
11 thank you -- we just see under the heading 3,
12 "Comparison of therapeutic materials". You'll see
13 there, Lord Owen, a reference to cryoprecipitate and
14 then underlined a few lines down "freeze-dried
15 concentrate".

16 You have touched on this already in your
17 evidence, Lord Owen, but can I ask you this: as the
18 shortfall in production in the UK became apparent to
19 you when you were Minister, was any consideration
20 given by the Department to the increased or continuing
21 use of cryoprecipitate or the issue of any guidance in
22 relation to that or was that regarded as a matter for
23 the clinicians?

24 A. Well, as I say, cryoprecipitate was the easiest thing
25 to do, didn't need a new factory or something like

1 Ministry. This is a letter from the Chief --
2 a communication from the Chief Medical Officer to all
3 senior administrative medical officers and we have
4 referred to this kind of communication that was within
5 the CMO's remit.

6 We can see if we look in the third paragraph --
7 sorry, the second paragraph we can see the Chief
8 Medical Officer recognising that the production of the
9 concentrate in the UK is at present insufficient to
10 meet the stated needs of clinicians.

11 If we go to the next paragraph, we can see:

12 "As predicted by Dr Biggs in 1967 we now have
13 concentrates, commercial concentrates, product
14 licences having been granted to two firms", and then
15 if we pick up the next paragraph, please, we can see
16 there the decision of the Department at that stage is
17 to assemble a group of experts to advise on likely
18 trends and methods of treatment, possible future
19 requirements for the treatment of the condition and
20 the consequences for the supply of the therapeutic
21 agents.

22 That I think is the expert group that you
23 referred to in your witness statement, Lord Owen.

24 If we could just have a look at an exhibit to
25 your witness statement, we also have it at

1 that for that. That was the treatment of choice up
2 until AHG started to come on which, for reasons which
3 we said, was preferred by doctors specialising in
4 haemophilia and, broadly speaking, by patients,
5 whether the parents or the actual patient who was
6 having it.

7 So by the time I was there we were already
8 buying from America and we were trying to increase,
9 firstly, the number of transfusions so that the pool
10 of blood would be larger, that we were trying to get
11 expansion of Elstree and Oxford, which are the two
12 main ones that were making the concentrate, and then
13 later on I tried to ensure that Scotland was brought
14 into the Department for discussions and to see whether
15 or not (a) we could share my expertise more but also
16 utilise the facilities to expand Scotland's production
17 in order to help overall UK production.

18 So all these things were coming along but at
19 a slow pace and with an increasing and well-known
20 change, I mean Dr Maycock is on the World in Action
21 programme but Dr Maycock wrote papers which were
22 quoted by Rosemary Biggs in her main paper about the
23 calculation of the danger, a ten times larger chance
24 of getting hepatitis if you use the American product,
25 commercial product.

1 So I don't know where your leaning is. I mean,
 2 should the medical officer of health come to
 3 a conclusion that you should stop it, all imports?
 4 Very difficult. You've got to try to put yourself in
 5 the position of these groups of people. The fact that
 6 Rosemary Biggs is there, she's all the time raising
 7 the question. She doesn't say "Do it", she raises the
 8 issue. So you've got to face it. And that's why her
 9 involvement on the advisory body was so important.
 10 But there were other names there of people
 11 I recognise: Professor Hardisty, who is the expert on
 12 this in Great Ormond Street, who I knew personally
 13 [redacted].

14 So you knew these were good people wrestling
 15 with this issue, a moral issue. It is not new, you
 16 know, to medicine. There are many other areas,
 17 unfortunately, of medicine in which people are making
 18 these very difficult choices and all the time trying
 19 to give the patients a place in the decision-making.
 20 And we have -- as a society, have moved, really, to
 21 telling patients much more today, in 2020, than you
 22 would have done in 1970.

23 Q. As a matter of fact, as far as you can recall, and I'm
 24 very conscious I'm asking you about events a number of
 25 decades ago, was there ever any discussion within the

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1 money into this and effort into this, and my decision
 2 was yes. Now that is a political decision, and
 3 rightly so in my view. And why I was in a hurry to do
 4 it too. And you will see evidence in which we've set
 5 a time limit of two years, and then it slipped to
 6 three, and I got -- you know, I had a good private
 7 secretary too. Both of them were very able. They
 8 have gone on to successful careers. And they held the
 9 Department to account. That's the role of a minister,
 10 and to say, "Well, what do you need to -- we won't
 11 live with this extension for three years, what else do
 12 you need?" And so we found more money.

13 Now, I have no doubt that there was going to be
 14 more money that was spent, because you could see it.
 15 We were finding more successful interventions with AHG
 16 concentrate, and we had to produce more in the UK.
 17 Then we would -- so that self-sufficiency -- look,
 18 I don't know what happened to the Department when
 19 I left. I mean, I just simply don't know. But I do
 20 see that the then Secretary of State for Health
 21 in 1982, and in a letter to me I think from
 22 Baroness Trumpington, said: We are now introducing
 23 a policy of self-sufficiency.

24 Well, what the hell was happening all those
 25 years before? You know, I left the Department in '76.

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1 Department as to whether clinicians should be given
 2 encouragement or a steer towards reverting to
 3 a greater use of cryoprecipitate to solve this
 4 problem, at least in the short-term?

5 A. Yes. There's no doubt about it. It's in minuted
 6 evidence.

7 Q. Was there any advice that was given, as far as you're
 8 aware, from the Chief Medical Officer or others within
 9 the department to suggest that clinicians should not
 10 rely upon imported concentrate so much but should
 11 perhaps consider more widely the use of
 12 cryoprecipitate?

13 A. No, I think that they said weighing the decisions and
 14 taking account of how serious the haemophilia is.
 15 Remember, not every haemophiliac is having a lot of
 16 bleeds. The definite advice was if they were not
 17 suffering a lot, stick to cryoprecipitate. If they
 18 are suffering and it's leading to joint damage and
 19 permanent crippling, then they were saying -- and
 20 that's why they were saying we have to increase in the
 21 short-term.

22 Now, as I say, I take you back to the memo that
 23 asked me to make up my mind whether I was making the
 24 right decision, because I was going to deprive other
 25 areas of medicine and surgery and elsewhere if I put

42

1 So six years they're later making an announcement
 2 about self-sufficiency.

3 Now, that was the moment when I started to --
 4 rather belatedly, I rather kicked myself I didn't
 5 start earlier -- to find out, try to find out, what
 6 was happening. And that's when we started to make --
 7 try and use the Ombudsman thing. But that's another
 8 story, which ...

9 Q. We will come on to that.

10 Sir, I note the time. We were due to have
 11 a break at 11. My apologies.

12 SIR BRIAN LANGSTAFF: It is fine. We were in full flow.

13 So we'll take a break now. The breaks are
 14 45 minutes. This is to allow you time to get to where
 15 you have to be, to your allocated seats, and to be
 16 served and to return. So it will be a 45-minute break
 17 for every coffee or tea break we have. So if you can
 18 come back, please, shall we say 12 o'clock but no
 19 later than 12, please.

20 (11.11 am)

(A short break)

22 (11.58 am)

23 SIR BRIAN LANGSTAFF: Just before you start again,
 24 Ms Richards, can I mention something which has come to
 25 light. Just at the start of the break, someone came

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1 forward to talk about Tweeting. They had not,
 2 I think, realised that Tweeting what is said in this
 3 room, and has not yet been put on YouTube or the
 4 delayed feed, would be a breach of the order I made
 5 this morning.

6 I'm told that the person who came forward was
 7 very upset and very apologetic for what they had done
 8 and, given that we've spoken a bit about courage and
 9 openness and honesty this morning, I'd just like to
 10 say that I acknowledge their guts in coming forward to
 11 admit that they had broken my order.

12 They may not be the only person. I hope they
 13 are but, for that reason, I do not propose to name
 14 them openly. I am told to expect a letter of apology
 15 this evening and that seems to me to be sufficient
 16 action in that particular case and, as I say, I admire
 17 them for having the guts to admit what they had done.

18 But it sends a message to all of us, I think,
 19 that we just have to be careful. The words mean what
 20 they say. The purpose of them is to protect
 21 potentially damaging information. Damaging, that is,
 22 to confidentiality, which we must maintain. You are
 23 privileged, we are all privileged, in this hearing
 24 room, and for that matter those who are on the direct
 25 stream outside and have signed undertakings of

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1 Now, I wanted to ask you, first of all,
 2 Lord Owen, what the extent of your responsibilities
 3 were and the Secretary of State's responsibilities
 4 were in relation to Wales, Northern Ireland and
 5 Scotland? And I suspect each fall to be treated
 6 differently at that time.
 7 **A.** Well, health was not a devolved power, in the sense
 8 that we didn't have a Scottish Executive like we have
 9 now, but the -- there was a Secretary of State for
 10 Scotland with considerable powers for Scotland through
 11 his office. I think at the time Willie Ross was the
 12 Secretary of State for Scotland, so I think the Blood
 13 Transfusion Service would probably have come under him
 14 in Scotland, and -- but they were meant to be
 15 collegiate. And I think I did mention, when I was
 16 answering a question about the American company that
 17 was asking for a request, I actually did ask, but
 18 I think I could only ask that they would consult with
 19 Scotland at their next meeting about this very issue
 20 of co-ordination, and they did do it and they also
 21 enclosed the minutes of this. That was, I think,
 22 in 1976.

23 So it was -- it did concern me. Of course, the
 24 really critical article of the Blood Transfusion
 25 Services UK-wide from the Scottish director, Cash,

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1 confidentiality, we are all responsible for that, and
 2 I'm sure most of us have done just that. But it's
 3 a reminder, I think. That's all I want to say about
 4 it.

5 Ms Richards, we can continue.

6 **MS RICHARDS:** Lord Owen, we had been looking at the
 7 minutes of a meeting of the expert group on the
 8 treatment of haemophilia in March 1973, and there's
 9 just one passage I want to draw your attention to then
 10 ask you about.

11 Henry, could we have that up again, please.
 12 Thank you.

13 It's the top three paragraphs and you'll see in
 14 the course of the meeting this is said, top of the
 15 page:

16 "It's essential that production and distribution
 17 of the therapeutic agents concerned should be
 18 considered as a UK exercise ..."

19 Then we can skip to the third paragraph:

20 "Close co-operation between England, including
 21 Wales and Northern Ireland and Scotland, will be
 22 required in order to co-ordinate and optimise blood
 23 collection and transport, the fractionation processes,
 24 distribution of the therapeutic agents, and
 25 utilisation of other blood fraction by-products."

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1 that was in 1980, I think, in the British Journal --
 2 in the BMJ.

3 So the answer is, I think, the regional
 4 transfusion centres also prided themselves that they
 5 were independent decision-makers. I think the
 6 department thought they were a little bit too
 7 independent, and that was one of the reasons why we
 8 put this capital injection of half a million into the
 9 self-sufficiency programme, so that we had a -- the
 10 department had a stake. Then people like Bob Reid
 11 would talk to Regional Medical Officers of health, who
 12 were usually represented on the board of the
 13 transfusion people, to try to get some inner coherence
 14 for the UK as a whole.

15 **Q.** So in relation to Scotland, it would be the Scottish
 16 Home and Health Department that would have primary
 17 responsibility -- is that right -- for matters of
 18 policy but you would expect close liaison between the
 19 department of which you were a member and the Scottish
 20 department?

21 **A.** Yes. Ultimately, if it got very bad -- I did, I think
 22 I mentioned it -- we asked Brian Abel-Smith to look at
 23 the whole question. He was, really, principally
 24 Barbara Castle's adviser, but he was respected and he
 25 did call together to try to get greater co-ordination.

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1 But if we had felt really something needed to be done,
 2 which we might well have done after I left in -- this
 3 was an issue for '76, really, from what I remember,
 4 but you are right it was pointed out in '73 as being
 5 important -- the Secretary of State, in
 6 Barbara Castle's case, she would raise it directly
 7 with Willie Ross rather than -- probably I would write
 8 to him. It would go up at -- Cabinet Ministers.

9 **Q.** What about the position in relation to Wales? Did the
 10 same apply in terms of the Welsh office? What was the
 11 position then?

12 **A.** Well, the Welsh office started to get more powers as
 13 the whole devolution issue started. But I'm afraid
 14 I can't quite remember. In '74 it was in its infancy.
 15 It had started. There had been a Secretary of State
 16 for Wales for quite a long time, but by and large
 17 anyhow the Welsh and the English Health Service works
 18 very closely because there is a -- a strange border,
 19 and people go from England to Welsh hospitals and from
 20 Wales into English hospitals because it makes sense in
 21 terms of catchment area and they don't -- they ignore
 22 the boundary line and there's cross-financing
 23 arrangements.

24 And broadly speaking -- I mean, I'm 100 per cent
 25 Welsh, I have no English blood in me at all -- by and

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1 I think direct rule -- well, I was in the Ministry of
 2 Defence as a junior minister for the navy when we went
 3 in and took control of Northern Ireland, and that
 4 was 1968.

5 **Q.** Do you recall -- again, very conscious that these are
 6 events a long time ago, do you recall whether there
 7 were any particular discussions or involvement of the
 8 Secretary of State for Northern Ireland or the Chief
 9 Medical Officers in relation to Wales or
 10 Northern Ireland?

11 **A.** I think the Chief Medical Officers worked very well.
 12 You've seen this in COVID now. I think the Chief
 13 Medical Officers left to themselves would have no
 14 problem, I agree. So I think sometimes it's the
 15 politicians that are more the problem.

16 I don't want to exaggerate. I was beginning to
 17 sense there was a problem but I didn't think that
 18 Blood Transfusion Services -- it was not a big problem
 19 for me in '74 to '76. I began to realise it was more
 20 of a problem later. And then there was this, you
 21 know, very serious criticism of the Blood Transfusion
 22 Services in the UK. Which may not have been -- you
 23 know, it's just one man's view but it was -- I think
 24 a lot of people felt it needed to be said, that
 25 article in the BMJ, but that was 1980.

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1 large -- that's my prejudice. So by and large I think
 2 Wales and England have no difficulty and never have,
 3 really. There's been a good relationship between
 4 them. The frostiness has come a little bit in
 5 Scotland. And may be always there, I don't know.

6 I mean, Scotland has, you know, the Royal
 7 College of Physicians in Edinburgh and Glasgow and the
 8 Royal College of Physicians -- and first-class
 9 medicine. There's a lot that is very good about the
 10 Scottish healthcare, as I've watched over the years,
 11 and very high quality. I'm not making disparaging
 12 comments.

13 Actually, in this case, they had the capacity to
 14 expand, and it seemed only sensible to utilise that
 15 capacity as a cost-effective way of expanding.

16 **Q.** Then what, if anything, can you recall about the
 17 position in terms of Northern Ireland? Who had, as it
 18 were, policy responsibility in terms of blood safety,
 19 blood products and the like?

20 **A.** Well, again, as devolution took place, more and more
 21 power went to the First Minister and this Stormont
 22 Parliament. But, I mean, Stormont had existed for
 23 quite a while but, again, there was direct rule for
 24 quite a long time, so in which case the Secretary of
 25 State for Northern Ireland under direct rule, and

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1 **Q.** Can I then come on to your time in office directly and
 2 a handful of the documents relating to that. I want
 3 to pick it up, if I may, with a document in June 1974.
 4 Henry, it's DHSC0100005_135.

5 So you will see, Lord Owen, this is a meeting on
 6 26 June 1974, so you are currently Parliamentary
 7 Under-Secretary of State. And if we go down, please,
 8 Henry, to paragraph 2.2, the issue here is about the
 9 central contracting arrangements that had been put in
 10 place in relation to the US imports.

11 Then 2.2 says this:

12 "When the central contracting was first
 13 discussed in March 1973, it was hoped that UK needs
 14 for AHG would be supplied by the BTS by mid-1975.
 15 Dr Maycock said this would not now be possible nor
 16 could he give a revised date at this stage because of
 17 financial stringency. Further contracts would
 18 therefore be necessary for at least another year and
 19 possibly more."

20 Had you been aware that the aspiration as at
 21 1973 had been there would be self-sufficiency by 1975?

22 **A.** Can you go to the date again?

23 **Q.** Yes. 26 June 1974.

24 **A.** 70 ...

25 **Q.** '74.

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1 A. June '74.
 2 Q. So this is before your --
 3 A. Well, I think the answer probably is "yes", in that we
 4 knew that -- I couldn't -- I was aching to make
 5 a statement that we would be self-sufficient and
 6 I couldn't do it. This had to be sorted out. They
 7 took it on, my -- the staff in the department, and
 8 there were these two -- there was Elstree was in
 9 trouble, Oxford was in trouble on AHG concentrate, and
 10 one other -- of the regional ones had financial
 11 problems, I seem to remember.
 12 So we had to go back to them to get them all
 13 signed up. That's what we used to talk about. It's
 14 signing up the regional health people to
 15 self-sufficiency. And then I wanted to announce it to
 16 Parliament as soon as I could. And that was only in,
 17 I think, January '75, when -- in a written question.
 18 And that was a sort of -- I tagged it on, really, to
 19 a written question which was about whether or not we
 20 had enough supplies. The answer was, of course, we
 21 didn't.
 22 Q. But let's look at the announcement that you made in
 23 January 1975, Lord Owen.
 24 Henry, I think this is right, DHSC0046887.
 25 We can see from the top it's a written answer,

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1 I have therefore authorised the allocation of special
 2 finance to boost our own production with the objective
 3 of becoming self-sufficient over the next few years."
 4 Then if we can just look at the answer you gave
 5 the following month, and then I want to ask you some
 6 questions about it.
 7 So, Henry, its DHSC0046888.
 8 I don't know whether we can have them side by
 9 side but don't worry if you can't.
 10 So this is an oral answer that you gave on
 11 25 February 1975. We can pick it up second left-hand
 12 column:
 13 "I have authorised the allocation of special
 14 finance of up to £500,000, about half of which would
 15 be recurring, to increase the existing production of
 16 Factor VIII especially in the form of
 17 anti haemophilic" --
 18 **SIR BRIAN LANGSTAFF:** I am not sure we are on the right
 19 page.
 20 **MS RICHARDS:** Yes, it is the right page, sir.
 21 **SIR BRIAN LANGSTAFF:** Thank you. Got it.
 22 **MS RICHARDS:** "... especially in the form of AHG within
 23 the National Health Service. The first effects of
 24 this will I hope be felt by the end of the year."
 25 And then if we could go down the page, please,

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1 as you recalled, Lord Owen, 22 January 1975.
 2 If we can go to the bottom of the page please,
 3 Henry.
 4 A. Yes.
 5 Q. I think it is worth looking at the whole of your
 6 answer here:
 7 "The amount of Factor VIII materials including
 8 cryoprecipitate produced within the National Health
 9 Service is not sufficient and in particular there is a
 10 need to provide more human AHG concentrate, which is
 11 now the preferred treatment for haemophilic patients.
 12 There is also an increasing demand for certain other
 13 blood fractions. At present part of the demand for
 14 AHG concentrate is being met by imported material, but
 15 this is very expensive and, for reasons which I well
 16 understand, health authorities feel they cannot afford
 17 to buy as much as they would wish to, given the
 18 various claims on their resources."
 19 Then you say this:
 20 "I believe it is vitally important that the NHS
 21 should become self-sufficient as soon as practicable
 22 in the production of Factor VIII including AHG
 23 concentrate. This will stop us being dependent on
 24 imports and make the best-known treatment more readily
 25 available to people suffering from haemophilia.

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1 we can see in your next answer you refer to the
 2 desirability of the treatment but it being one of the
 3 many costly treatments competing on priorities.
 4 Then if we could go to the next column please,
 5 Henry -- so same page, thank you -- and then we see
 6 your answer here:
 7 "They [that's the Regional Health Authorities]
 8 are aware of it, our concern, and have had ample
 9 demonstration of it by the fact that we are prepared
 10 to divert scarce resources to make the NHS
 11 self-sufficient but I can see that it will take two or
 12 three years before we are at full production ..."
 13 And then you refer to perhaps individual cases
 14 being weighed very carefully.
 15 In those two announcements, Lord Owen, made by
 16 you to Parliament, you've set out a goal of
 17 self-sufficiency. Can I just ask you, was that in
 18 your mind a mere aspirational hope or was it now
 19 a firm Government policy that the UK would become
 20 self-sufficient?
 21 A. I think it was a pledge. I think when you are
 22 diverting money from Central Government to the
 23 regions, then I think you have to announce that to
 24 Parliament and that's really -- this is a more
 25 important announcement. This was an add-on in the

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1 first one to a written question. It says there's
 2 going to be money but it actually tells them how much
 3 money is being put. All through this, the 80s and
 4 everything like that, I've always said you couldn't
 5 move away from self-sufficiency without telling
 6 Parliament. I mean, you can change policy but the
 7 advantage of doing this is that you are making
 8 a pledge, and you couldn't resile from that without
 9 going back to Parliament. And I don't think we ever
 10 went back to Parliament.

11 From the time I left, I've never been able to
 12 find any statement which said we were no longer doing
 13 self-sufficiency. It was always claimed that we were,
 14 in a variety of complicated ways, but Parliament was
 15 never told that it was not doing it. And therefore,
 16 to the argument, "Well, you didn't provide the
 17 resources", I couldn't provide the resources.
 18 I explained it was quite difficult to make anything
 19 more than one year as a forward commitment. But if
 20 you make a commitment to a policy, you are binding
 21 your successors to find the resources, within reason.

22 I think that that's the importance of
 23 Parliament.

24 The other thing we should remember is that there
 25 were Members of Parliament who were becoming

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1 money, and you say about half of which would be
 2 recurring; so it's an ongoing commitment financially
 3 in that sense.

4 **A.** Mm.

5 **Q.** And, thirdly, you've put a timescale -- it's not an
 6 absolute or precise timescale but it's an expectation
 7 that it will take two to three years?

8 **A.** Yes, and when that was pushed further along the track
 9 and went over three years, I objected when
 10 I discovered this. And we had a meeting and we called
 11 to account, and they went away and put it back on
 12 track, and I told them that if it happens again
 13 I don't want to be told about it -- you know, I want
 14 to be told about it as soon as it happens so we can
 15 put remedial action in tow.

16 These things slip because understandably
 17 everybody's got higher priorities, or what they think
 18 are higher priorities, and it's not, you know --
 19 chronic illness which a lot of these people would come
 20 under the classification of chronic disability, we've
 21 never been very good at treating and that's why the
 22 Minister for Disablement came and Harold Wilson
 23 attached a lot of importance to that post and so did
 24 many other ministers. John Major actually I think
 25 held that job as his first job in Government and he

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1 very concerned about this issue, and the outstanding
 2 one was Alf Morris. He was in the department all this
 3 time, looking after disability, and he was seeing --
 4 I think he was the first Minister for Disablement --
 5 and he was -- firstly we discussed it every week, you
 6 know, all of -- when these things came up
 7 collectively, ministerial, but he was seeing the
 8 consequences in the disabled children who were coming
 9 up with haemophilia, and he never, ever shifted from
 10 it. He's an outstanding demonstration of a member of
 11 Parliament who gets the bit between his teeth and
 12 consistently pushes and pushes and pushes, all through
 13 the 80s and 90s. He was behind the Archer inquiry,
 14 and his contribution, I'd like to say publicly, was
 15 a magnificent one. Quite frankly, he used to come and
 16 put pressure on me to do more.

17 **Q.** Can I suggest to you there are three particularly
 18 significant things about the two announcements that
 19 we've just looked at in Parliament. The first is the
 20 one you have alluded to. This was a statement being
 21 made -- in your terms, a pledge to Parliament?

22 **A.** Well, it was talking about better treatment, which, if
 23 you like, is a euphemism for UK treatment,
 24 UK resources.

25 **Q.** Secondly, we see you're committing a specific sum of

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1 then took that commitment into being Prime Minister.

2 So the disabled provision has become a lot
 3 better than it was. It's still not enough and it is
 4 still not enough in terms of income and, you know,
 5 there is, Mr Chairman, you alluded to it in your
 6 letter to Penny Mordaunt that the Government is still
 7 not, while this Inquiry is going on is still in
 8 a situation where payments are more generous to people
 9 in Scotland than they are in Wales and England and
 10 that we are still, in my view, not fulfilling our
 11 financial obligation, particularly given that we were
 12 not self-sufficient in time.

13 **Q.** These Parliamentary statements don't in express terms
 14 talk about the dangers of imported concentrates or the
 15 risk of viral transmission, which I think is one of
 16 the points made by the Ombudsman years later. We'll
 17 come back to the ombudsman in due course.

18 Is there any particular reason you can recall
 19 why that wasn't spelt out in black and white in these
 20 statements?

21 **A.** Well, on the first one, as I say, we were riding the
 22 back of George Cunningham's written question, which
 23 is: what deficiencies exist in the supply of
 24 Factor VIII and cryoprecipitate for the treatment of
 25 haemophilia? If you look at -- the first paragraph

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1 answers that question. The second paragraph says
2 we're doing something about self-sufficiency.
3 The other replies, well, you know, sometimes you
4 put the -- but we were still carrying on buying this
5 blood and we were putting it into people's veins and
6 we were utilising it and we knew we were going to have
7 to go on doing that for at least two to three years.
8 Until self-sufficiency took place, we weren't going to
9 be able to stop it being used.

10 You know, this went on with the whole problem
11 when AIDS hit us and in '83 again the question was put
12 should you be allowing this to be used and the
13 committee on safety of drugs said weighing all these
14 factors, yes.

15 So you're on this delicate question. I mean,
16 I don't think -- as I said, I didn't want secrecy but
17 I didn't want to create fear in people who were having
18 it. That's not my job. I'm not trying to explain it.
19 That had to be what doctors said to patients, I don't
20 want to go back over what I've said in full already.

21 It is very, very difficult to determine how much
22 you should say to people. We get this wrong and we
23 weren't -- informed consent really is the question
24 now, thank goodness. We are trying to, as a medical
25 profession, to be more open with patients and of

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1 recurring. Recent reports from regional transfusion
2 directors indicate that RHAs are not unexpectedly
3 unable to make the necessary funds available."

4 Then if we just look at the next paragraph
5 please, Henry:

6 "We are intending to discuss the present impasse
7 with regional officers. It is not only a problem of
8 finding the money to provide more facilities for the
9 separation of plasma from whole blood. It will also
10 be necessary to persuade clinicians to accept a great
11 deal more blood in the form of concentrated red cells
12 than they do at present; this will require much time
13 and effort."

14 Can I just ask you about that second point first
15 of all, Lord Owen. Maybe this is not an issue that
16 came to you as Minister but do you know whether the
17 department or the Chief Medical Officer took any
18 particular steps in relation to that second goal,
19 persuading clinicians to accept more blood in the form
20 of concentrated red cells?

21 A. Well, the writing says with regional officers.
22 I assume since this is fairly detailed that they meant
23 Regional Medical Officers but it's not absolutely
24 clear.

25 Yes, I think -- it was continuous dialogue about

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1 course it's, you know, you tap in on the thing,
2 haemophilia and you'll have detailed things. You can
3 look up Rosemary Biggs' article and read the whole
4 thing. It's a completely different world we're living
5 in now about medical information. Read a newspaper,
6 Daily Mail has page after page about medicine and, you
7 know, World in Action wanted to put it on the ... so
8 it's a really difficult balance.

9 Q. I want to look with you at a couple of documents that
10 precede your announcement just to see what the plan
11 was and where the figure of 500,000 came from. If we
12 could have please on screen, Henry, DHSC0100005_171.

13 We'll see that this is a minute dated
14 15 October 1974, so it's the autumn before your
15 January 1975 announcement. If we pick it up in the
16 third paragraph we can see it says:

17 "Increased production depends in the first place
18 upon an increase in the amount of plasma made
19 available by the 14 regional transfusion centres for
20 fractionation at the Blood Products Laboratory. Extra
21 production of plasma requires in varying degrees in
22 different regional centres additional facilities in
23 terms of equipment and/or staff and/or accommodation.
24 A rough estimate of the cost of equipment and staff
25 required is approximately £500,000, most of it

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1 this and if you look at the minutes of the advisory
2 committee, you know, Rosemary Biggs didn't shirk from
3 telling them, nor did the other doctors. I think
4 the -- there is a time delay. I mean, there was
5 a problem with BPL that it hadn't had enough
6 investment and, again, you know, we flogged off BPL in
7 2,000 and was it 5? 2015 or something, I've forgotten
8 now, when the Secretary of State Hunt was in charge
9 for the Health Service. I posted. I actually wrote
10 to the Prime Minister, then David Cameron, and said
11 there are certain assets which should not be
12 commercialised, and one of which was the Blood
13 Products Laboratory. That was then sold off to Bain
14 & Company which is a company that just fattens people
15 up, investments it up, and then sells them on, so Bain
16 after three years sold it on. National Health Service
17 took 25 per cent of this, so they got some return and
18 then it ended up into another company which owns it
19 now and that company is headquartered in China.

20 When will we realise? When will we learn that
21 there are certain assets which you need to control
22 inside your own country? We saw this with COVID. We
23 tried to get material and people were bribing planes
24 to bring it to us. Why didn't we have some of this
25 self-sufficiency elsewhere? I mean, what is the point

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1 of having an NHS if you don't -- we did build up
2 supplies of protective equipment but then nobody
3 inspected them and so then when the time came a lot of
4 it was defective.

5 I'm not making political points here. I'm just
6 trying to get people to understand that if you are
7 dealing with health, there are different rules apply.
8 Governments protect their own citizens. It doesn't
9 matter if they have got export orders, they look after
10 their own citizens. We do the same.

11 So if you are completely dependent on foreign
12 companies, I mean, President Trump makes no secret of
13 this but actually it's happening in all governments
14 around the world. They are closing down their own
15 assets first and bound to do so facing a world
16 pandemic. You've got to have -- self-sufficiency is
17 not just a slogan for haemophilia. It was a slogan
18 for AIDS, it was a slogan for Jakob Creutzfeld Disease
19 and it will be down the track for another unknown
20 virus that will hit us. As I said, there is a way of
21 dealing with COVID through fractionation.

22 **Q.** Can I just ask you to go back to this document,
23 paragraph 3, the rough estimate of £500,000, most of
24 it recurring. That's the sum that was in fact secured
25 and made available. It's described there as a rough

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1 I don't deny that because demand grew you had to
2 find more money. That does not, in my view, call in
3 question the policy of self-sufficiency, unless you go
4 back and say we can't afford it.

5 **SIR BRIAN LANGSTAFF:** If I may, the word I think that
6 counsel was focusing on was the word "recurring".

7 **A.** Yes.

8 **SIR BRIAN LANGSTAFF:** The £500,000 you have described as
9 a capital sum.

10 **A.** Yes.

11 **SIR BRIAN LANGSTAFF:** If it's recurring it becomes
12 essentially a repeated or revenue expense, does it?

13 **A.** Yes, it goes on --

14 **SIR BRIAN LANGSTAFF:** So the policy lived in the hope that
15 the regions would find out of their budgets £500,000
16 or thereabouts, most of £500,000 a year in order to
17 keep the policy going.

18 **A.** It depends on them chipping in, yes, extra amounts, or
19 giving an increased grant to the Blood Transfusion
20 Service. But this is paid for -- in those days there
21 were Regional Health Authorities and they then were
22 the allocator to the transfusion services. So the
23 debate would take place. We had, I think, more
24 control over the Regional Health Authority politically
25 than we would have over the individual transfusion

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1 estimate.

2 Do you know whether there was ever a more
3 polished assessment or was it a question of 500,000 is
4 what we can get from the Treasury?

5 **A.** Well, I don't think the Treasury would interfere with
6 it -- I've said some tough things about the Treasury.
7 It's very easy to blame the Treasury. I think the
8 Treasury and indeed the Department in their original
9 warning note to me is am I aware of the fact that
10 other areas will suffer? Yes, is the answer. So if
11 you take half a million away from it you are not --
12 you've got less -- half a million less to spend on
13 other things.

14 But if you are making a commitment to a policy
15 pledge, like self-sufficiency, as you said, some of it
16 was admittedly recurring. Now, I'm sure that my
17 successor, Roland Moyle, contributed more financial
18 resources but when he answered questions about what
19 had happened as a result of this 500,000 injection in
20 I think '78 -- no, I get my figures wrong. I left in
21 '76. '78/'79 they looked back on years '74, '75, '76
22 when I'd been -- all show that it had an effect.
23 There was increased blood, there was increased
24 concentrate, increased precipitate. So it was
25 working.

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1 service. So it was more persuasion there.

2 But if we had come to a conclusion that not
3 enough was going, you could have called in the
4 chairmen of the Regional Health Authorities and asked
5 them to increase the -- and they would always do that.

6 **SIR BRIAN LANGSTAFF:** Thank you.

7 **MS RICHARDS:** The word I was first focusing on was
8 "rough", "rough estimate", an approximation, £500,000.
9 I was simply wondering whether, to your knowledge, was
10 there any more precise analysis or assessment
11 undertaken because this is the figure that in fact was
12 the figure that you announced in Parliament four
13 months later.

14 **A.** I should think it probably were those figures.
15 I mean, a rough estimate of the cost of equipment and
16 staff required is approximately 500,000, most of it
17 recurring. Do we state anywhere how much it was
18 recurring? Half of it, 250,000 from my memory was
19 recurring.

20 **Q.** Yes, that's absolutely right. That was your
21 ministerial statement of 25 February. So this had
22 identified a rough estimate that the need was for most
23 of that to recur. What you were actually able to
24 offer Parliament in January and February 1975 was
25 250,000 capital and 250,000 recurring.

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1 A. But my answer is it did the trick. I mean, the
2 figures are there in the answers to written questions
3 both answered by the ongoing Labour Government when
4 I was Foreign Secretary but then also by the incoming
5 Government in '82. They didn't deny that it had an
6 effect. The question is when did it stop, when did it
7 run out? I don't know. It certainly had run out by
8 '82 when Mr Clarke makes the statement we're going to
9 start a policy of self-sufficiency.

10 So I can't answer really, you know. I mean, you
11 do close the door when you leave and I was off on
12 fairly taxing jobs. So I'm afraid I didn't focus --
13 I kick myself for this but I didn't really focus on
14 this until '82 and even then it was '85 when we really
15 knew that something was seriously wrong.

16 Q. I want to look at a memo that you have referred to in
17 your evidence already.

18 Henry, it is DHSC0100005_189. If we have the
19 first paragraph please, it's dated 9 December. It
20 says:

21 "Since Dr Raison and I discussed with the
22 Minister of State [that's you] last week the question
23 of supplies of AHG concentrate, we have established
24 within the office that earmarked central finance to
25 the extent of 0.25 million capital and 0.25 revenue

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1 the right course because of other competing demands.
2 This memo seems to make clear that it's very much
3 being presented to you as a decision for you as
4 Minister to make; is that right?

5 A. That's what you're there for. I mean, you're
6 answerable -- and you're even answerable when you're
7 82.

8 Q. If we could just go to the last paragraph of this
9 document, Henry, so it's on the second page, it says
10 there:

11 "During our discussion last week mention was
12 made of a possible arranged PQ ... I am somewhat
13 doubtful about this since the main pressure is for
14 additional money to buy the commercial product now,
15 however you will no doubt take the Minister of State's
16 view on this."

17 Then I want to show you your response and then
18 ask you a question. The response, Henry, is
19 DHSC0100005_191.

20 So you say here -- this is 11 December, it's
21 said here:

22 "Dr Owen has seen your minute of 9 December ...
23 has agreed the submission. He would like one change
24 made to the suggested new standard reply for MPs. In
25 place of the second paragraph you propose he would

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1 can be made available to regional authorities to
2 increase NHS production of this material."

3 Then there's a passage I think you have alluded
4 to Lord Owen:

5 "We have been asked to draw attention to the
6 fact that a decision to make this special allocation
7 of resources to blood products production inevitably
8 means that less money overall will be available for
9 other high priority health authority services, eg
10 mentally ill, mentally handicapped, family planning,
11 and certain centrally sponsored projects, such as
12 schemes to reduce waiting times. But there is broad
13 agreement that such an allocation would be
14 justifiable."

15 Then if we have the beginning of the next
16 paragraph please, Henry, then it says:

17 "If the Minister of State confirms his intention
18 to take special measures to increase production of AHG
19 concentrate, we could write in the following terms to
20 have several MPs ..." and then there's a suggested
21 draft letter.

22 The language of this suggests that there may
23 have been a degree of, as I think you suggested in
24 your evidence earlier today, a degree of difference of
25 opinion within the Department as to whether this was

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1 like inserted suitably amended versions of the first
2 and second paragraphs of the draft letter to regional
3 administrators which you also submitted for approval.
4 He has commented that 'it is time MPs knew the full
5 arguments'. He would like to know if there is any
6 objection to this. With reference to paragraph 4 of
7 your minute, Dr Owen has commented, 'I agree that we
8 should not court publicity'."

9 Dealing with the second point first, why was
10 there an issue being raised here about publicity and
11 the possible downsides of publicity?

12 A. Well, Mr Gidden for the first one, from what
13 I remember, was our representative of the Treasury and
14 I think he was, if you show it up again, he is warning
15 about the dangers; isn't that the issue?

16 So I take his warning about not courting
17 publicity but I say it's time the MPs knew the facts.

18 Q. The reference to the MPs knowing the full arguments
19 seems to be on the basis you wanted some additional
20 material inserted into what was going to be a standard
21 letter to MPs.

22 Can we look at -- we haven't got the precise
23 draft but we've got the final document that went out.
24 It's CBLA0000239. This is a letter to -- the letter
25 to regional administrators and you've asked in the

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1 minute of 11 December for some parts of the first and
 2 second paragraphs of this to go into your letter to
 3 MPs. We'll see the first paragraph is about the
 4 inability of the National Blood Transfusion Service to
 5 meet demands for concentrate and then in the second
 6 paragraph you say or it says this:

7 "At present part of the demand for these blood
 8 products is being met by expensive imported material
 9 which is now marketed in this country. As demand
 10 increases commercial firms may consider it worth their
 11 while to establish panels of paid donors ... such
 12 a development would constitute a most serious threat
 13 to the voluntary donor system upon which the NBTS is
 14 founded. The Department, therefore regards it as of
 15 the greatest importance, quite apart from the question
 16 of cost, that the NHS should become self-sufficient as
 17 soon as practicable in the production of PPF and other
 18 blood products ..."

19 It would appear that you wanted to have in the
 20 communication to MPs a statement of your, as it were,
 21 allegiance to the voluntary donor system and the
 22 importance of that system; is that correct?

- 23 **A.** Yes, for the same reasons as *The Gift Relationship* and
 24 my review of it in the *New Statesman*.
 25 **Q.** Then I think we can see, in fact, you are advised

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1 probably need to hint at legislation to obviate the
 2 threat, since there is at present no legal bar to the
 3 establishment of paid donor panels."

4 If we see the whole of that document -- Henry --
 5 we can see that you accept that advice as the
 6 handwritten note?

- 7 **A.** Yes, but when I first went into the department you no
 8 doubt found a piece of paper which said that I thought
 9 that we should ban commercial donorship of blood,
 10 being paid for blood -- and also semen, ban the sale
 11 of semen. Unfortunately, that was rather naive and
 12 they pointed out to me that would require legislation.
 13 That impeded on huge numbers of market principles and
 14 other things and would be very controversial and
 15 probably wouldn't get it through. So I had to learn.
 16 And I learnt my lesson; I couldn't do that. So I had
 17 to stop. And that -- he'd picked up what I was
 18 implying was that was where you could go down that
 19 route, but I don't think you could go down that route.
 20 We wouldn't get it through Parliament.
 21 **Q.** Yes. And there is a subsequent memo in which you
 22 expressly raised the prospect of legislation, and you
 23 refer expressly to the Titmuss book.
 24 **A.** That was -- you know, we had a majority of four or
 25 something like that at this juncture.

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1 against that. If we look at DHSC0002327_046.

2 **A.** I keep wanting to flick it up. I haven't seen this
 3 document and, of course, as I think most people know
 4 I don't -- I lost access to all my documents, so
 5 I haven't seen that.

6 **Q.** I think these are part of the materials you have had
 7 for the purpose of the Inquiry evidence.

8 **A.** It's wonderful the way you've found all these
 9 documents. I congratulate all the people who worked
 10 so hard to get them.

11 **Q.** So this is a minute of 13 December from Mr Gidden to
 12 Mr Alexander:

13 "We have recast the second and third paragraphs
 14 of the new standard draft to MPs incorporating more of
 15 the substance of paragraphs 1 and 2 of the letters to
 16 regional administrators but we would strongly advise
 17 against any reference to the point about the paid
 18 donor panels. There are advocates in this country of
 19 the paid donor system and public debate cannot, we
 20 believe, be of any benefit to the NBTS. Furthermore,
 21 if the Minister of State were to refer publicly to
 22 a threat to the NBTS it could be taken has been a form
 23 of challenge to the firms concerned and cause
 24 controversy. There is perhaps the additional point
 25 that to complete the story the Minister of State would

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1 **Q.** Can I then, just moving on in 1975, ask you to look
 2 at, again, a couple of documents. The first is
 3 a minute of 17 March 1975.

4 Henry, it should be at LDOW0000018.

5 This has been prepared for your benefit because
 6 we can see it says under the heading, "AHG production,
 7 Dr Owen's minute below". We can see here, as it were,
 8 the detailed plan, so I just want to spend a little
 9 time going through it so we see what the plan was.

10 "Immediately after the decision was taken in
 11 December last to invest half a million of special
 12 finance in AHG concentrate production, provisional
 13 targets of plasma production were drawn up for each of
 14 the 14 regional transfusion centres. These were then
 15 circulated to regional transfusion directors and
 16 discussed with them at a special meeting on
 17 19 February. The targets have now been revised and we
 18 shall be asking Regional Health Authorities next week
 19 to indicate the amounts of money required for extra
 20 staff, equipment, transport and adaptation of
 21 accommodation."

22 And there's a reference to a draft letter and
 23 processing the returns as speedily as possible.

24 Then if we see under the heading, paragraph 2:
 25 "The timetable for starting up this programme is

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1 likely to depend on the time taken for:
 2 "(a) delivery and installation of three Sharples
 3 centrifuges at Blood Products Laboratory. The quoted
 4 delivery period is six months. This is evidently the
 5 key factor determining the speed with which we can get
 6 on. We shall pursue this to see if we can shorten the
 7 period.

8 "(b) adaptation of premises at regional
 9 transfusion centres and Blood Products Laboratory; at
 10 the latter laboratory recruitment and training of
 11 staff may be a problem."

12 Then there's a reference to a possible risk of
 13 time taken to deliver and install certain other items
 14 of equipment.

15 Then if we can go to paragraph 3, please, Henry.

16 "Whilst the equipment is being delivered and any
 17 necessary adaptation of premises made, we are assuming
 18 that directors will be successful in persuading
 19 clinicians to accept a steadily increasing proportion
 20 of blood in the form of concentrated red cells, since
 21 this is yet another possible limiting factor. But we
 22 are proceeding on the basis of immediate progress once
 23 the equipment is working. Meanwhile, we can expect
 24 that the rate of production of fresh frozen plasma
 25 with existing resources will continue to increase,

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1 able to get off the mark quickly and give some
 2 estimate of the rate of increase of AHG production.

3 "7. Dr Owen also suggested we might consider
 4 issuing a letter to authorities asking them to view
 5 demands for the supply of the commercial material with
 6 sympathy. This could cause irritation if conveyed in
 7 an official letter. We suggest instead we might make
 8 the point in answer to further PQs which we are almost
 9 certain to get."

10 If we just go to the top of the first page
 11 again, please, Henry, there is some handwriting which
 12 I think -- is that yours?

13 **A.** Yes, my handwriting.

14 **Q.** "Noted. I look forward to the future report promised
 15 in 6 and I agree with the advice in 7."

16 This is, as it were -- this is the plan.

17 **A.** Mm hmm.

18 **Q.** You've announced the pledge in Parliament. This is
 19 the work being undertaken, being reported to you, as
 20 I understand it, to deliver that pledge?

21 **A.** Yes.

22 **Q.** We can see then, if we pick matters up again in 1975,
 23 in the middle of 1975 there was a World Health
 24 Organisation guideline that you referred to in your
 25 statement.

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1 which will help marginally in the interval before the
 2 planned programme gets underway. NHS production of
 3 AHG concentrate increased from 5,927 bottles in 1972
 4 to 9,624 bottles in 1974."

5 Then over the page, please, Henry:

6 "Much effort will be required of regional
 7 transfusion directors, some of whom may not see eye to
 8 eye with their clinical colleagues treating
 9 haemophiliacs. For example, some haemophilia centre
 10 directors envisage home prophylaxis, whereas the
 11 present proposals are based upon home treatment of
 12 a bleed when it occurs. Other haemophilia centre
 13 directors apparently are not fully persuaded of the
 14 practicability and value of home treatment. There are
 15 therefore several clinical issues involved, but this
 16 need not delay the start of increased production. It
 17 should be noted (a) that Factor VIII concentrate has
 18 not previously been prepared in the NHS on the scale
 19 envisaged. This will in itself almost certainly give
 20 rise to some problems. And (b) the procedure of
 21 fractionation is constantly under review with the
 22 purpose of improving the yield of Factor VIII from
 23 plasma. At present this is 30 to 40 per cent.

24 "6. We will report again at the end of next
 25 month when we should be able to see which centres are

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1 Henry, could we just put that up, please,
 2 PRSE0003476.

3 If we can just pick up the date, so it's a World
 4 Health Assembly resolution of May 1975, "Utilisation
 5 and supply of human bloods and blood products", and:

6 "The 28th World Health Assembly conscious of the
 7 increasing use of blood and blood products [et cetera,
 8 et cetera] noting the extensive and increasing
 9 activities of private firms in trying to establish
 10 commercial blood collection of plasma for rhesus
 11 projects in developing countries, expressing serious
 12 concern that such activities may interfere with
 13 efforts to establish efficient national blood
 14 transfusion services based on voluntary
 15 non-remunerated donations, being aware of the higher
 16 risk of transmitting diseases when blood products have
 17 been obtained from paid rather than voluntary donors,
 18 and of the harmful consequences to the health of
 19 donors of too frequent blood donations, one of the
 20 causes being remuneration."

21 Then Member States are urged to promote the
 22 development of national blood services based on
 23 voluntary non-remunerated donation of blood.

24 What you have said in your statement about this,
 25 Lord Owen, is you were aware of it at the time and it

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1 was part of your continued decision-making to try to
 2 ensure that the department kept on top of delivering
 3 the pledge?
 4 **A.** Yes. There's no inconsistency, if that's what you're
 5 after. Surely what you are saying is you want
 6 self-sufficiency. You can't get that for two to three
 7 years. During this time, there are -- out there,
 8 many, many patients are demanding the new AHG
 9 concentrate, as being better treatment for
 10 cryoprecipitate. And so you're saying to people, "You
 11 in the meantime, until we are self-sufficient and
 12 we've got all these extra things, you are going to
 13 have to buy more cryoprecipitate."
 14 I was saying -- I was ready to say to them:
 15 You've got to do this, against all my wishes, because
 16 that's -- we were trying to meet the demands of
 17 patients in the first two to three years, we are going
 18 to need more of it. And they are saying to them:
 19 Look, they don't want to be told this message and they
 20 won't react against it because they know the
 21 consequences of it. It's better for us to do this
 22 orally to them and explain the timing and framing of
 23 it than you putting it in a letter, which anyhow they
 24 don't like being told what to do anyhow because they
 25 know a great deal more about it -- they think, and

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1 conscious of all this. And they are trying to -- and
 2 they supported the policy. As you said in the earlier
 3 thing. But it was finessing the problem of the two to
 4 three-year gap before you could be self-sufficient.
 5 We wanted to get to that point at the earliest
 6 possible opportunity because you were doing what you
 7 didn't want to do, which was buying in contaminated
 8 blood.
 9 **Q.** We can see if we look at a document from, again,
 10 mid-1975, you're asking about the timescale.
 11 Henry, it's LDOW0000019.
 12 It's a memo or minute of 11 July 1975, and we
 13 can see from the first paragraph:
 14 "Dr Owen has commented on PQ 3474."
 15 So presumably a written Parliamentary
 16 question -- and proposed answer:
 17 "Once again we are a two to three-year
 18 timescale. I have asked if we can improve on this.
 19 Can I have a note?"
 20 Then I think this is, I think, the note that you
 21 have asked for. And you are told here -- I won't go
 22 through the detail of it paragraph by paragraph with
 23 you, Lord Owen, but you are told here what the
 24 response of the regions has been, and you are told, in
 25 paragraph 4:

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1 probably rightly so -- than the department.
 2 So that's the sequence of events, and it's up to
 3 me to decide. You either go full frontal and tell
 4 them or you tell them quietly that this is the
 5 consequence of this, and you are building up a pool of
 6 people of course who are going to be using this for
 7 their lifetime, and you are hoping that in three
 8 years' time you will be able to supply all from
 9 British donors.
 10 And then a word of caution. I mean, some
 11 British donors won't tell you that they have been
 12 yellow, and hepatitis, and you will get -- and
 13 that's -- again, we're trying to have a lower pooling,
 14 less pooling if possible, and again, those people who
 15 are mildly affected, to really hold out and keep
 16 saying to them, "You must stay on cryoprecipitate and
 17 not go for the more convenient riskier one."
 18 So all this has been handled by these
 19 specialists in haemophilia. By now we've got people
 20 more or less across the country who are specialists,
 21 often pathologists, who are also now seeing patients,
 22 rather pleased, actually, to coming back to seeing
 23 patients, dealing with a new treatment which can
 24 actually -- from the pathology and the -- the
 25 laboratory, if you like -- help them. They are

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1 "The main reason why the programme can't be
 2 completed earlier is that in four regions extensive
 3 alterations have to be made to the transfusion centres
 4 before they are in a position to provide more plasma."
 5 Then there's reference in the end of that
 6 paragraph:
 7 "We're having difficulties about the date of
 8 delivery of three Sharples centrifuges for the Blood
 9 Products Laboratory. We are pursuing this and hope to
 10 resolve the matter soon."
 11 Then, paragraph 5, we are told that there were
 12 two regions whose ability to contribute to the
 13 programme was at present uncertain, and it's hoped
 14 that they can be brought in.
 15 Paragraph 6:
 16 "It's difficult to be precise in estimating
 17 a date for achieving self-sufficiency. Not least
 18 because not all are agreed as to what constitutes
 19 self-sufficiency. Some Haemophilia Centre Directors
 20 envisage prophylactic treatment whereas the
 21 Department's programme is based upon home agreement of
 22 those patients for whom treatment at home can be
 23 recommended."
 24 Then, in paragraph 7, the note returns to the
 25 timescale:

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1 "We can now say we expect to be self-sufficient
2 within two years or alternatively that within about
3 a year we will be able to meet some two-thirds of
4 present requirements and become self-sufficient
5 in 1977."

6 Again, can we just go to the top of the page
7 because I think we have your handwriting again there.
8 I'm lucky because I have a typed version of it as
9 well. I think it says:

10 "This is excellent and I recognise that everyone
11 is doing everything possible. I believe we should
12 keep up the pressure. Can I be kept informed on the
13 centrifuges and also the two regions, why are there
14 difficulties and what can be done. I would not easily
15 accept that they should not contribute."

16 I just wanted to ask you about the point that's
17 made in paragraph 6 of this minute: a lack of complete
18 agreement on what constitutes self-sufficiency.

19 Your pledge of self-sufficiency, as I understand
20 it, and as this minute seems to make clear, was on the
21 basis of making sufficient concentrates domestically
22 available to enable home treatment for bleeds but not
23 to meet all prophylactic requirements; is that right?

24 A. Well, you know, I mean, this is -- I'm glad you've got
25 this. This is what political control is about. The

1 Of course, prophylaxis is the best. I mean,
2 that's -- prevention is better than the cure but it
3 would cost so much more money and we stuck to that but
4 eventually we had to accept because these doctors make
5 the decision and they went more and more for
6 prophylaxis which, you know, if you had a child with
7 it you'd want prophylaxis and, you know, I think of
8 self-sufficiency.

9 I think this is -- I think I should explain that
10 the person sitting next to me has been writing a lot
11 of these letters all through the '80s and '90s and she
12 says, and it's worth reminding us, what is the first
13 priority? To build up enough resources to stop having
14 imported blood. That was more important than
15 prophylaxis in my view and that's why I didn't change
16 that departmental thing, knowing it would cost anyhow
17 money I was straining the tolerance of the Department
18 overall commitment to this programme. They weren't
19 going to be driven at that stage by the haemophilial
20 experts. But, like any department, the documents we
21 tried to give them what they want for their patients
22 and we did eventually accept prophylaxis.

23 Q. If clinicians using prophylaxis was potentially going
24 to impact upon the ability to achieve the pledge of
25 self-sufficiency that the Department was working

1 Department will have let this slip on to three years,
2 because they are under so much pressure from -- so if
3 you want policy, this is what a politician's there
4 for. You tell them you're not going to let this slip,
5 programme. They come back with a detailed argument
6 that we can stay within the timescale that we've
7 introduced. And -- very ingeniously, and they are
8 also watching all these things, but even so we are
9 saying to them -- you can read it there -- there's
10 a problem over these centrifuges, I want to know if
11 this problem comes up furthermore.

12 So we're trying to all the time to keep the
13 Department on to the pledge that we've made. They are
14 not resisting it. And then they say and warn about
15 this -- I mentioned it earlier in my evidence -- this
16 prophylactic thing, and I think I explained it, but
17 whether I should explain it again, I don't know.

18 Q. It's clear from this --

19 A. Prophylaxis is you are actually giving them
20 Factor VIII in their bloodstream all the time, so they
21 never bleed, or you were having available at home,
22 instead of going through to hospital and all the
23 problems with the plastic bags and everything, which
24 the family can inject pretty quickly and you can stop
25 the bleed.

1 towards, which was home treatment but not prophylaxis,
2 it might have been sensible to take steps to --

3 A. Yes. What was the first priority, which was to
4 avoid -- you wanted to use AHG concentrate. You
5 wanted to treat people at home and this is another
6 issue, which is to try to avoid children having to go
7 into hospital, which was another policy which we were
8 pursuing, and to wherever possible keep them at home
9 in their family environment.

10 This time I had children much the same age and
11 you were wanting all the time to bring home treatment
12 up. So that that was a higher priority than the best
13 safest, which was the cryo.

14 Now, you come into a third policy, which is even
15 better than home treatment, and that is to have
16 a level of factor X in the blood that they never
17 bleed. But that was going to require huge amounts of
18 extra blood, much of it would be, on present policies,
19 would be more and more relying on imported blood and
20 infected blood. So you were balancing these
21 priorities -- not easy -- but again the Department was
22 absolutely solidly with us, the medical advice was
23 solidly with us. We stuck to it at that particular
24 time.

25 Q. Do you know whether any steps were taken within the

1 Department, or perhaps by the Chief Medical Officer
 2 to, try and communicate to the Haemophilia Centre
 3 Directors who might be using prophylactic treatment
 4 that that wasn't what the policy was about?
 5 **A.** This is a tricky question. The CMO is the one to do
 6 that. I don't know what he was doing at that stage.
 7 I'm sure that they were using their advice and that's
 8 one of the reasons that they didn't want me to say it.
 9 Let's tell them that -- the only person who can really
 10 override clinical freedom is the CMO or his deputy,
 11 Bob Reid, who was dealing with this issue and I think
 12 Dr Yellowlees would have taken -- re this, he would
 13 write a letter on this issue in his name but it would
 14 basically be dependent on Reid's advice and he would
 15 be weighing all these factors, overriding the freedom
 16 of a haemophilic doctor to do what they think is in
 17 the best interest of patients is very tricky.
 18 It is done from time to time but as far as
 19 possible it's advice to doctors. It's pretty rare for
 20 a Chief Medical Officer to issue an edict but he does
 21 have the authority to do so.
 22 It is accepted within the profession he consults
 23 the Royal College of Physicians, the Royal College of
 24 Surgeons, and everything like this.
 25 I think it's helpful for people to understand

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1 at that briefly.
 2 Henry, it's LDOW0000023 -- oh, and there it is.
 3 Thank you.
 4 So, again, we don't need to go through it
 5 paragraph by paragraph but we can see from the first
 6 paragraph that it's a response to a request for
 7 information, an update about the position of the
 8 centrifuges in the two regions. You are then told the
 9 position in the next paragraph about the centrifuges.
 10 You are told the position in paragraphs 3 and 4 about
 11 the regions.
 12 And then if we could go to paragraph 5 --
 13 please, Henry -- we can see that you are told that the
 14 current position, as at 23 October '75, which is the
 15 date of this:
 16 "After a series of written and oral exchanges
 17 over the past few months, both regions have now given
 18 us reasonably satisfactory assurances that they can
 19 and will meet the targets which we originally set them
 20 and with only minor modification on the financial
 21 terms we first offered. We are now, therefore, in the
 22 position that all regions have agreed to take part in
 23 the programme. Satisfactory though this is in itself,
 24 it is no guarantee that things will run smoothly and
 25 it will be necessary to monitor development closely.

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1 how these decisions are taken. What's important is
 2 that the Department is entirely behind the policy,
 3 though constantly warning about the cost.
 4 Out in the sticks, the haemophilic doctor is
 5 trying to do the best for his patient and, on that
 6 scale of priorities, prophylaxis is the best of all.
 7 But it's hugely costly because it requires so much
 8 blood and it really was a policy that was better
 9 introduced, as it broadly was, as we got less and less
 10 dependent or worried about commercial supplies because
 11 of heat treatment for hepatitis.
 12 Even then, you see, the self-sufficiency was not
 13 because down the track was AIDS and HIV virus.
 14 **MS RICHARDS:** Sir, I note the time. Is that a convenient
 15 point to stop?
 16 **SIR BRIAN LANGSTAFF:** Yes, it is. We'll take a break now
 17 for an hour. The usual provisions apply as applied
 18 last time. You have allocated seats, I believe.
 19 Please use them and I look forward to seeing you back
 20 here. It will be at 2.05.
 21 **(1.06 pm)**
 22 **(Luncheon Adjournment)**
 23 **(2.04 pm)**
 24 **MS RICHARDS:** Lord Owen, there's a further progress report
 25 that you received in October 1975, and we'll just look

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1 Arrangements have already been made for this to be
 2 done."
 3 Then if we go to the very top of the page, we
 4 can see top right-hand corner is your handwritten
 5 note. I think, again, that's your handwriting.
 6 Happily, I also have a typed version of it:
 7 "Good, my congratulations too. I attach a lot
 8 of importance to keeping to and, if possible,
 9 improving on our present target."
 10 Is this a further example of what you described
 11 as your role as minister, as the politician, was to
 12 try to ensure that the pledge that you had made to
 13 Parliament the previous year was being delivered?
 14 **A.** Yes.
 15 **Q.** If there were problems, if it wasn't going to be
 16 possible to achieve self-sufficiency within the target
 17 of the two to three years, would you have expected
 18 your officials to be reporting that to you candidly?
 19 **A.** Yes.
 20 **Q.** We know, and indeed you have already referred to it,
 21 that in December 1975 there was the World in Action
 22 documentary broadcast. We're going to watch that
 23 tomorrow so I won't play it now, but I wanted to ask
 24 you to look at the transcript and just ask you to deal
 25 with one point.

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1 Henry, the transcript is at LDOW0000039, please.
 2 I am not going to ask you about what you said
 3 because we have it there, as it were, on the record
 4 but if you could go to page 16, Henry, please,
 5 I wanted to draw your attention to a point that was
 6 being made by Dr Watt, the Scottish National Blood
 7 Transfusion Service.
 8 So it should be page 16, please, Henry.
 9 So we can see, about a third of the way down we
 10 have "Edinburgh exterior", and we have the voice-over
 11 referring to Factor VIII concentrate being made at the
 12 plant in Edinburgh:
 13 "This plant is designed to produce Factor VIII
 14 concentrate for England as well as Scotland but so far
 15 no plasma has been sent here for processing from
 16 England."
 17 Then there was a reference to John Watt, and we
 18 see what John Watt said:
 19 "We should be able, at our capacity, to more
 20 than produce the need of all plasma fractions, for
 21 Scotland certainly, by spring of next year. After
 22 that it will depend on the policy arrangements which
 23 have to be made between the Scottish Health Service
 24 and the National Health Service, the Department of
 25 Health and Social Security."

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1 in 1977?
 2 **A.** Well, from documentation which I saw recently we had
 3 a meeting on this in the next year, in '76, in
 4 which -- that was a meeting about this American
 5 company that wanted to be able to supply and in the
 6 context of that meeting it's minuted that I raised
 7 a question of greater co-operation between Scotland
 8 and England and asked them to convene a meeting, which
 9 they did. And I think you have the result of that
 10 meeting.
 11 If you look carefully through it, it doesn't
 12 really grapple with this issue. And I don't know what
 13 happened thereafter but pretty soon after that I was
 14 no longer the Minister of Health and was in the
 15 Foreign Office.
 16 **Q.** Were you aware, as Minister, of any policy or edict
 17 along the lines that is suggested here, that plasma
 18 from England and Wales couldn't be sent to Edinburgh
 19 until Elstree had reached its maximum output? Was
 20 that something brought to your attention as far as you
 21 can recall?
 22 **A.** It can only be inferred by the fact that I asked them
 23 to hold the meeting, which is pretty unusual, that
 24 I was not satisfied. But I can't really say more than
 25 that. All I know is, reading the minutes,

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1 The question is then asked:
 2 "But if plasma was made available from England
 3 and Wales now, could you actually produce more
 4 Factor VIII concentrate than you are doing?
 5 "Answer: Yes.
 6 "Question: How much more would you be able to
 7 produce?
 8 "Answer: We could go to a capacity of
 9 1,000 litres a week.
 10 "Question: Would that in fact supply the demand
 11 of all the haemophiliacs in Britain?
 12 "Answer: No.
 13 "Question: What sort of proportion would it
 14 supply?
 15 "Answer: A difficult question to answer. It
 16 would probably be around half, a little more than
 17 half, perhaps."
 18 Then the comment from the journalist is:
 19 "English plasma could be processed in Scotland
 20 now, but only if present policy is reversed. This
 21 rules that Edinburgh will not be used until Elstree
 22 reaches maximum output in 1977."
 23 Do you know whether it's correct that the policy
 24 was that plasma from England and Wales wouldn't be
 25 sent to Edinburgh until Elstree reached maximum output

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1 I don't think it felt to be satisfied and then, as
 2 I already told you about, the article in the BMJ,
 3 which is a pretty strong attack on the mechanism of
 4 working in the delivery of the transfusion service in
 5 the UK.
 6 **Q.** Yes, I should say, the Cash article to which you refer
 7 is much later in the sequence. It's 1987 I think
 8 but --
 9 **A.** The Cash article I think was 1980, wasn't it?
 10 **Q.** I'll double-check the position.
 11 **A.** Yes. The only other thing I did was -- is this
 12 involvement of Brian Abel-Smith, which was to try and
 13 see if he could look at the structures of how this was
 14 working, which I think he did.
 15 **Q.** It's certainly right there are two meetings in 1976
 16 where the question of Scottish/English co-operation is
 17 touched on, and we'll look at those. The first is the
 18 one you have mentioned.
 19 Henry, could we have DHSC0003742_076.
 20 If we could just -- thank you very much.
 21 So we can see it's a meeting of 21 January 1976.
 22 We can see that you are present. And paragraph 1:
 23 "The meeting had been called at Dr Owen's
 24 request following his consideration of
 25 a submission ..."

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1 We don't, sadly, have the submission, but we'll
2 come on to the documents later:
3 "... about an application from Armour
4 Pharmaceutical Company to supply Factor VIII to
5 haemophilia centres."

6 Now, just pausing there, what involvement did
7 you generally have in the time you were minister with
8 applications from pharmaceutical companies of this
9 kind?

10 **A.** Normally a supply contract would not come to me, and
11 it says, at the top of -- the meeting:

12 "The meeting had been called at Dr Owen's
13 request following his consideration of a submission
14 about an application from Armour Pharmaceutical
15 Company to supply Factor VIII to haemophilia centres."

16 So I'd obviously seen this and requested the
17 meeting. So we were looking at the fact that they
18 were cheaper, why were they cheaper, and -- quite
19 a big difference. But then it's clear that they had
20 some technical problems with it. So it wasn't
21 necessarily going ahead.

22 **Q.** If we look further down the page, Henry, if we could
23 go further down, we can see in the bottom part of the
24 page there's a discussion about the quality of the
25 products from Elstree, they are said to be inferior to

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1 United States and Britain. You don't have
2 a ministerial selectivity over this but if they are in
3 breach of the proper standards, and solubility was one
4 of them, you could stop that.

5 On the other hand, you couldn't just stop it
6 because it was a contract, and particularly since you
7 weren't giving them any guarantees -- far from it.
8 You were reiterating at the bottom of this letter
9 a statement that they should understand that we were
10 abiding or trying to abide under the injunction from
11 the WHO, which was sent to all departments of health
12 all round the world, to do your best to get away from
13 having -- paying for donors and relying on commercial
14 blood supplies, which we certainly were.

15 So we were effectively telling Armour: the mere
16 fact you've been allowed to bid for this, and even the
17 fact that you are a lower cost, is going to be
18 overridden by our overall commitment to follow the WHO
19 criteria, which I strongly approved of.

20 **Q.** If we can go to the second page, please, Henry, just
21 so we can see what Lord Owen is referring to.

22 The minute records:

23 "Dr Owen agreed that negotiations could start
24 with Armour Pharmaceutical but he asked that it should
25 be spelt out that the overall policy of the British

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1 the Scottish product. And you asked that the Scottish
2 laboratory and Elstree get together to discuss
3 processes and share technology, and you asked for
4 a progress report?

5 **A.** Yes, within a month.

6 **Q.** But that's a slightly different issue, I think, to the
7 issue thrown up by the World in Action programme.
8 This is talking about was Elstree's product good
9 enough and could it be made better.

10 **A.** Yes.

11 **Q.** Just in terms of your dealings with the Armour
12 submission -- and again, I appreciate you are hampered
13 by the fact that we don't have the submission itself
14 that apparently triggered your desire for a meeting,
15 but if we go to the very top of the page, the subject
16 is "Factor VIII product licence".

17 **A.** Yes.

18 **Q.** Again, it may be that you can deal with this matter
19 generally. Generally speaking, as Minister, did you
20 have any involvement in the product licensing process?

21 **A.** Not normally. But if there was a problem, and
22 I suppose they would say this was politically
23 sensitive, which it certainly was, but I doubt I would
24 have -- I could stop it if there was -- I mean, we
25 were governed here by trade agreements between the

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1 Government was in line with the WHO recommendation to
2 aim for self-sufficiency."

3 What was the purpose of spelling that out to
4 Armour?

5 **A.** To indicate to them there's no good coming back and
6 saying, "You've just recently agreed that we can come
7 in and you never mentioned the fact that you were
8 ultimately coming to a point where you would actually
9 say you can no longer supply blood."

10 So it was, I would think, no more than fair
11 practice and honest dealing. You were authorising it
12 but they had to understand that it could be stopped at
13 any moment we were self-sufficient.

14 **Q.** Then there's a second meeting, in March 1976, on
15 a different topic but again it deals with the question
16 of and Scotland co-operating.

17 Henry, it's CBLA0000343, please.

18 We can see from the attendees -- we see the
19 date, 11 March 1976, and then we can see from the
20 attendees that it involves representatives both from
21 Oxford and Elstree, and obviously the Department, but
22 also from the Scottish National Blood Transfusion
23 Service, the Scottish Home and Health Department and
24 PFC Edinburgh.

25 If we go to the second page, please, Henry, we

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1 can see the first paragraph says:
 2 "The Chairman opened the meeting by explaining
 3 that the Minister of State who was taking a particular
 4 interest in the production of Factor VIII within the
 5 NHS had recently reaffirmed the intention to achieve
 6 NHS self-sufficiency by the middle of 1977. He was
 7 anxious that there should be maximum co-operation
 8 between the production units in England and Scotland
 9 both in achieving the target figure and reversing any
 10 preference which some users might have for one or more
 11 commercial products."
 12 It would appear you've communicated to your
 13 officials your desire to ensure -- it may or may not
 14 have been triggered by the World in Action programme,
 15 I don't know, but your desire to ensure proper
 16 co-operation between England and Edinburgh, and this
 17 meeting is a result of that?
 18 If we look at the second paragraph --
 19 **A.** I didn't quite understand that. Can you speak up
 20 a little bit.
 21 **Q.** I'm so sorry, Lord Owen, yes.
 22 It would appear from the first paragraph that
 23 you have indicated to your officials your desire that
 24 there should be maximum co-operation between England
 25 and Scotland. I don't know whether that was prompted

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1 of haemophilia in March 1973 and that there were those
 2 who now thought that the target should be considerably
 3 higher."
 4 Do you know whether you were told that it was
 5 being said by Dr Maycock that the target should
 6 perhaps be higher or that some --
 7 **A.** Well, it already was by then, in '76 we already knew
 8 we were on target to produce a good deal higher than
 9 what we had said in 1975, and that's what happened.
 10 In '76 and '77 we surpassed the commitment. I do
 11 think this is pretty important to realise that we
 12 didn't just meet the targets, we surpassed them. That
 13 wasn't my effort, that was the Department and all
 14 these people who were cajoling, cajoling Scotland,
 15 cajoling the regional transfusion units, who
 16 considered themselves independent. I mean, that was
 17 one of the problems. That's the delicately phrased
 18 thing about some who would prefer to go on taking
 19 commercial products even when there was this increased
 20 production.
 21 So I mean, that's a delicate way of saying that
 22 we had to pressurise them to take account of what was
 23 already underway and deliverable so we were already
 24 able to cut back but there was this rising curve
 25 coming up, so we knew that we'd have to go on doing

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1 by the World in Action programme or whether you are
 2 able to recall that or not.
 3 **A.** I don't think it was prompted by the World in Action
 4 programme because there wasn't much in the World in
 5 Action programme that was news to me and, indeed,
 6 I don't think it was to anybody who had read Titmuss'
 7 book there was much there that was not known. It was
 8 why I welcomed it because it was giving it much wider,
 9 you know, millions of people watched that television
 10 programme and it gave it a much greater prominence why
 11 we were concerned, why the logic for self-sufficiency
 12 and they were able to spell it out in ways I couldn't
 13 do. That's why I welcomed the programme.
 14 I mean, they were running risks of libellous
 15 allegations, if you look really. They were saying
 16 some pretty tough things about the skid row and the
 17 way there were no safeguards at all in commercial
 18 products and this was a big company. It was Baxter,
 19 which is a big American company. It was a brave
 20 programme.
 21 **Q.** The second paragraph of this, the notes of this
 22 meeting if we just look at the very last sentence,
 23 please. It says:
 24 "Dr Maycock drew attention to the fact that the
 25 UK target was set by the expert group on the treatment

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1 it, and that's the whole question of recurrent
 2 expenditure. There was no doubt. I don't know when
 3 budgets were fixed but we were well aware that we
 4 would have to spend more, hopefully not too much more,
 5 and that's why Scotland was important because they
 6 already had the capital equipment, so if you could get
 7 them to increase their production and that was the
 8 most obvious logical way to have a quick gearing-up.
 9 **Q.** In April of that year, 1976, 29 April, you addressed
 10 the World Federation of Haemophilia. I think we can
 11 see that from LDOW0000044, please, Henry. We've got
 12 the text of your speech but this is a press release
 13 from the Department of Health and Social Security.
 14 We can see here:
 15 "UK aims to be self-sufficient in supply of
 16 blood products. Dr David Owen today strongly
 17 supported the World Health Organisation policy that
 18 each country should be able to supply its own blood
 19 and blood products to meet clinical needs. He told
 20 the World Federation of Haemophilia Congress at the
 21 Tara Hotel London that the NHS was not at present able
 22 to provide sufficient Factor VIII concentrate needed
 23 by haemophiliacs for the management of bleeding and
 24 health authorities were having to buy expensive
 25 imported products. Following a special allocation of

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1 £500,000 last year substantial progress was now being
2 made in building up production capacity in the NHS and
3 self-sufficiency in home-produced Factor VIII was
4 expected to be reached in mid-1977."

5 **A.** This isn't on our screen.

6 **Q.** I'm so sorry.

7 **A.** I've read it so I do remember it but ...

8 **Q.** I can ask the question I want to ask about this
9 document without you seeing it but we will need to
10 rectify that for a handful of further documents.

11 **SIR BRIAN LANGSTAFF:** I think we just need to check that
12 there's nothing gone wrong with the link because it is
13 on all the other screens that I can see.

14 If you would be so kind, Lord Owen, just to bear
15 with us while the technician checks. *(Pause)*

16 **A.** I've really got a short extract of what I said at the
17 conference.

18 **Q.** I can ask the question I want to ask I think without
19 reference to the document. The document, in a sense,
20 was for the benefit of others.

21 You were saying then your expectation was that
22 self-sufficiency would be reached in mid-1977?

23 **A.** Yes.

24 **Q.** And that was presumably based upon the information,
25 the progress reports that you were being provided by

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1 **A.** Yes, '77, definitely.

2 **Q.** Your successor was Roland Moyle?

3 **A.** Yes.

4 **Q.** David Ennals had taken over from Barbara Castle in
5 April of that year as Secretary of State for Health.
6 I don't know what the process in Government was but
7 would there have been any or were there any handover
8 discussions or any communications on this issue
9 between you and your successor?

10 **A.** Well, I knew him and liked him and respected him. It
11 was not really necessary to have discussions because
12 the continuity came from the private office, the
13 people who were running the private office I think
14 continued for some period of time and that's, you
15 know, why private office records are kept and why it's
16 such an extraordinary thing to find the whole of my
17 private office records were pulped.

18 So the record, because the private office was
19 driving this programme, I mean, let's be blunt about
20 it, that's what was happening, so the documentation in
21 the private office which he would inherit was part of
22 the continuing pledge.

23 **Q.** Now, we know from the documentation that we've looked
24 at that the £500,000 was spent on regional transfusion
25 centres to improve the plasma supply. Other than --

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1 your officials?

2 **A.** Right, and that speech would be -- it was a formal
3 speech so it would have been seen in the department,
4 been checked against delivery. It was one that was
5 going out internationally endorsing the World Health
6 Organisation, so I think you can be absolutely certain
7 this was not just my whim, it was the view of the
8 Department having had all these discussions, having
9 monitored the process of all the machinery that was
10 necessary, what was going wrong in Elstree, and also
11 taking possibly some account of maybe more
12 co-operation over Scotland.

13 **Q.** Then again just continuing with 1976, you left your
14 post as Minister of State for Health on
15 10 September 1976 and moved to the Foreign and
16 Commonwealth Office?

17 **A.** Mmm.

18 **Q.** I think --

19 **A.** It's come up now.

20 **Q.** Good.

21 I think the answer to this may be obvious from
22 what you've just said but it's an important question
23 so I'm going to ask it again.

24 When you left office, did you understand the
25 target of self-sufficiency to be within sight?

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1 **SIR BRIAN LANGSTAFF:** And I think on three centrifuges for
2 BPL.

3 **MS RICHARDS:** Yes, just about to come to that, sir.

4 Other than provision of centrifuges to BPL
5 I think it is right none of the £500,000 was earmarked
6 for any work on BPL?

7 **A.** I don't know the answer to that question. You would
8 have to look -- various documentation split this up as
9 to what was going to be happened but if it was
10 necessary for BPL it would have been put there by
11 officials.

12 **Q.** We do know that -- and this is after you left
13 office -- but towards the end of the 1970s and in the
14 early part of the 1980s BPL was effectively condemned
15 and had to have substantial works undertaken to it.

16 Was that something, the potential rebuilding or
17 significant investment in BPL, was that something that
18 was ever discussed with you by officials?

19 **A.** Of course. BPL came up all the time as trying to be
20 a factor in expanding production. But again
21 I reiterate: it was done.

22 I mean, where's the figures from Roland Moyle
23 answering questions in '78 or '79 showing, the figures
24 for '75, '76 and '77 all show that this policy was
25 being followed. If I may say so, I do find it really

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1 quite extraordinary that there can be this attempt to
 2 try and pretend in 2001 when they are asking
 3 a question for Lord Hunt the same thing, that the only
 4 reason we're going to self-sufficiency was cost.
 5 I mean, that is a blatant lie and I don't understand
 6 how that could have been put through the Department.
 7 The Department knows perfectly well -- maybe it was
 8 just a briefing by a SPAD, these political advisers
 9 that have come in since my day.

10 I don't know but it is an absolutely monstrous
 11 accusation and it can't be allowed to go unchallenged.
 12 It is absolutely clear that the reason for
 13 self-sufficiency was the contamination of blood in
 14 products coming in but products that were needed for
 15 patients' care and we couldn't suddenly stop it
 16 without a disastrous effect on them. But we had to
 17 put every possible effort into getting the
 18 self-sufficiency as quickly as possible.

19 Maybe it would slip a little through no fault of
 20 anybody's but it can't be allowed to slip well into
 21 the '80s and even when you got the heat, that didn't
 22 solve the problems because there were other issues and
 23 there you go into HIV, of which -- well, to a great
 24 extent this is outside my service but self-sufficiency
 25 was not related purely and simply to Factor VIII.

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1 organisationally. I wanted the best commitment
 2 possible out of them all and I was relying on the
 3 Department of Health officials to do it, and I think
 4 they did it and I think they did a fine job. You will
 5 notice quite often I said excellent, and when we were
 6 lagging behind they caught up, and when they
 7 themselves reported on various items of equipment
 8 which were absolutely crucial and were watching it
 9 like hawks because they knew I was watching it like
 10 a hawk. But they were committed to it. These are
 11 good and honest people conducting a policy at a time
 12 of very great difficulty in financials.

13 You know, the spending years were over by then.
 14 We were facing a very difficult economic situation, so
 15 we knew we would have to rely on our own resources
 16 squeezing other parts of the department to get this
 17 through and they were committed.

18 I thought I should mention just while I'm on
 19 that subject I don't know whether -- it must be in
 20 your files but there is a dear doctor letter from
 21 Henry Yellowlees which is dated 1 May 1975 which does
 22 go into the geographical factors behind hepatitis.

23 Q. I have it.

24 A. You are aware of it, are you?

25 Q. Yes.

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1 Self-sufficiency was a reading of what's going to
 2 happen in the future with other infections that we
 3 will not be able diagnose and that we will have to
 4 live with contaminating patients unless we can do
 5 something.

6 But, you know, British blood taken with the best
 7 will in the world you can't tell every single person
 8 when asked whether you've ever been yellow answered
 9 that one truthfully, but it was much more less likely,
 10 put it that way. But all blood is in risk of
 11 contamination.

12 Q. Lord Owen, you have touched on this in your evidence
 13 already about the way in which the Regional
 14 Transfusion Centres and the Regional Health
 15 Authorities were effectively autonomous. Was
 16 consideration ever given whilst you were Minister of
 17 State to the possibility of centralising the blood
 18 transfusion collection system rather than having this
 19 fragmented localised system?

20 A. Well, all I have in front of me is this very short
 21 letter to ask Brian Abel-Smith to look at this. I am
 22 pretty sure that was in my mind but I can't, to be
 23 honest, say definitely it was. But it was a hot
 24 potato to do with it and during the initial thing
 25 I don't think I wanted to rock the boat

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1 A. Are you going to ask me about it?

2 Q. I wasn't specifically going to ask you about it,
 3 Lord Owen, but it is a document we are going to be
 4 looking at tomorrow.

5 A. It does reveal the sort of way in which the Chief
 6 Medical Officer brings together all the facts and then
 7 gives I suppose you could still call it advice but
 8 it's pretty much an instruction.

9 Q. Thank you for raising it and it is a document that the
 10 Inquiry has.

11 I wanted to just play a short extract from the
 12 1980 documentary "Blood Business" in which you gave
 13 a short interview, so it's after you've left office
 14 but you were interviewed about the issues that we've
 15 been discussing.

16 Henry, it's MDIA0000109, I think.

17 *(Extract of video played)*

18 I just wanted to show you that and just ask you
 19 a little more about the question of demand. Again
 20 your evidence has already touched on it.

21 What system was there in place in the Department
 22 to gather information and to work out how demand was
 23 likely to increase in the future?

24 A. Well, there was this advisory committee which the
 25 Chief Medical Officer conducted and you drew attention

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1 to it when, right back in George Godber's time when he
 2 asked Dr Bridges whether she would come on the
 3 advisory group. So there was a constant monitoring of
 4 this demand, and then as we said in earlier questions,
 5 there were those who thought self-sufficiency included
 6 prophylactic use. The Department didn't accept that
 7 at this stage. There was a difference openly
 8 acknowledged.

9 But everybody who's in their own specialty can
 10 come before the Minister of Health and ask for more
 11 money and have a perfectly rational good case for it,
 12 for which I would agree. The question is priorities
 13 and that's Aneurin Bevan's famous phrase "language of
 14 priorities, language of politics". You have to make
 15 choices. They are not easy, and particularly when
 16 financial times are not good.

17 The Health Service is like that. But overall
 18 I'm a strong believer that in the National Health
 19 Service, the whole system, doctors are given a real
 20 say in priorities and trying to choose it, the voice
 21 of the individual GP, the clinician, is heard within
 22 the system and compromises have to be made and
 23 effectively it's rationed but it's rationed on
 24 a pretty enlightened system where individual doctors
 25 can say what that doctor said, powerfully and believes

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1 Fortunately, because demand was increasing.

2 I don't know -- I hate it -- I hate the saying,
 3 "There wasn't anything more we could have done";
 4 there's always more you could do. But you've got some
 5 idea of the resistance to this policy, this choice.
 6 I think we did. And I don't -- I don't say me,
 7 I believe the Department understood that we had made
 8 the right decision, they backed it and they stayed
 9 with it. And many of those people were staying on in
 10 office long after I left. So I believe that,
 11 collegiately, we made the right decisions.

12 **Q.** You remained in Government until obviously the
 13 election of 1979 but not in the Ministry of Health.
 14 Do you recall any further discussions within the
 15 Government that you were privy to on this issue?

16 **A.** Well, the Foreign Secretary is travelling around the
 17 world quite a lot. I can't -- I didn't attend even
 18 every Cabinet meeting, I was in Africa negotiating and
 19 in a lot of other places. But I don't think -- I did
 20 try to come back for the main Economic Committee,
 21 which I was also on. I can't recollect it ever coming
 22 into Cabinet or to the main Economic Committee and it
 23 wouldn't really, it would be dealt with internally
 24 within the Department in their own resources. This
 25 was not -- it was not a controversial decision. It

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1 it, but it could be matched by a renal surgeon or
 2 a dialysis unit, so you have to choose.

3 I think we made the right choices in '75 and
 4 '76 -- obviously I do. I think that somewhere, which
 5 is your job to find out, when did the money itself
 6 start to limit it? I'm not sure where that is to be
 7 honest. I don't know.

8 **Q.** Before we look at events after you were Minister, one
 9 last question about your time as Minister.

10 I don't know whether you will be able to answer
 11 it or not, Lord Owen, but with the benefit of
 12 hindsight, with the benefit now of the full hindsight
 13 that you have, do you think there is more than could
 14 or should have been done in that period 1974 to 1976
 15 and, if so, what?

16 **A.** Well, you ask the question in a way that's very
 17 difficult to answer. More that could have been or
 18 should have been done? More could have been done.
 19 You could have put vast resources -- the 20 million
 20 that the doctor wanted in 1980. You weren't going to
 21 get 20 million for it in 1980, and you certainly
 22 wouldn't have been able to get it before.

23 We started on an investment programme. We made
 24 a public pledge. We fulfilled those requirements and
 25 our targets over and above which we'd anticipated.

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1 was never criticised outside Government. Even the
 2 Treasury never, to my knowledge, singled out this as
 3 a wrong decision. Because they'd often criticise in
 4 the yearly budget reviews, "Well, you've spent money
 5 there, you've spent money there", and it would come
 6 back to me, through Mr Gidden and others, saying the
 7 Treasury are very unhappy about spending this there.
 8 They took views on our priorities. I don't think they
 9 ever challenged this priority while I was there.

10 **Q.** I'm just going to ask you a little about some of the
 11 subsequent statements made by Government ministers
 12 that you've referred to in your witness statement.
 13 I'm going to pick it up, first of all, in June 1978.

14 Henry, it's RLIT0000272.

15 We can see -- you see the date there, Lord Owen,
 16 and you'll see the question that's posed of the
 17 Secretary of State, referring back to ministerial
 18 statements made by you, whether the self-sufficiency
 19 has been achieved, and if not, asking for an
 20 explanation of the reasons.

21 Then we can see the answer from Mr Moyle:

22 "The production target of Factor VIII set for
 23 June 1977 was attained; however, new opportunities in
 24 the treatment of haemophilia and associated
 25 disabilities have been developed which have made

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1 further clinical demands for Factor VIII."
 2 Then the question is asked, how much of that
 3 £500,000 had been allocated, and the answer is:
 4 "The whole sum was used to increase Factor VIII
 5 concentrate production within the National Health
 6 Service."
 7 Then we can skip over the next question, Henry.
 8 There's then a question of what the current
 9 shortfall is and what action is being taken and
 10 Mr Moyle says:
 11 "Current amount of Factor VIII is approximately
 12 30 million international units per annum. Total usage
 13 is estimated to be approximately 45 million
 14 international units. Regions are being asked to
 15 provide more fresh frozen plasma. In the meantime,
 16 quantities of commercial Factor VIII continue to be
 17 purchased to meet clinical demands."
 18 Then the question is asked:
 19 "What additional central funding has been
 20 allocated to the Blood Transfusion Service to improve
 21 blood fractionation?"
 22 And the answer there is:
 23 "For 1978 to 1979, a total of 145,000 had been
 24 allocated to the central processing laboratories in
 25 England to enable them to increase the production of

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1 "The extension of clinical requirements however
 2 means that self-sufficiency has not yet been achieved
 3 and my Department is therefore reviewing production in
 4 relation to present demands and resources."
 5 **A.** Well, again, unpredicted projections forward have
 6 largely been met because we expect over -- we
 7 overproduced, if you like, what we wanted to produce.
 8 So it was a running target and he accepts this and he
 9 wants to apply more resources to it. That seems to me
 10 that -- my reading of this. He says:
 11 "... self-sufficiency has not yet been achieved
 12 and [it] is therefore reviewing production in relation
 13 to present demands and resources."
 14 He seems to be on-side for the pledge at the
 15 moment. I don't see any reason to go back and say,
 16 "We're not on track". But, you know, it's a moving
 17 target, and you're starting getting these elements.
 18 It would be interesting to know how much was being put
 19 on prophylactic use, whether it was just a small
 20 amount. I suspect a rather small amount.
 21 **Q.** If we then move on to December 1980 -- so this is the
 22 new Government -- it's RLIT0000268, please, Henry --
 23 and again, you have referred to this in your
 24 statement.
 25 **A.** This was a debate, wasn't it?

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1 blood products, mainly of Factor VIII concentrate."
 2 So we can see that the £500,000 that you had --
 3 your word -- pledged has been spent on the purpose for
 4 which it had been pledged?
 5 **A.** And achieved the purpose for which it was --
 6 **Q.** But self-sufficiency itself not achieved, for the
 7 reasons here outlined by Mr Moyle?
 8 **A.** No, but if -- these are historic costs, historic
 9 figures. It may be that it been answered it in
 10 '78/'79, they are going on now into different
 11 financial years. But for the years that were ahead
 12 they fulfilled their criteria and they expanded it.
 13 So I don't -- it's not for me to say but, just looking
 14 at those figures, it doesn't appear to me that
 15 self-sufficiency has run into a brick wall at this
 16 juncture in '78/'79. They're still putting money into
 17 it.
 18 **Q.** I think if we then look at RLIT000026, this is later
 19 in 1978, end of 1978. The question is if the
 20 Secretary of State will make a statement on his
 21 success in rendering the NHS self-sufficient in the
 22 provision of freeze-dried Factor VIII.
 23 And then Mr Moyle answers, gives information
 24 about the estimated need and the rate of production,
 25 and then says this:

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1 **Q.** Yes.
 2 **A.** A German debate.
 3 **Q.** That's correct, Lord Owen.
 4 If we go to page 5, we'll see who's speaking:
 5 the Under-Secretary of State for Health and
 6 Social Security, Sir George Young.
 7 And then if we go on to page 9, please, at the
 8 very bottom of the page it says:
 9 "The motion also refers to the declaration of
 10 the 28th World Health Assembly, utilisation and supply
 11 of human blood and blood products, which in essence
 12 urged WHO Member States to try to be self-sufficient
 13 in blood and blood products. The Honourable Gentleman
 14 referred to that the principle of self-sufficiency is
 15 one that the Government fully endorse, quite apart
 16 from the possible risk of hepatitis from imported
 17 products, particularly those manufactured from plasma
 18 made by paid donors. The very fact that products are
 19 imported unless they come from a country that produces
 20 an excess of such products raises difficult moral
 21 issues concerning trade in blood. But
 22 self-sufficiency must inevitably be a long-term aim."
 23 Do you regard that as the same pledge or
 24 a dilution or change in the pledge?
 25 **A.** I read the entire speech of the Minister and I must

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1 confess I thought it was a pretty good statement. He
 2 also made a lot of criticisms of relying on markets
 3 and commercial -- he seemed to be on side for
 4 self-sufficiency, a long-term project.
 5 Well, he's right, isn't he? I mean, you know,
 6 self-sufficiency is driven by all the time trying to
 7 find contamination and developing techniques to get
 8 rid of it. So somebody must have been starting to
 9 working -- I mean, the whole antibody assays and
 10 things were fairly new science.
 11 I mean, the HIV virus was detected by its
 12 antibody, not by heat treatment. So heat treatment
 13 wasn't getting rid of it, it was the finding an
 14 antibody titer I think is the main -- you have taken
 15 me outside my realm of expertise in terms of
 16 a minister but just as a general interest in it all.
 17 I think that -- it's not my job to defend the
 18 Minister. He's not even of the same party as mine but
 19 I don't read that speech as somebody who is disowning
 20 all the policy of the previous Government.
 21 **SIR BRIAN LANGSTAFF:** I think what you have been asked to
 22 do is to contrast his statement that it's a long-term
 23 aim from your view that self-sufficiency, not simply
 24 the spending £500,000, but self-sufficiency could be
 25 achieved within two to three years and was going to be

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1 I don't know. I even won't get too much into getting
 2 into Mr Cash's -- but he was the head of the Scottish
 3 Transfusion Service and it was meant to be a helpful,
 4 though critical editorial. It wasn't totally
 5 damaging. He just felt he ought to speak out about
 6 it.
 7 So I think that we were talking about
 8 self-sufficiency of not relying on commercial donors.
 9 That's where we were really -- we were self-sufficient
 10 in blood for British use, believing we could get
 11 enough donations and enough fractionation and enough
 12 quality products to keep pace with demand.
 13 But the demand was coming from clinicians and
 14 here the big unforeseen factor was prophylactic use
 15 which, as I said earlier, was later accepted as being
 16 a legitimate demand. But there was this difference of
 17 opinion in the Department when I was setting the
 18 self-sufficiency limit. That then later incorporated
 19 prophylactic use, and I'm not saying it shouldn't
 20 either.
 21 **MS RICHARDS:** Lord Owen, Henry, if we could have on screen
 22 RLIT0000267, this is a statement by Kenneth Clarke
 23 that you have already referred to so it would be
 24 useful to see it on screen. This is a question asked
 25 of Mr Clarke on 19 February 1985, what studies the

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1 achieved by 1977.
 2 Here is the Health Minister saying some years
 3 later that it is now a long-term aim, by which I take
 4 it he's not putting a figure or two to three years on
 5 it.
 6 **A.** Yes.
 7 **SIR BRIAN LANGSTAFF:** So that's what I think you are being
 8 invited to comment on.
 9 **A.** Maybe.
 10 **SIR BRIAN LANGSTAFF:** What is your view?
 11 **A.** I don't like the -- well, one word "long-term". I'm
 12 rather against trying to finger other people and try
 13 to blame other people and to read into their speeches
 14 things that I do not know.
 15 I only know what I did and I -- I don't think
 16 I'd have used that word because it has the
 17 implications of your question behind it. Maybe that
 18 was -- I have to say that that speech was taken by
 19 Mr Cash in his British Medical Journal attack on the
 20 Blood Transfusion Service and said that by the early
 21 '80s the Government were talking the language of
 22 self-sufficiency but weren't supporting it and he said
 23 despite the speech made in the adjournment debate.
 24 So he cited is that as being language which was
 25 all right but was not being matched by commitments.

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1 National Blood Transfusion Service has undertaken into
 2 the economics of self-sufficiency in Factor VIII and
 3 if the results are to be published.
 4 The answer is:
 5 "We decided in 1982 that this country should
 6 become self-sufficient in blood products."
 7 You have referred also -- I won't take time
 8 going to it but you have provided the Inquiry with it
 9 and it's exhibited to your statement -- you received
 10 a letter from Baroness Trumpington which effectively
 11 said the same thing.
 12 **A.** Well, that's the year when I began to get worried
 13 about what we were doing. I mean, Hancock I knew well
 14 so I probably had some involvement in the question.
 15 **Q.** You've expressed a degree of puzzlement in your
 16 statement as to how it could be the Government were
 17 saying in 1984 that that was a decision taken in '82.
 18 **A.** Well, a minister, a junior minister in the Government
 19 of which he was a member, two years earlier had said
 20 they were in favour of self-sufficiency and he's now
 21 saying we decided in 1982 that we should become
 22 self-sufficient. The two -- the adjournment debate
 23 response and this are not compatible.
 24 **Q.** This was -- this in due course I think became part of
 25 the basis for your complaint to the Ombudsman in 1988.

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1 A. Yes. Did it?
 2 Q. Well, perhaps you could summarise, Lord Owen, rather
 3 than me attempting to do it what your complaint to the
 4 Ombudsman was in 1988.
 5 A. Well, I think it was a cumulative argument about
 6 maladministration. I mean, the Ombudsman was set up
 7 with great fanfare of publicity and it was considered
 8 a great opening up of healthcare to scrutiny and MPs,
 9 instead of relying on questions and answers, could get
 10 a maladministration looked at in the round within this
 11 Ombudsman principle. Ombudsman is a foreign word. It
 12 was greatly enthusiastically accepted by Members of
 13 Parliament as a big advance. I think it was Dick
 14 Crossman who did it. I can't remember now.
 15 Slowly, now in retrospect, even in legislative
 16 form, we narrowed the terms of reference because
 17 governments don't like being scrutinised, to be honest
 18 about it, by and large. First of all, it's difficult
 19 to prove in a letter but I tried to get them to focus
 20 on the fact that there's no one decision that was
 21 involved here. It was cumulative decision-making and
 22 that you can only really get at that by an inquiry
 23 from within who are looking at the documentation. You
 24 don't expose that in Parliamentary questions or
 25 adjournment debates. So it seemed to me absolutely

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1 that Members of the House of Commons have it. But it
 2 certainly was not prepared to accept
 3 maladministration.
 4 If I look back on this, I don't personally think
 5 there's been evil men or bad decision-making
 6 consciously. I think there has been a general
 7 maladministration of this issue over a long period of
 8 time and I think it was an absolutely classic case
 9 that should have been exposed by the Ombudsman system.
 10 Well, it didn't do it and I hope in your
 11 recommendations, sir, you will look at this and
 12 Parliament should, in my view, re-legislate for it
 13 because I think that the ombudsman is a good system,
 14 when dealing with such a complex question as
 15 healthcare particularly.
 16 Q. Just so that those who are listening understand the
 17 particular issue that you had raised with the
 18 Ombudsman, there's a whole chain of correspondence and
 19 I won't go through all of it. You have provided it
 20 all to the Inquiry and it's been disclosed, but you
 21 have said this:
 22 "The crucial commitment to become
 23 self-sufficient in blood products was made when I was
 24 Minister for Health, a commitment made after careful
 25 consideration and quite a bureaucratic battle, in

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1 tailor-made for the Ombudsman.
 2 The first thing that was done is you had to have
 3 an individual case that you had to be able to
 4 represent, so I approached the Haemophilia Society,
 5 which I've always found to be very good, you know.
 6 I am sure they are critical of some things I did but,
 7 I mean, that doesn't matter. They were trying to be
 8 a representative voice for haemophiliacs and, in my
 9 view, have done sterling work over many decades.
 10 They approached privately a person in my
 11 constituency who was a haemophiliac and had actually
 12 caught AIDS, was suffering from AIDS, and I went to
 13 see him and he agreed that I could use his case and
 14 preserve his secrecy, which I did. It's not always
 15 easy, these things.
 16 So I met the criteria on that issue. So then we
 17 find that they still wouldn't investigate it. Then
 18 I tried to revive the case and this was the time
 19 I couldn't revive the case because I was now a peer
 20 and it could only be done by a Member of Parliament,
 21 in the House of Commons.
 22 Well, I'm a strong supporter of the House of
 23 Commons and not a great supporter of the House of
 24 Lords. It is an appointed chamber, so I can't say
 25 I was terribly upset about that. It is more important

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1 order to avoid the necessity for imported blood
 2 products. I am appalled that this commitment was
 3 never secured. As a result, infected blood has been
 4 introduced long after it need have been."
 5 Then I think in your subsequent correspondence
 6 you raised the point with the Ombudsman about no
 7 minister had come back to Parliament to say if it was
 8 no longer the policy that that was the case.
 9 A. Yes.
 10 Q. And you could not persuade the Ombudsman to even
 11 initiate an investigation?
 12 A. No. Not only that, requests took months to answer and
 13 then they claimed to have lost the files and that they
 14 couldn't go back over the previous correspondence,
 15 even if that's just that they are not invested enough
 16 to keep proper records. It was a pretty extraordinary
 17 situation.
 18 Q. I wanted to deal next with the issue of the loss of
 19 records relating to your time in office. Again, you
 20 have alluded to this already in your evidence. Your
 21 private ministerial papers, your private office
 22 papers, first of all, could you just give us a brief
 23 idea of what those papers would include. What kind of
 24 material would be in there?
 25 A. Well, to be frank, I only really know more about what

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1 of my private papers when I was Foreign Secretary
2 because they are in my possession and they are in my
3 possession but I've given them to Liverpool University
4 so are part of the archives in Liverpool University.

5 By and large, they are things which the private
6 office think are personal to the Minister where the
7 ministers leading the discussions are not just
8 necessarily making policy and something that is
9 interested in sufficiently to want to keep it.

10 There's a selectivity going on mainly by your private
11 secretaries and sometimes you say, "for my private
12 files, for my private thing", because you know that
13 you want to keep it.

14 But in this case it wasn't just this. This
15 wasn't the culling which Lord Jenkin mentioned of the
16 papers. He calls it a cull of his own papers and
17 I don't know how much he lost of his own
18 departmental -- of his private office papers. I lost
19 the whole lot. So it's nothing to do with everything
20 else that was going on and a great deal was going on,
21 you know. Smallpox eradication programme. These are
22 the sort of little things that come. They ran out of
23 money.

24 The Chief Medical Officer came to see me with
25 tears in his eyes saying, "I need an extra 2 million

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1 As I understand it, this is not a DHSS note,
2 this was a note made by someone in your constituency
3 office?

4 **A.** In my private office at the time there were probably
5 four or five people working for me, and this person
6 was dealing with constituency letters and that
7 suggested -- her handwriting, saying -- reporting on
8 a telephone conversation she must have had with the
9 Department, saying that, "I wanted to make an
10 appointment for Lord Owen to come and see his private
11 office documents and was told that the papers had been
12 destroyed, normal procedure after ten years."

13 Well, since then we've told that there isn't any
14 normal procedure for doing it after ten years.
15 Remember that in those days I think the 30-year rule
16 was still applying, that you couldn't divulge your own
17 private documents without permission in certain key
18 areas. Then it was 20 years and now it's not really
19 a fixed-year period. But they say there was never
20 a ten-year period. But she was a very reliable person
21 and I'm sure that is an accurate account of what she
22 was told. And so there was no papers for me to go and
23 see.

24 And we think it's in the constituency section
25 because the person I was told to go to the Ombudsman,

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1 to keep the teams in the Ethiopian mountains".
2 I said, "Fine". He said, "How do you get the money?"
3 I said, "I'll just take it from something else".

4 That's what you can do as a minister. Now, that is
5 something which would go in my private files,
6 smallpox, you know, it would just be there and you
7 don't find that now because there are no papers left
8 now. I just don't know what happened and draw
9 a distinction between this and what was then done in
10 culling relating to, first, haemophilia and, secondly,
11 AIDS.

12 So this was before AIDS, nothing to do with the
13 various admitted in Lord Crisp's evidence, and there
14 incidentally they talk about that this culling took
15 place in early 1990s, mid-1990s, late 1990s. So it's
16 a pretty extraordinary span. But mine are different.
17 Mine are just my whole papers were taken out in -- we
18 think in '88.

19 **Q.** You've produced and exhibited to your witness
20 statement a document at LDOW0000318.

21 No, that's not it. LDOW0000318.

22 So this is an exhibit to your witness statement,
23 Lord Owen. It says:

24 "DHSS records. Papers have been destroyed.
25 Normal procedure after ten years."

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1 I had to have a constituent, that he -- she was
2 dealing with correspondence with him because he was
3 a constituent, and that makes us think it's very
4 definitely towards the end of 1988 -- sorry, towards
5 the beginning of 1988.

6 **Q.** Indeed, that's when you were making your complaint to
7 the Ombudsman in February 1988. And at some point in
8 the sequence of correspondence with the Ombudsman you
9 relate to him that you've just recently learnt that
10 your private papers had been lost or destroyed?

11 **A.** Yes, I think I did.

12 **Q.** Just to be clear, your private office papers from your
13 other ministerial posts at the Foreign and
14 Commonwealth Office you have?

15 **A.** Yes.

16 **Q.** They're in the archive that you've referred to in
17 Liverpool?

18 **A.** Yes, some go to the National Archive and some are just
19 over and -- they've got no use for them and they asked
20 me whether I wanted them and they were totally
21 delighted to take them all, give them all, and they
22 were pushed up to Liverpool.

23 **Q.** The second document that you have exhibited to your
24 witness statement on this issue is at LDOW0000350.

25 I say "on this issue", it's on the question of

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1 documentation more broadly.
 2 You will see this is a memo dated
 3 15 December 2003. Your name is at the top and it's
 4 "MS8", so the then Minister of State for Health had
 5 asked for:
 6 "... a full background note on the review of
 7 internal papers between 1975 and 1985 and comments by
 8 Lord Owen about the destruction of papers from his
 9 private office at the time."
 10 Then if we go further down the page, please,
 11 Henry, we see in paragraph 5 it refers to a review
 12 that had been undertaken. It says that that was not
 13 set up to address Lord Owen's comments about his
 14 papers from his period as a minister being pulped.
 15 Then it says this:
 16 "Unfortunately none of the key submissions to
 17 ministers about self-sufficiency from the 70s/early
 18 80s appear to have survived. A search of relevant
 19 surviving files from the time failed to find any."
 20 Then there's a suggestion:
 21 "One explanation for this is that papers marked
 22 for Public Interest Immunity during the discovery
 23 process on the HIV litigation have since been
 24 destroyed in a clear-out by SOL. This would have
 25 happened at some time in the mid-1990s."

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1 break and others have the opportunity to suggest any
 2 further questions, I want to just ask you about
 3 a speech you made in Parliament in November 1989.
 4 You've exhibited it again, I think, to your
 5 witness statement. It's LDOW0000349. We can see the
 6 date, 23 November 1989, debate on the address, and we
 7 see that your contribution starts at the bottom of the
 8 page, but if we could go on to the next page please.
 9 **SIR BRIAN LANGSTAFF:** Is this going to be relatively
 10 short, Ms Richards?
 11 **MS RICHARDS:** Yes, it is.
 12 We can see, if we pick it up in the bottom half
 13 of the page, left-hand column, you refer there to the
 14 infection of 1,200 haemophiliacs with HIV and then the
 15 very bottom of the page you say:
 16 "I feel personally responsible."
 17 You refer to your announcement in January 1975.
 18 And then if we can just go to the next column, you set
 19 out the pledge that you made. You say -- you repeated
 20 it, and then you refer to what was then said in 1982.
 21 Then you have said this:
 22 "I have tried to persuade the Parliamentary
 23 Ombudsman to investigate this issue but failed. If
 24 ever there has been a clear and graphic case of
 25 maladministration, this must be it."

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1 **A.** Well, it was obviously a mistake that this was
 2 included in the letter.
 3 **Q.** It was a mistake that you saw this memo?
 4 **A.** This document, yes. It was -- that wasn't meant to be
 5 sent to me. That was a briefing for him to send the
 6 reply to me. So then we realised that something more
 7 was going on.
 8 **Q.** In terms of your own direct knowledge, do you know any
 9 more about what happened to any of your papers?
 10 **A.** No.
 11 **Q.** Now it's right to note that we've been provided with
 12 statements from Lord Hunt and Lord Crisp by the
 13 Government legal department which respond to various
 14 observations in your statement. I'm not going to take
 15 time now in going through the paragraphs of their
 16 statements but they will, in accordance with the
 17 Inquiry's normal procedures, be disclosed and placed
 18 on the Inquiry's website as a response to criticisms
 19 made in your statement. But I don't know whether
 20 there's anything further you wanted to say, Lord Owen,
 21 on the specific issue of destruction of documents?
 22 **A.** No. I've read it, but I don't wish to make any
 23 comment. I think it's over to you, is the answer to
 24 that.
 25 **Q.** Lord Owen, I wanted to, finally, ask you, before we

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1 Then you say this:
 2 "We are all responsible."
 3 I just wanted to ask you, Lord Owen, what you
 4 meant by that statement, "We are all responsible"?
 5 **A.** Well, when a policy is announced to the House of
 6 Commons by the Government of the day it becomes the
 7 responsibility of the House of Commons. The whole
 8 point of trying to commit a Parliamentary democracy is
 9 that you can examine the policies of the Government.
 10 Many of them are not important and don't carry, you
 11 know, they are not what you would call a policy, they
 12 are a reaction to circumstances.
 13 But why do you -- why, as you see it today, the
 14 Speaker is very keen that ministers, even prime
 15 ministers, make statements to the House of Commons not
 16 to the press, and the whole issue is that that's where
 17 your democracy is debated. That's where you are held
 18 to account by your peers.
 19 So when you make a statement to the House of
 20 Commons and, in my case, repeated statements about
 21 a policy, it is the possession of the House and if you
 22 now change it you should tell them. At least that's
 23 my interpretation of the democratic processes. You
 24 know perfectly well we don't have an unwritten
 25 constitution, so everybody has their own view, but

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1 that has been broadly the view upheld by successive
 2 Speakers and if you want to change the policy, then
 3 you come and tell the House of Commons you have
 4 changed it, if you have announced it to the House of
 5 Commons, in that sense they possess it.
 6 **MS RICHARDS:** Thank you.
 7 Sir, is that a convenient moment for our next
 8 break?
 9 **SIR BRIAN LANGSTAFF:** Yes, it is. I think you have more
 10 or less finished the questions you have to ask except
 11 for those that may be suggested to you by others.
 12 **MS RICHARDS:** Yes, this is an opportunity during the break
 13 for those who represent core participants to suggest
 14 any further questions and then, after that, for
 15 Lord Owen to make any final observations that he
 16 wishes to make.
 17 **A.** I will be very brief. I have said all I need to say
 18 already.
 19 **SIR BRIAN LANGSTAFF:** It has been a long day but we will
 20 detain you just a little bit longer if we may?
 21 **A.** Fine.
 22 **SIR BRIAN LANGSTAFF:** Can we come back aiming for 4.00.
 23 You may need more time. If you do you let us know and
 24 we will let you know, Lord Owen. It will be 4.00 or
 25 shortly after. So, 4 o'clock.

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1 the committee. The politicians would not get involved
 2 in that."
 3 The question is what being sponsoring minister
 4 for the pharmaceutical industry actually entailed.
 5 **A.** It was responsible for trying to develop into
 6 a world-beating, international, research-orientated
 7 manufacturing industry which would earn money for
 8 Britain and attract high quality scientists to this
 9 country and research groups into this country.
 10 It involved at one stage, for myself, talking to
 11 Merck Sharp & Dohme and getting them to site
 12 a research group here in the UK -- it's since left --
 13 but it was above all trying to be a centre of
 14 excellence, building on the database particularly of
 15 the National Health Service which was available and
 16 still is available and is still used for clinical
 17 trials and ground-breaking research.
 18 It's not an accident that we have two major
 19 world-class pharmaceutical companies, GSK and
 20 AstraZeneca, here in the UK. And I think that we have
 21 to earn our living in the markets of the world and
 22 I think we are in a position, because of the National
 23 Health Service and the knowledge base that it gives
 24 us, to continue to be a centre of excellence in
 25 medical and pharmaceutical research.

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1 (3.16 pm)
 2 (A short break)
 3 (4.00 pm)
 4 **MS RICHARDS:** Lord Owen, there are various disparate
 5 questions that I've been asked to ask of you so the
 6 next few questions are going to dot around from topic
 7 to topic.
 8 Could we have up on screen, please -- and this
 9 is your testimony to the Archer inquiry --
 10 LDOW0000345, please, Henry. If you could go to
 11 page 28.
 12 Page before that, please. Thank you.
 13 So if we see at the top of the page, this in the
 14 context of the Chair having asked you some questions
 15 about the Medicines Act. You say at the top of the
 16 page:
 17 "I was actually the sponsoring minister for the
 18 pharmaceutical industry in those days, it was later
 19 taken away, and it was a very good relationship, in
 20 fact, so good that I argued inside the Government and
 21 got permission for one moment to use the Medicines Act
 22 to deal with smoking but it was eventually dropped."
 23 And then you are asked about whether the final
 24 say was with the committee and you said:
 25 "Yes, the Secretary of State would be advised by

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1 **Q.** Did your role as sponsoring minister for the
 2 pharmaceutical industry affect at all your approach to
 3 applications such as that by Armour that we saw in the
 4 documentation?
 5 **A.** Not at all. I don't think -- as I explained,
 6 a company who wants to sell their products in this
 7 country, first of all, has to go to what was then the
 8 Medicines Commission and others to get the say-so that
 9 it's of a quality that is sufficient, and those are
 10 pretty far-reaching tests. So the medical profession
 11 has to be satisfied that the product is -- what it
 12 says on the label is true and also that it's safe.
 13 In my case, I'm not quite sure or -- and I think
 14 I've said that in evidence -- quite why it was coming
 15 to me other than it was a hot potato and they might
 16 have wanted me to know that this application was being
 17 made and what extent we would take account of the fact
 18 that they were coming in at a lower price.
 19 I wouldn't normally get involved in any price
 20 decisions. I was surprised when I read the piece of
 21 paper. I'd forgotten the meeting. But I think it was
 22 because it was politically sensitive and maybe they
 23 had asked, "What are the prospects for us?" And
 24 that's why I specifically told them about our
 25 commitment to the World Health Organisation's policy.

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1 Sorry I can't more helpful. But I don't think
2 it conflicted at all.
3 **Q.** Then you've made clear in your evidence your concerns
4 over blood safety. You've referred to Titmuss and
5 indeed the material that you would read in the BMJ and
6 The Lancet and so on.

7 As far as you are aware, were your concerns over
8 safety shared by the doctors and civil servants within
9 the Department who were administering policies on
10 a day-to-day basis?

11 **A.** I think when -- I mean, self-sufficiency had been
12 discussed well before I came into the Department and,
13 you rightly pointed out, going back into the 1960s.
14 I think we all have to recognise that.

15 I think once I'd made the decision, the
16 Department rallied behind it completely.

17 I mean, I loved being in the Department.
18 I found it a stimulating place, people were not afraid
19 to disagree with you and to debate and argue with you,
20 but if you made up your mind and you knew what you
21 wanted to do, I think they were loyal and very
22 committed to seeing that the policy that you were
23 advocating was introduced.

24 **Q.** Did anyone ever express to you within the Department
25 a different view about safety than the view that

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1 thought was the right treatment for their patients,
2 and who they discuss with their patients and they
3 wanted them to be, whether it was in particular AHG
4 concentrate. So I think that's the fundamental thing.

5 Cryoprecipitate we could always get from our
6 Blood Transfusion Service. We needed -- so I think
7 that was the main one and I've discussed it very
8 openly, all the dilemmas of that. But those issues
9 were put to the specialist committee.

10 I mean, you know, we haven't actually mentioned
11 it but the Guardian ran a story about the
12 1983 decision which went to the committee on safety in
13 drugs -- I didn't mention it -- about whether they
14 should stop importing blood because of HIV. Again,
15 that decision was: we should continue; the problems
16 are there but not having this facility would be more
17 damaging.

18 You see, a lot of these decisions are decisions
19 of shades of grey. They are not often black and white
20 decisions. Remember, medicine is a biological
21 science. It's not -- they are not quite so clear-cut
22 as some of the other scientific decisions if for no
23 other reason you're dealing with human beings and
24 behaviour is there. It is a perfectly legitimate view
25 and it was frequently discussed and in the

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1 you've articulated?

2 **A.** On safety?

3 **Q.** On safety. On the risk of blood and blood products?

4 **A.** If they expressed a view on safety, that was
5 a professional judgment, which is not for me. I had
6 to abandon being a doctor at that moment. I wasn't
7 there to challenge their view. If they had a view on
8 safety, that prevailed.

9 **Q.** Can you recall -- and again, I'm acutely conscious of
10 the fact I'm asking you about events a long time
11 ago -- can you recall if there were discussions within
12 the Department which others within the Department
13 expressed a different view about the safety concerns
14 than the view that you've expressed? Did they say
15 that safety issues weren't important, for example, or
16 that there wasn't a significant risk from blood or
17 blood products?

18 **A.** I don't remember anybody coming to me and saying, "We
19 should ban supplies coming in from overseas". Because
20 that issue was well ventilated, and discussed quite
21 frequently, in the professional advisory bodies that
22 had been set up by the Chief Medical Officer. And
23 I was well aware of them but, I mean, we know them.
24 I mean, they are, you know, what would be the
25 consequences of not having doctors with what they

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1 professional bodies and under two successive Chief
2 Medical Officers of Health, George Godber and Henry
3 Yellowlees, whether or not you should stop. They
4 never advised ministers that that should be done.

5 If they had done so it would have been followed
6 because on this they are basically sovereign. You
7 might have argued with them but I wouldn't have done
8 and I don't think any of my predecessors or successors
9 would have done. This was a decision of the medical
10 profession.

11 Then when they saw the possibility of
12 self-sufficiency, most doctors grasped it, wanted it,
13 and that was the case for the Blood Transfusion
14 Centres, by and large.

15 **Q.** Were you ever during your time as Minister asked to
16 make any resources available for research into any
17 forms of viral inactivation; so heat treatment or
18 other methods of making product safe? Was that
19 something that you were ever asked to consider?

20 **A.** Not to my knowledge but, again, that would be funded
21 usually by research programmes which, broadly
22 speaking, were -- there was a chief scientist attached
23 to the Department, a very eminent and extremely able
24 doctor and scientist, and he chaired the committee of
25 where the Government's research project. The

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1 Department of Health was a sponsor of research in
2 academia and in clinical trials and a whole range of
3 things.

4 I think we were all the time looking for ways in
5 which we could detect hepatitis in blood supplies and
6 a great deal of research was done, and I gave you this
7 memo which the -- which I found in my papers but is in
8 your official papers of Henry Yellowlees sending
9 a "Dear Doctor" letter dealing with this issue of how
10 you deal with the discrepancy of blood donors coming
11 from certain countries where hepatitis was of epidemic
12 proportions, and how to deal with this complex issue
13 and to deal with it sensitively and, since it could
14 have been associated to colour, to getting a sort of
15 semi-scientific way of looking at this.

16 So I don't think -- this is different, the
17 Department of Health, from Department of Education or
18 something like that. I wasn't ever in the Department
19 of Education. It's more analogous to being Minister
20 for the Navy where you do give a special regard to and
21 independent view to the admirals and the generals and
22 the air martials and you do the same in the Department
23 of Health to doctors and scientists. I think the
24 ministers who are much more prone in those two
25 departments to be guided by the professional advice,

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1 for a particular weapon system over another, your bias
2 or your pre-disposition is to accept their
3 professional advice. You're not a soldier, seaman or
4 airman. You may query the cost. You may query that
5 it's not as high priority as some other weapon system,
6 is it, but if they held to their ground, you tend to
7 go with it. I mean, I don't think we should be too
8 ashamed of saying that.

9 On the other hand, you exercise your political
10 judgment to question them about their priorities and
11 question their advice and ask them for the evidence
12 for their advice. It's a difficult question of how
13 the lay person deals with professional advice when
14 it's highly specialised on science.

15 **Q.** Then, Lord Owen, in your witness statement -- Henry,
16 sorry, it is WITN0663001, paragraph 15 -- so page 6,
17 paragraph 15 -- page 6, please.

18 The previous page, sorry.

19 Thank you. So in paragraph 15 you say this:

20 "What doctors were advised to say to patients
21 was the responsibility of the then Chief Medical
22 Officer ... Dr Henry Yellowlees. I had the greatest
23 confidence in his expert knowledge of public health
24 and it was certainly not for me to intervene in that
25 professional relationship from the CMO, having

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1 they find that's not just the right case to do but
2 almost the moral case to do.

3 You have to trust professionals.

4 **Q.** Did you know anything, in terms of the UK's own blood
5 donation system, of the practice of taking blood from
6 prisoners in the United Kingdom? Is that something
7 you were ever asked to consider?

8 **A.** Yes. Funnily enough, that "Dear Doctor" letter deals
9 with the question of whether you should stop donations
10 from prisoners. There's a paragraph of it. So
11 perhaps you would circulate that document.

12 **Q.** Yes, in fact, we're going to be looking at it
13 tomorrow.

14 **A.** Okay.

15 **Q.** But you were aware that blood was taken from
16 prisoners?

17 **A.** Yes. They looked at that professionally and to see
18 whether it was -- and he deals with that in
19 a paragraph on the second page.

20 **Q.** Did it occur to you to take any steps to intervene to
21 stop that practice?

22 **A.** No. I've tried to make you accept that these are
23 professional judgments, you know. You wouldn't -- if
24 the Chief of Defence Staff who is trying to
25 co-ordinate all the views across it comes and argues

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1 consulted specialists, to the medical profession. At
2 all times, I encouraged the greatest possible
3 transparency between the large haemophiliac community,
4 their organisations and the Department."

5 There are two questions I have been asked to ask
6 arising out of that. The first is, in terms of the
7 statement at the end, that you encourage the greatest
8 possible transparency between the community
9 organisations and the Department, the question is how
10 you did that. What steps were taken as far as you can
11 recall?

12 **A.** Yes.

13 **Q.** What steps were taken by you to encourage that
14 transparency?

15 **A.** Well, I remember asking how often they were in contact
16 with The Haemophilia Society. I would ask how much
17 they were trying to share their experience of --
18 within these committees. I did look carefully at the
19 advisory membership of committees, where the people
20 came from, was there a balance of professionals. You
21 didn't want only haemophiliac experts, for example, or
22 AIDS experts, you wanted well-grounded scientific
23 opinion. It wasn't for me to choose the people but it
24 was for me to make sure the advice was broadly based
25 and not only dominated by London teaching hospitals,

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1 for example. Where it is much easier if you pull them
 2 in from London, you know.
 3 So they consult the Royal College of Physicians.
 4 There's a constant linkage between the Royal Colleges,
 5 and I think this is a good structure that we have in
 6 Britain, and I do remember once going to the Royal
 7 Colleges and saying, "You've got too close to the
 8 Government", and they should value their independence.
 9 And Government will always try and bribe them off with
 10 good grants and everything like that, and that's the
 11 nature of the beast. The politician will try to
 12 gather consensus around him. The Royal Colleges have
 13 to be very careful about keeping their independence,
 14 and they are not answerable to anybody other than
 15 their professional body.
 16 I mean, I'm a fellow of the Royal College of
 17 Physicians, and I'm proud of that and proud of the
 18 College, but sometimes they get over-wooed by
 19 Government.
 20 **Q.** The second question arising out of paragraph 15 that
 21 I'm asked to raise with you, Lord Owen is this: given
 22 what you've said about the serious risk of infection
 23 from contaminated blood, why did the Department not
 24 make any public statement about the extent of that
 25 risk to inform patients? Why did the Department leave

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1 practitioner, I watched him from a very small boy.
 2 I used to go out in the car with him to keep him
 3 company when he went out to Dartmoor and some remote
 4 farm. When I was a medical student, I would go into
 5 the farmer's house with him; he'd always go first and
 6 ask for permission and he would teach me medicine in
 7 his own way. We'd come to usually the same diagnosis
 8 but somewhat different routes because of our age
 9 differences.
 10 I'm an utterly committed supporter of the
 11 National Health Service. I am totally opposed to the
 12 marketisation of the Health Service. You know,
 13 I believe in it. And I don't believe you could have
 14 a British National Health Service if you had done what
 15 the scaremongers said, that you would have politicians
 16 running the Health Service, politicians telling you
 17 what medicines you can or cannot have, if you were
 18 telling -- politicians refusing to let doctors argue
 19 for an expensive treatment.
 20 This dialogue that exists in the British system
 21 and the trust that people have built up that they are
 22 not going to be told by the politicians what their
 23 medical treatment -- broadly speaking in the National
 24 Health Service we have this thing called NICE, which
 25 is to try to evaluate the cost-effectiveness of

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1 it to individual doctors to tell their individual
 2 patients?
 3 **A.** It's a very good question and maybe one the Inquiry
 4 wants to look at. Is there too much freedom given to
 5 the profession and should we be more ready to give
 6 advice from the Department which is effectively an
 7 instruction? You would meet huge resistance. I mean,
 8 after all, why was the medical profession and the BMA
 9 against the creation of the National Health Service
 10 initially? Because they feared that Aneurin Bevan
 11 would start to run the health service and tell them
 12 what to do and doctors would lose their independence.
 13 It was always bogus but it was used -- and is
 14 still used in America, they call it "socialised
 15 medicine", and they say that -- actually, I personally
 16 argue with many of my American friends, and my wife is
 17 American, that there is more freedom within the
 18 British National Health Service for clinical freedom
 19 than there is in an insurance-based health system, as
 20 you have in America, which actually is much tougher in
 21 holding doctors to routines and structures and this
 22 sort of thing.
 23 So you gain something, you lose something,
 24 but -- you know, I'm hopelessly prejudiced about this,
 25 of course. I watched my father as a general

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1 medicine, but it's, broadly speaking, guidance.
 2 Sometimes it does say you can't do this treatment.
 3 It's often very controversial when they do it. They
 4 have that well regarded scientific assessment, fairly
 5 recent in the National Health Service. I think it's
 6 hated by the pharmaceutical companies around the world
 7 but, broadly speaking, I think it has got the right
 8 balance of trying to draw attention to doctors that
 9 they are making -- the average general practitioner is
 10 making decisions every year in the millions, quarter
 11 of a million -- or consultant. You know, you are
 12 making very expensive decisions. And everybody needs
 13 to be cost conscious. You can't refuse to face up to
 14 the consequential effects of spending huge sums on
 15 very expensive cancer therapy at the moment.
 16 Does this answer the question?
 17 **Q.** I think I asked you a wide question and you've
 18 explained your thinking.
 19 There are then a couple of specific questions
 20 relating to Wales and to Northern Ireland that I've
 21 been asked to raise with you.
 22 The Welsh and Northern Irish Chief Medical
 23 Officers, did they report to you and to the Secretary
 24 of State or did they report to the Secretary of States
 25 for the particular regions?

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1 A. It was, I think -- we asked that earlier. It was
 2 devolved to some extent but there were some groups
 3 where the scientific advice to the Chief Medical
 4 Officer gave advice also to Wales and to Northern
 5 Ireland. A little less so from Scotland because the
 6 scientific -- as I told you, they have their own
 7 Scottish Royal College of Physicians and their own
 8 Scottish Royal College of Surgeons, they have a larger
 9 number of medical schools and universities, so that
 10 Scotland is more self-sufficient, if you might say, in
 11 terms of medical advice and things like that, and more
 12 traditionally independent, way before all the current
 13 debates about independence and other things.
 14 Northern Ireland, as I said, varied, because
 15 it -- some time during this period it was under direct
 16 rule.
 17 Q. I think for the whole of the period with which you are
 18 concerned.
 19 A. Yes. So that would be the Secretary of State for
 20 Northern Ireland would take decisions but be hugely
 21 influenced by -- they would tend never to go against
 22 the grain of decisions that were taken in England.
 23 But they had the freedom to do so if they wished to,
 24 and they had to take account, you know, of border
 25 questions and what was happening in Dublin. And,

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1 And you are all beginning to understand,
 2 I think, you know, the science is a tricky issue.
 3 What is the truth? And the statisticians are needed
 4 and -- so it's -- I'm sure the CMO can say to various
 5 of the bodies that are advisory, "I am afraid
 6 I disagree with you."
 7 Q. In the event that the Chief Medical Officer for
 8 whichever nation did that, intervened on questions
 9 relating to clinical matters or safety, would you, as
 10 Minister, or whoever the Minister was, nonetheless
 11 retain political responsibility for those decisions?
 12 A. Yes. You could disagree with the Chief Medical
 13 Officer for Health if you wanted to and -- you see,
 14 a lot of these relationships are he comes to you to
 15 convince him of something he wants to do. You listen
 16 carefully, you question him, and then you decide to
 17 accept his advice.
 18 In that conversation, you can raise objections
 19 and he would say, "Well, I'll go and think about
 20 this", or, "I'll go and discuss it with colleagues
 21 again". It's more consensual, the political
 22 relationship. Everybody's different.
 23 Government departments are all different. The
 24 Foreign Office is notorious for having a view of
 25 foreign policy itself and they don't like it if the

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1 again, it was good relations. All the time I was in
 2 office with the Republic on healthcare matters I can't
 3 remember ever any difference of opinion.
 4 Q. You said in your earlier evidence that it was, in
 5 principle, possible for the Chief Medical Officer, and
 6 you were here dealing with the Chief Medical Officer
 7 for England, to issue some form of directive or
 8 guidance that overrode the views of regional medical
 9 officers or doctors.
 10 Did the Welsh or Northern Irish Chief Medical
 11 Officers have the same ability, as far as you know, in
 12 exceptional cases or otherwise to issue such
 13 directions or instructions?
 14 A. Yes, I think they did. There would be some -- I mean,
 15 you're seeing it on your screens every day, you know,
 16 more or less, in COVID. The Chief Medical Officer is
 17 making his views very clear, and the politicians
 18 broadly speaking are listening to him, and quite
 19 rightly so. But he's balanced by the Chief Scientist,
 20 who happens to be a medical doctor but it wouldn't
 21 necessarily be the case that the Chief Scientist would
 22 be a medical doctor. So there have been cases which
 23 the Chief Scientist was not a medical doctor but would
 24 still be involved in advising the Government on the
 25 science.

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1 Foreign Secretary disagrees with them. I mean,
 2 I disagreed with them about quite a number of issues.
 3 That was difficult because they didn't have the
 4 same -- it's quite a different tradition the Foreign
 5 Office and the Ministry of Defence and the Ministry of
 6 Health. At the end of the day, the senior officials
 7 can always go up through the diplomatic service to the
 8 Prime Minister direct or through the Civil Service
 9 Commission to the departmental head and to the Prime
 10 Minister direct.
 11 Q. In terms of your self-sufficiency pledge in
 12 January 1975, was that a pledge that covered Scotland,
 13 Wales and Northern Ireland as well as England?
 14 A. In effect, yes. In practical terms, yes. In pedant's
 15 arguments, no. Scotland could have appealed to the
 16 Secretary of State for Scotland and I think I did say
 17 it wouldn't come to me, it would be brought up
 18 directly with Barbara Castle and they could take it to
 19 Cabinet.
 20 So the Secretary of State for Wales, the
 21 Secretary of State for Scotland and the Secretary of
 22 State for Northern Ireland had the right certainly to
 23 challenge a Ministry of Health decision for England
 24 but in those days it was more ready to accept it and
 25 in the powers given to, in a pandemic, then you use

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1 emergency powers and the powers of co-ordination are
 2 stronger.
 3 But devolution has given Wales and Scotland more
 4 independence and they do have their own Chief Medical
 5 Officers advising the First Minister of Scotland and
 6 the First Minister of Wales. But you can see that
 7 they are trying hard I think to try to reach agreement
 8 in COBRA and other things on COVID. We make a notice,
 9 there's a certain licence for the Chief Minister in
 10 Scotland to make a little adjustment, you know, and
 11 people sort of say ... but they're broadly speaking.
 12 The Chief Medical Officer of Health constantly says on
 13 television that there are really no differences
 14 between the different Chief Medical Officers in Wales,
 15 Scotland, Northern Ireland and himself, and I think
 16 that is a good sign and it's a sign that the
 17 professions are trying very hard to work together in
 18 a pandemic.
 19 **Q.** During the time you were Minister, the Secretary of
 20 State for Northern Ireland was I understand Merlyn
 21 Rees MP?
 22 **A.** Yes.
 23 **Q.** Do you recall whether you ever had any meetings or
 24 discussions with him about the issues of
 25 self-sufficiency and blood contamination?

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1 paper, Cash's BMJ article, which is very critical of
 2 the defencing and I kept saying 1980. It actually was
 3 published in 1987 so I would like to get that, if
 4 I could, the record corrected on that.
 5 I personally think it's a very good thing that
 6 Scotland has a distinctive say and always has. I'm
 7 a unionist. I believe in the union but I'm a strong
 8 believer in devolution, I always have been. So I have
 9 no problem with the present constitutional settlement.
 10 In fact, I would go for making the nations a little
 11 bit more defined in the constitution and their rights.
 12 I think that's the next logical step to go after
 13 Brexit, to have a more federal structure, personally.
 14 So I don't -- I mean, look at the benefit. One
 15 benefit we have is Scotland has been more generous to
 16 the sufferers of haemophilia and AIDS than England,
 17 Wales or Northern Ireland.
 18 **Q.** Just dealing specifically with Northern Ireland and
 19 Wales in the 1974 to 1976 period --
 20 **A.** I think it was much more collegiate, much more wanting
 21 to be together, and there was none of this posturing
 22 of separation. I mean, I use my words deliberately.
 23 There's a lot of posturing. And I think it's not
 24 helpful but there we are, that's life; you have to
 25 live with it.

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1 **A.** No, and Merlyn was a friend and I knew him as
 2 a colleague in the House. We worked very well
 3 together when he was Home Secretary and I was Foreign
 4 Secretary. He wouldn't have hesitated to tap me on
 5 the shoulder as we were going through the division
 6 lobby and say, "David, you're saying this and my
 7 people are saying something different". That's one of
 8 the advantages of the collegiate nature of the House
 9 of Commons is that you are seeing each other. You
 10 actually, as long as, I hope, good sense prevails and
 11 you go physically through the division lobbies and not
 12 tap in your yes or your no or your aye or your nay in
 13 a computer. This brings you all together quite
 14 frequently and a huge amount of business is done in
 15 the division lobby.
 16 **Q.** We've seen from some of the documents we have looked
 17 at and we obviously haven't looked at them all,
 18 records of meetings where there is certainly
 19 a representative from Scotland present, from the SHHD.
 20 To what extent, as far as you're aware, were there
 21 meetings on this specific issue, self-sufficiency,
 22 blood safety, factor concentrates, with any officials
 23 from the Welsh or Northern Irish equivalents?
 24 **A.** Well, I was going to mention it that I constantly
 25 mentioned, because I think it was such an important

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1 **Q.** Do you know whether consideration was ever given to
 2 sending plasma collected in Wales to the PFC, the
 3 fractionation centre in Edinburgh, for processing?
 4 Were there ever any discussions that you were privy to
 5 about Wales and Scotland establishing a relationship
 6 in the way that we know that Scotland and
 7 Northern Ireland did?
 8 **A.** I would encourage more discussions. Remember, these
 9 professional bodies, they're all treating haemophilia.
 10 They usually have conferences annually, sometimes more
 11 or less. They have trained -- you can train the
 12 Scotland and practice all your life in England or vice
 13 versa. They know each other. That's why it's so
 14 important that the advisory board that the Chief
 15 Medical Officer in England sets up should be broadly
 16 based. And I think that applies to everything.
 17 **Q.** There are just three further questions from core
 18 participants, Lord Owen.
 19 The first is this: did the dire financial
 20 situation -- that's the language of the question --
 21 did the financial situation in the 1970s, including
 22 the 1976 IMF bail-out, impact upon funding decisions
 23 to achieve self-sufficiency?
 24 **A.** Yes. The first two years under Barbara Castle -- and,
 25 you know, I pay tribute to her, she was a fantastic

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1 boss. We often had quite considerable differences in
2 the different political positions inside the Labour
3 Party but we practically never had any really major
4 disputes, and I found her a stimulating leader and
5 somebody who liked discussion and, indeed, some
6 disagreement. So no problems at all about that whole
7 structure.

8 I've lost a bit the conversation -- the question
9 again, if you could come back to me?

10 **Q.** The specific question you answered with a single word
11 I think. It was about the financial situation in the
12 mid-1970s.

13 **A.** Yes, it was huge. I mean, look, we had the IMF to
14 satisfy. That happened after I was in Government.
15 I was in the Foreign Office by the time the
16 IMF discussions had come but we had to pull back on
17 public expenditure. And then we had devaluation, in
18 which the value of the pound goes down in everybody's
19 pocket. And so we all felt the pinch. So all through
20 this difficult time you had to weigh very hard the
21 difficulty.

22 I mean, when on your film the gentleman from
23 Northumberland -- or was it --

24 **Q.** Dr Peter Jones, Newcastle.

25 **A.** Yes -- wanted 20, whatever it is, million -- or was it

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1 great credit. I haven't read every word he has said
2 in the House of Lords debate but I don't think he used
3 that bull point. And I hope he didn't. But that was
4 what I worried about.

5 Which did that come from? Was that a political
6 appointee putting up a sort of party political stuff,
7 you know? And -- well, then it's understandable. It
8 wasn't clear.

9 If it was that, well, that's just part of it,
10 party political badinage. But if it was the
11 Department thinking that, then that was very worrying
12 because it was manifestly not true.

13 **Q.** We will try and check the reference then and see if
14 I need to check up on that.

15 **A.** Lord Hunt to the best of my knowledge did not say
16 that.

17 **Q.** Thank you. Then a question which I'm asked to ask
18 you, and I want to get the way in which it is put as
19 precisely as I have been asked to put it.

20 Is the evidence which you have given to the
21 Inquiry restricted to any extent by the fact of you
22 being a privy counsellor or by any obligations under
23 the Official Secrets Act or is your ability to give
24 a full and frank account of your knowledge about
25 matters falling within the Inquiry's terms of

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1 more than 20 million? I mean, I just smiled, you
2 know. I wanted 20 million more! We all wanted, for
3 everything. You have to choose, and of course it is
4 difficult.

5 But we did it. This is what is important to
6 keep remembering. The Department made their
7 observations, I made the decision, they loyally
8 followed it, they chased, they guarded, they put it in
9 things, and that limited amount of money achieved
10 a substantial way towards self-sufficiency. It didn't
11 achieve it but, against a rising trend of demand, it
12 overachieved what we expected.

13 So I don't think there is any reason for anybody
14 who was involved in the Department during that period
15 to hang their head in shame about this at all.

16 **Q.** I've been asked to raise with you an observation you
17 made about Lord Hunt. You said in your earlier
18 evidence that what Lord Hunt said about
19 self-sufficiency being driven by cost --

20 **A.** No --

21 **Q.** -- was a blatant lie?

22 **A.** -- if I may interrupt, I didn't say he said it. It
23 was in the briefing document which he published, and
24 it's a -- there were some bull points. It was the
25 second bull point. He never said it. And to all

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1 reference restricted in any other way?

2 **A.** None at all. I don't believe that I feel I would say
3 anything any different -- anyhow, I've sworn the oath,
4 which would override all of these except for the
5 Official Secrets Act, and the Official Secrets Act,
6 there's nothing. You never see in the Department of
7 Health a classified document which -- you know,
8 "UK eyes only" or something like that. You see the
9 whole time when you are in the Ministry of Defence and
10 Foreign Affairs but no, no, never really.

11 There are very few things -- very few things --
12 you can't be open about. We weren't open about the
13 first case of -- I've got a blank. What's the illness
14 that's all over Africa? Ebola. Yes, the first case
15 of Ebola came in and the Chief Medical Officer came in
16 himself, shut the door behind him, and my private
17 secretary was not at the meeting, and he told me that
18 we were having a plane flying in with a case of Ebola,
19 and this is how he wanted to handle it. And it was to
20 send it straight down to Porton Down, which then was
21 a Ministry of Defence establishment, it's no longer
22 that, and was dealing with research into chemical
23 weapons, and had the facilities to completely isolate
24 the patient and to deal with very, very high quality
25 level of treatment, and I said yes.

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1 We, I think, kept this quiet for a while until
 2 it was clear that we were able to handle the whole
 3 thing but that was a very serious medical emergency
 4 and we were both of us very frightened that it would
 5 somehow break out, whether in the airport or on the
 6 way down. Once they were there we were completely
 7 confident they would confine it and contain it. That
 8 was the most secret, if you like, thing I think I ever
 9 had when I was Minister of Health.

10 We kept it very tight as the number of people
 11 who knew about it.

12 **Q.** I've been asked to return to one question and answer
 13 that you gave in this current session. I had asked
 14 you the question about why the Department didn't take
 15 any steps to publicise the risk to patients, why it
 16 was left to doctors, and I think you talked about the
 17 issues of clinical freedom.

18 **A.** I don't agree with that. Didn't take any steps to
 19 publicise it? I mean --

20 **Q.** Forgive me, carry on.

21 **A.** Document after document poured out for the medical
 22 profession, for nurses, there was no secret in medical
 23 education, medical students were taught about the side
 24 effects of all these things. Articles were written.
 25 I went myself on World in Action. I answered

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1 given it to the specialist. The specialist is the
 2 person who is -- they are up-to-date. They know all
 3 the different things and where treatment is coming
 4 from.

5 Now, sometimes perhaps that was not told and I'm
 6 sure there are people, I hope not too many, but people
 7 who genuinely were never told at any level.

8 I understand why young children were not told. That
 9 was up to the parents. But if they were of age then
 10 they should have been told and the parents should have
 11 been told and I'm sure the medical profession failed
 12 them a little on this as we as politicians have failed
 13 them.

14 We have to face up to it. We did not achieve
 15 self-sufficiency. I did not achieve self-sufficiency.
 16 I deeply regret that and I don't think the politicians
 17 can walk away from this or the medical profession can
 18 walk away with it. But it was very difficult to
 19 achieve, but we were warned and the facts were out
 20 there, and the medical profession, you produce very
 21 good evidence that they -- the Chief Medical Officer,
 22 Godber, had the facts and, you know, books were
 23 published. Titmuss did his bit, the television
 24 programmes.

25 There was no, as far as I really know, I don't

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1 questions in the House of Commons but also on the BBC.

2 I don't think I ever used -- where you have to
 3 be a little bit careful in what you say is the fear
 4 factor and that's a real problem. You know, and I do
 5 believe that must be for the doctors to say what are
 6 the side effects of drugs, not so much for the
 7 politicians, because they can put it in context to
 8 their patient and that's why, and I'm sure there are
 9 many haemophiliacs who will tell you that their doctor
 10 wouldn't move them off cryoprecipitate into AHG
 11 concentrate and it did cause a little bit of tension
 12 between them.

13 They were advised to be careful about this and
 14 if they were mild symptoms and we did try and deal
 15 with the donor size. I've dealt with all of this but
 16 I'm just trying to say I understand this feeling, you
 17 know, particularly a young child who then in adulthood
 18 realises that they were exposed to these things feels
 19 anger, resentment.

20 I really understand it and I wish one could find
 21 an alternative way of doing it but in the end of the
 22 day it's either the general practitioner, the
 23 one-on-one relationship in the family, or with these
 24 very high quality advisers on haemophilia. Sometimes
 25 the GP will say it is the job of the specialist. I've

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1 believe there was a climate of secrecy about this in
 2 any way inside the Department of Health. It was just
 3 felt that the way you would tell people would depend
 4 on what their condition was, how mild was the dosages,
 5 how bad were they affected?

6 **Q.** Is this correct, leaving aside, you've rightly pointed
 7 to your interview on the World in Action, which could
 8 be said to be a statement to the public, it's a public
 9 television broadcast, leaving aside that, the
 10 Department's position was that the question of what
 11 doctors told patients about the risk of blood products
 12 was a matter for the patient doctor relationship and
 13 the Department did not -- I say leaving aside any
 14 television broadcasts -- itself take any steps to
 15 either tell doctors what they should say to patients
 16 or provide information directly to patients?

17 **A.** Correct. The Department does not interfere with
 18 a doctor-patient relationship. The Chief Medical
 19 Officer writes to doctors. The Chief Medical Officer
 20 appoints advisory committees. The Chief Medical
 21 Officer has constant flow of information coming from
 22 the professional Royal Colleges and everything else.
 23 But the Department does not decide the treatment of
 24 a patient. That is done through the medical
 25 profession, and that is what we call clinical freedom,

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1 and that is much prized and I would be very, very,
2 very worried about a politician who wanted to change
3 that relationship.

4 As I say, that was the smear against Aneurin
5 Bevan. That was what was the argument that this is
6 what would -- socialised medicine was going to ...
7 and, as I told you, I think there's more freedom
8 inside socialised medicine, if you still call the NHS
9 a socialised model, of which I have some considerable
10 doubt personally.

11 I wouldn't will that on you, that politicians
12 start getting involved in medical treatment. This may
13 be a sign of failure, it may not work wonderfully
14 well, but I can assure you a hell of a lot more
15 grievous mistakes would be made if politicians started
16 deciding on treatment.

17 **Q.** Lord Owen, before I ask you if there's anything else
18 you want to add I will just turn my back and see
19 whether there is anything else anyone is pressing me
20 to raise.

21 I'm happy to say nobody else.

22 Lord Owen, those are my questions for you. It
23 may be that Sir Brian has some questions for you and
24 I think you wanted to add something at the end.

25 **Questioned by SIR BRIAN LANGSTAFF**

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1 sometimes ..."

2 And this is the part I want to ask you about:
3 "... sometimes out of, in this case, deliberate
4 decision."

5 So you see it as a deliberate decision that was
6 taken by someone, or some system, that had the effect
7 of hurting patients?

8 **A.** I think the financial limitation on the Health
9 Service -- I mean, you can't be Minister of Health for
10 very long without realising that ideally you would
11 have very substantially more money to spend. And it
12 is interesting that the United States spends a great
13 deal more than we do on healthcare. I mean, it's up
14 in the 15-16 per cent of GDP, and some people say it's
15 even higher. Do they achieve a very much better
16 overall healthcare system? I think most people think
17 not, and most international comparisons think not.
18 And for a long time the British Health Service was
19 thought worldwide to provide the best of healthcare
20 and the most cost-effective.

21 I don't think we can make some of those claims
22 as easily now as we could have done 15 or -- when
23 I was Minister of Health. I think that was the report
24 of the Commonwealth Fund that used to look at
25 international comparisons. We came out very, very,

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1 **SIR BRIAN LANGSTAFF:** Yes, just a few questions, if I may.
2 I don't want to keep you there any longer than is
3 necessary.

4 **A.** I am totally at your disposal.

5 **SIR BRIAN LANGSTAFF:** Thank you very much.

6 As a matter of principle, do you see it as one
7 of the first duties of the state to look after the
8 safety of its population?

9 **A.** Yes.

10 **Q.** So that would extend to the safety of patients
11 receiving blood or blood products?

12 **A.** Yes.

13 **Q.** You said in part of your evidence this morning
14 something which I pricked my ears up at. It was in
15 the context of your advocating something like the
16 New Zealand system of no fault compensation and you
17 said this:

18 "... we've got to stop relying on governments to
19 make awards or judgments of liability and inadequate
20 payments after years of pressure in Parliament and all
21 this and go for the New Zealand system, with no fault
22 compensation, and take it out of law courts and take
23 it out of all this confrontational system and accept
24 that in healthcare we sometimes damage patients. Not
25 willingly, not wantingly sometimes out of ignorance,

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1 very highly. We did neglect cancer care for quite
2 a while, and our figures were poor compared with quite
3 a lot of other European countries. They have improved
4 recently.

5 So I think that financially we do make decisions
6 as politicians in the overall allocation to the
7 Department of Health, and we could argue you should
8 spend a lot more on health, and I've spent quite a lot
9 of my time arguing that. And I would go to the
10 meetings with the Chief Secretary of the Treasury
11 asking for more money every single year when I was
12 there. And I'd come back in the first year very
13 pleased, and then the second year less so, and the
14 third part of the third year not at all happy about
15 the amount of money that I was able to spend then
16 within it.

17 So it is effectively a rationed system. I used
18 the word "rationed" and people objected.
19 Barbara Castle took me in and was rather angry with
20 me. Three weeks later she was using the term herself
21 with relish. It's the only way of explaining it. You
22 can't pay for everything.

23 **SIR BRIAN LANGSTAFF:** So just help me, if one were to ask
24 what was the deliberate decision that damaged patients
25 in this case, what would you say?

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1 A. Well, I think that you could ideally have made the
2 decision a lot earlier to go for self-sufficiency. We
3 knew about the contamination of blood supplies. We
4 did know about hepatitis. We didn't recognise AIDS
5 for quite a while but in '82, from '82 onwards, it was
6 recognised, and blood transfusions still went on.

7 **SIR BRIAN LANGSTAFF:** So the deliberate decision is really
8 a failure to decide to go for or ensure
9 self-sufficiency earlier?

10 A. I think we must all take -- politicians must take
11 collective responsibility, and I take my share of it.
12 I went into Parliament in 1966 and we ought to have
13 recognised the consequences for the Blood Transfusion
14 Service. It should have been an issue a lot earlier,
15 you know. And an awful lot of people didn't know
16 Titmuss' book, and a lot of people didn't know until
17 they watched two programmes about these issues, so ...
18 We're seeing this over COVID, you know. Did we
19 spend enough on preventative health and did we have
20 efficient enough track and trace system in record
21 already on there? Preventative health, the problems
22 we hear about a track and trace now are all there in
23 the public expenditure cuts of successive governments
24 on preventative health and local public health. You
25 don't have to look very far for that and no doubt

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1 as I understand it, in 1970, and rapidly so with the
2 increase in inflation.
3 Is that about right?

4 A. Yes.

5 **SIR BRIAN LANGSTAFF:** So it would have had no money for
6 its second arm, which was research.

7 A. I didn't catch the last sentence.

8 **SIR BRIAN LANGSTAFF:** It would have had less money to
9 spend on its second limb of its activities, which
10 would have been research.

11 A. I think it was a mistake for it to be run by the
12 Lister Institute. I think it was a mistake not to
13 take it into a very different structure.

14 **SIR BRIAN LANGSTAFF:** But at the time you were Minister of
15 Health, and until I think it was 1977 when it became
16 the joint responsibility of the DHSS and the North
17 West Thames National Health Authority, the Blood
18 Products Laboratory, though part of the National Blood
19 Service, wasn't centrally funded.

20 A. Quite right.

21 **SIR BRIAN LANGSTAFF:** So the production of NHS, as we call
22 it, factor concentrate by BPL --

23 A. The region was acting for the NHS a whole, if you
24 like. That was quite a common pattern. You gave to
25 a Regional Health Authority a national provision --

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1 eventually we will face up to that truth.

2 We did publish, in Barbara Castle and my time,
3 a pamphlet, a little booklet really, "Prevention ...
4 Everybody's Business" it was called. And I think we
5 do neglect prevention, because the drama is associated
6 with renal transplant or cardiac replacement or some
7 of the brilliant surgeries going on, robotics and
8 everything like this, and London teaching hospitals
9 take a very large percentage -- at one time, less so
10 now.

11 So the allocation of money is, you could say,
12 a moral question.

13 **SIR BRIAN LANGSTAFF:** Just on the money side, can
14 I understand better what the arrangements were in
15 particular with Elstree? Let me tell you why I ask.
16 My understanding, but it may be wrong, you may correct
17 me, is that in the 1970s, until 1977, Elstree was run
18 by the Lister Institute, which was not an arm of
19 Government, it was not a commercial pharmaceutical
20 company but it was an institute which had two limbs to
21 it. One, for many years it had been engaged in
22 research, privately funded for that purpose, I think
23 it may have come about because of TB and polio some
24 years -- at the end of Victorian era, start of the
25 Edwardian, but it was beginning to run out of money,

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1 I can't think of other things but I think there are
2 more examples of that. You see the executive arm of
3 the Health Service were the Regional Health
4 Authorities in England with a great deal of
5 independence.

6 **SIR BRIAN LANGSTAFF:** Well, I was going to ask you about
7 that because the way in which blood transfusion worked
8 was it was, as far as England and Wales were
9 concerned, was a question for the local regional
10 health area.

11 A. Yes.

12 **SIR BRIAN LANGSTAFF:** The regional transfusion centre, and
13 so they could have different policies.

14 A. Mm-hm.

15 **SIR BRIAN LANGSTAFF:** They could defer different donors or
16 accept different donors.

17 A. Yes.

18 **SIR BRIAN LANGSTAFF:** And it was funded out of the
19 Regional Health Authority budget, wasn't it?

20 A. Yes.

21 **SIR BRIAN LANGSTAFF:** That budget would have to spend
22 money on what you've described I think already as
23 other challenges of health, but perhaps the more
24 obvious ones, the cardiovascular, the problems which
25 people had orthopaedically, diabetes, cancer, the big

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1 health issues as they may have seemed at the time. To
 2 fund a central laboratory for supplying or to a state
 3 where it could supply factor concentrate to the whole
 4 country would have demanded some top slicing of their
 5 cash.
 6 **A.** Yes.
 7 **Q.** I imagine there might have been reluctance about that.
 8 **A.** Well, you have to remember that the election took
 9 place and the first and only issue for Barbara Castle,
 10 and I hadn't even been announced to be appointed
 11 Minister of Health, and she said, "David, stay,
 12 I would like you to hear this conversation", and the
 13 Permanent Secretary to the Department came in and
 14 said, "Mrs Castle, I want to say to you one thing: I'm
 15 going to pose you a question about whether or not you
 16 will carry out the McKinsey's massive transformation
 17 of the Health Service under Sir Keith Joseph and we
 18 are going to argue that you should let it go and not
 19 follow your manifesto commitment to make changes. But
 20 if you decide to do it and to not take our advice we
 21 will loyally follow what your decision is".
 22 Here was this, people think of a dogmatic,
 23 Mrs Thatcher's equivalent on the left, if you like,
 24 and with some justice really, abrasive and confident
 25 and she listened to all these very powerful arguments

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1 So we, effectively, accepted, with some minor
 2 changes to making the consumer health councils
 3 slightly more democratic, we accepted the structure
 4 and that's the political system we live with and
 5 not -- it's quite unusual for somebody to show as much
 6 pragmatism as Barbara Castle did in that decision,
 7 helped by the fact that she had already served in
 8 Government from '64 and learnt a lot and been a good
 9 minister and a good executive actually.
 10 But that was the problem that we -- hung over
 11 us, and throughout this decision -- as I tell you,
 12 I referred to Abel-Smith at one time, the whole
 13 structure, we were on a very difficult line of being
 14 very careful about making these changes in the
 15 situation that maybe we should have done, you know,
 16 a decision which I never asked for, and I don't want
 17 to make this decision and Barbara Castle -- I took the
 18 decision too -- this is too fragile to go and have
 19 a massive reconstruction.
 20 Now this wouldn't have been a massive one, but
 21 taking it away from the regional health, which then
 22 was an acceptable system for the others because they
 23 would trust that particular regional chairman to
 24 consult them a good deal on the Blood Transfusion
 25 Service, I ruled it out basically. We were living

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1 against making a change when only in a few weeks' time
 2 was the appointed day when the new Sir Keith Joseph
 3 thing was unravelled and they explained at every stage
 4 what were the problems and, of course, the role of the
 5 regional and the area health authority and everything
 6 like that was all redefined in this district
 7 three-tier structure.
 8 She listened to all these questions and then she
 9 turned to me and, as I say, I wasn't even appointed,
 10 she said, "David, well what do you think?" I must say
 11 I took my courage in both hands because I wasn't at
 12 all sure which way she was going to come down and
 13 I said, "Well, you know, we fought an election on
 14 a manifesto which is to change the structure but we're
 15 being told here by objective evidence that if we start
 16 tinkering with the system the whole thing will
 17 collapse, it just won't be able to take it, and
 18 I think they are right". She said, "I agree with
 19 you". I was staggered.
 20 But from that moment on we accepted that
 21 structure and I think this is one of the real problems
 22 for politicians, is you go on tinkering with the
 23 machine or when do you say you can do this safely
 24 because almost all of these reconstructions and
 25 re-organisations take time to settle down.

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1 with a period in which we were not going to make big
 2 structural changes, we were going to sit through it.
 3 Then, as the economic crisis deepened, we became more
 4 and more convinced that that had been the right
 5 decision. As I say, it was not mine, it was
 6 Barbara's, but I thought it was a very courageous
 7 decision for her to make.
 8 **SIR BRIAN LANGSTAFF:** Under the structure as you had it
 9 and the structure that you weren't going to tinker
 10 with, am I right in thinking there would have been two
 11 possible routes for providing funds to develop and
 12 improve the facilities at Elstree, assuming that you
 13 could provide that money to what was then a private
 14 institute, the Lister? One would have been direct
 15 payment out of central funds; the other would have
 16 been to ask the regions to contribute an aliquot so
 17 that together they could have the advantages of having
 18 a BPL supply them all?
 19 **A.** Yes, it would have been possible.
 20 **SIR BRIAN LANGSTAFF:** And the second of those two would
 21 have involved quite a lot of horse trading, I imagine,
 22 on a political type of level -- I don't know, you tell
 23 me -- with the regions to extract the necessary money.
 24 **A.** To put it into a completely private commercial
 25 arrangement, give it to a company you mean?

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1 **SIR BRIAN LANGSTAFF:** Well, to give it to the Lister.
 2 **A.** Give it to?
 3 **SIR BRIAN LANGSTAFF:** The Lister Institute, to fund BPL.
 4 **A.** Well, I don't think that was -- been the right place
 5 for it. If you were going to do a major
 6 reconstruction, I think you could have -- I think
 7 given -- it is true to say that I've spent very little
 8 time on that issue at all. I knew that it was wrong
 9 and that it would have to be looked at, and I was
 10 against quite a lot of these executive powers that
 11 continued to be maintained by the regions when you'd
 12 created this new area. So we had districts, areas and
 13 regions, and we kept in my view a ridiculously large
 14 number of powers for the regions. And I was a totally
 15 opposed to that. But that would have been immediately
 16 seen as dismantling the regional structure if you had
 17 done that. So you would have gone into a hell of
 18 a row about that.
 19 By and large -- I mean, I had not much business
 20 experience but I had spent two years, not very widely
 21 known, but working for an MIT company on structural
 22 changes in business under a professor of marketing
 23 called Arnold Amstas, who was a very brilliant man,
 24 who formed his own company. So I was not completely
 25 inexperienced in that, and I had also spent time

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1 no doubt and you may be right, and I'm sure you'll say
 2 so if you come to that conclusion, but I'm trying to
 3 give you the picture of why it was more or less ruled
 4 out because of the Keith Joseph reorganisation.
 5 **SIR BRIAN LANGSTAFF:** On the same general theme, I'm sorry
 6 if we haven't got a copy -- if Henry doesn't have
 7 available DHSC0100024_126, but this is 27 July 1974,
 8 and it's a BMJ editorial, and it's about the blood
 9 donors and transfusion service.
 10 While Henry is looking -- I'm sorry, normally
 11 counsel gives these references in advance. I didn't
 12 know until listening to you that I was going to ask --
 13 **A.** Should it come up?
 14 **SIR BRIAN LANGSTAFF:** You have got it, have you? No. But
 15 essentially it was an editorial that argued that the
 16 Blood Transfusion Service was ill-equipped to do the
 17 job as a modern transfusion service, and amongst other
 18 things it suggested that the shortage, as it called
 19 it, of blood, allowing entries to the pharmaceutical
 20 companies, was not a real one but a consequence of
 21 poor administration, organisation and underfunding.
 22 Do you have a view on that? You must have read it at
 23 the time.
 24 **A.** I agree with it, and I think it was quite
 25 inappropriate to be put into a Regional Health

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1 running the dockyards as Minister of Health, which had
 2 an industrial labour -- as Minister of the Navy -- of
 3 over 60,000, and closing one of them too. And it was
 4 dealing with the Whitley Council and everything. So
 5 I'm not totally -- and I wasn't hostile to the idea of
 6 different structures, but I think that things were
 7 very fragile. We only had a very small majority
 8 and -- we barely had a majority. So all of this would
 9 have meant unpicking the Keith Joseph legislation.
 10 I think the legislative committee would have told you
 11 this isn't a priority.

12 So if the electorate decides to give
 13 a Government only, you know, a limited -- by '66 we'd
 14 won the election and had got more of a majority but --
 15 I'm trying to wonder the whole election schedule. In
 16 that election, it was -- '66 was in the summer, wasn't
 17 it? And we came in with a big majority, that's right.
 18 We could have done it I suppose. But another
 19 reorganisation of the National Health Service?
 20 Cabinet would have had to agree, the legislative
 21 committee would have to agree. I don't think they
 22 would have given us the time of day, but ...

23 **SIR BRIAN LANGSTAFF:** Could you --
 24 **A.** I mean, I understand why, looking at it now,
 25 objectively, the structure was wrong. Of that I have

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1 Authority who, personally, I think should have been
 2 more or less demolished as part of the restructure and
 3 it should have been areas and a stronger department.
 4 So I would have found no difficulty -- and I don't
 5 actually think I would have found too much difficulty
 6 in asking a major pharmaceutical company to do it as
 7 an agency arrangement for the Government.

8 I think -- I hold strong views about the
 9 marketisation of the National Health Service but
 10 I don't want the National Health Service to become
 11 a pharmaceutical company. And I wanted competition
 12 amongst pharmaceutical companies. And I think that
 13 was an essential fact in trying to keep prices down.
 14 So I have no wish within a National Health Service to
 15 have a hostile attitude to the private sector working
 16 in partnership with the British National Health
 17 Service, and there's certain areas which I think you
 18 are not involved in.

19 I was worried about creating a company like we
 20 did with BPL on blood transfusion, privatising that
 21 and selling it to Bain because you were not giving it
 22 to a pharmaceutical company like GlaxoSmithKline or
 23 AstraZeneca. It has a permanent presence in the
 24 pharmaceutical industry. Bain is a venture
 25 capitalist, effectively.

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1 Now, we sold it but now where it is -- you know,
 2 our blood in this country at the moment comes from the
 3 United States and the United States is picking
 4 quarrels with lots of countries outside, you know.
 5 You've lost control of a very important element, so if
 6 you were going to privatise I would have chosen
 7 a British company and I would have chosen one with
 8 expertise and that would be the pharmaceutical
 9 company.

10 Now, it is interesting at that particular time
 11 I did have a businessman who came from Burroughs
 12 Wellcome who was advising me, and the first question
 13 almost when I became Minister was the same Permanent
 14 Secretary who said to Barbara Castle, came to see me
 15 and said, "I thought you would probably want him to
 16 leave". I said, "What makes you think that?" He
 17 said, "Oh well ..." I said, "I want the best advice
 18 on the pharmaceutical industry I can and if he ran
 19 Burroughs Wellcome and he's ready to come and work for
 20 me I'm only too happy for him to stay".

21 So I do think, in my case particularly it's not
 22 motivated by what can or cannot be done by the private
 23 sector. It was a decision to try to go for
 24 self-sufficiency as quickly as possible and not to get
 25 saddled with a whole legislative argument and

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1 you've dealt with that in your evidence. You've
 2 described how one would select the voluntary
 3 un-remunerated blood donor in preference to the paid
 4 donor for the reasons you've explained and you would
 5 not wish to have anyone who had ever been yellow or
 6 jaundiced.

7 The second was pool size?

8 A. Sorry?

9 SIR BRIAN LANGSTAFF: Pool size.

10 A. Yes, pool, yes.

11 SIR BRIAN LANGSTAFF: You have indicated that that was
 12 something well on your radar and that of the
 13 Department in the '70s when you were Minister and you
 14 would see an advantage in keeping the pool size as
 15 small as possible presumably.

16 Did you happen to know, did any your advisers
 17 know what the difference was between the NHS pool size
 18 and that from the commercial concentrates which were
 19 being imported?

20 A. Yes, I think there was a paper which I found only
 21 a few nights ago which does look at this issue in
 22 really quite a lot of detail and depth, and I wasn't
 23 sure where it had come from and I wasn't sure whether
 24 I'd read it, but it was in my papers. But it was --
 25 I don't know is the answer but I know that there was

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1 a business of saying that you were trying to get rid
 2 of the regions, you were trying to change the
 3 Sir Keith Joseph reform and you were running against
 4 McKinsey.

5 If McKinsey's were so bright why didn't they as
 6 part of their restructuring with the Blood Transfusion
 7 Service. They spent a couple of years and vast sums
 8 of money. This was no time for a Minister of Health,
 9 particularly a junior one like me, to take on the
 10 whole of this issue of restructuring regions which is
 11 what was involved with taking it away from it? They
 12 would never have believed us if we had said, "Oh,
 13 we're not really after it". They would see it as an
 14 attack on the Regional Health Authorities, which we
 15 had already said we didn't like.

16 SIR BRIAN LANGSTAFF: Can I change tack just a little.
 17 It's a linked area, perhaps, but it arises out of
 18 this. Back in 1952 on 21 July there was a WHO (World
 19 Health Organisation) report. If there is a reference
 20 I'm not sure if it is available, but it's RLIT0000215,
 21 but essentially part of it dealt with the question of
 22 how to minimise the risks of serum hepatitis and it
 23 came up with five basic principles, five things that
 24 might be done.

25 Now, the first of those was donor selection and

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1 a comparison of commercial blood and it went into,
 2 I think into pool size comparisons. I can't remember
 3 the figures.

4 SIR BRIAN LANGSTAFF: Did you have any sense about the
 5 relative sizes that one was smaller than the other?

6 A. My hunch would be, given my general disrespect for the
 7 Blood Transfusion Service, that the pool size was
 8 larger but I don't know.

9 SIR BRIAN LANGSTAFF: The third matter which the WHO drew
 10 attention to as a safety measure, was taking steps to
 11 inactivate the virus or to treat the plasma. That
 12 I suspect might have involved research.

13 A. This is the '52 document.

14 SIR BRIAN LANGSTAFF: The '52 document, and obviously the
 15 principles followed through, but in the 1970s was, to
 16 your knowledge, any research being done on how to
 17 treat plasma to reduce the risks of serum hepatitis?

18 A. I can't remember. I think ...

19 There was a lot of research. There was some
 20 German research on this. I don't know what was done
 21 in Britain. It's the sort of field which would not be
 22 so much the Chief Medical Officer but Douglas Black,
 23 who was the Chief Scientist, ought to have been
 24 involved in that area. He was very good, a quality
 25 scientist. I don't know whether he -- but, you know,

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1 he knew all about the problems we were dealing with of
 2 self-sufficiency. He was perfectly within his remit
 3 to come up with this. You can't know everything
 4 yourself but the appointment of a Chief Scientist was
 5 I think a fairly recent one. It was a good one
 6 actually. The Chief Medical Officer of Health.
 7 Medicine is not the same discipline as a scientist and
 8 Douglas Black was a very high quality.

9 **SIR BRIAN LANGSTAFF:** I don't want to put words into your
 10 mouth at all but do I take it from your last answer
 11 that you can't recall, specifically anyway, any
 12 particular allocation of funds or effort in the
 13 Department to researching how best to --

14 **A.** Well, the Department does very little of that type of
 15 research. It isn't a research department.

16 **SIR BRIAN LANGSTAFF:** No, but it could finance it and
 17 arrange it, couldn't it?

18 **A.** It could help finance. Most of that was done by the
 19 Department of Education, as the sort of science
 20 related to the universities. Wellcome was not, of
 21 course, as strong as it is now, which takes a huge
 22 amount of medical research out of Government but on
 23 a sort of charitable basis.

24 I don't think much research would have been
 25 generated by the regions, that's for sure.

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1 that the regions just did what they wanted. They took
 2 from Central Government, very difficult money to find,
 3 to introduce the Butler Report on regional security
 4 units -- because Broadmoor used to be under us as well
 5 as all this -- and they never spent it on it.

6 Parliament was thoroughly critical of the whole
 7 thing. So they were very powerful figures, the
 8 regional chairmen, and the permanent secretary was in
 9 constant dialogue and discussion with them and so was
 10 the Chief Medical Officer for Health, and it was
 11 beneath -- they didn't really -- answerable to the
 12 minister very much.

13 **SIR BRIAN LANGSTAFF:** Thank you very much.

14 The only other thing I wanted to ask you was
 15 this. You said at one stage in your evidence that if
 16 we had achieved self-sufficiency then the supply of
 17 factor concentrates from America would have been
 18 stopped.

19 Would that have been a formal stopping through
 20 the Medicines Act process or not?

21 **A.** Well, they were contractual, so you saw that in the
 22 Armour -- you had a decision to take whether they
 23 would be given the contract. I presume that by
 24 warning them that we were going to abide by the WHO
 25 resolutions that you were telling them, effectively,

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1 **SIR BRIAN LANGSTAFF:** That was going to be my next
 2 question. I think you have given what -- from your
 3 earlier answer, what might be --

4 **A.** It was completely the wrong place for it. It was an
 5 agency for the rest of them and it encouraged them all
 6 to believe that they were not part of a National
 7 Health Service, a national transfusion service and
 8 were individual regional fiefdoms. But they did take
 9 some authority from the nominal region that was in
 10 charge of it but I mean it was not -- it was still
 11 very resistant. You can see it in the papers.
 12 I mean, they were resistant to ideas, resistant to the
 13 Department coming in, and when we made the decision
 14 for self-sufficiency, the Department officials and
 15 John Reid, the Deputy Chief Medical Officer, was
 16 treading on, you know, hot rocks really, had to go and
 17 persuade. They dealt with the regions through
 18 persuasion rather than through executive decision.

19 I mean, at this time we made the decision to put
 20 all the new money that was decided, as a result of the
 21 Butler Report, for regional security units, and new
 22 money was found and given to the regions and it's one
 23 of the biggest scandals: they spent practically none
 24 of the money on the regional security.

25 So this was already an element in which you saw

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1 "Your contract could be curtailed". Now I didn't look
 2 at the contract, I'm sure, but I imagine that,
 3 subsequent to warning them, they would make some
 4 provision in the contract for termination or they
 5 would make the contract for -- well, not for 20 years
 6 or -- you know ...

7 You know that you make decisions and expect,
 8 then, certain consequences to flow from them. So if
 9 you tell Armour that that is -- you expect then the
 10 contract division to take some account of it.

11 Now maybe they didn't. Maybe I should have
 12 followed up on that to find out whether they did or
 13 didn't, but I was -- there is no doubt we would have
 14 cancelled the contract, but at that stage it would
 15 have been a sensible decision to make sure that the
 16 contract wasn't going for too long otherwise the
 17 compensation would be considerable. That was
 18 presumably my intention when I said them, was to
 19 reduce the -- I mean, you were into a commercial
 20 relationship and I imagine and hope that they were
 21 given no long-term contract.

22 **SIR BRIAN LANGSTAFF:** In terms of clinical freedom that
 23 would then have operated if the contract had been
 24 cancelled, would a doctor, let's say a purchasing
 25 haematologist in one of the regions, or his regional

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1 manager making a purchasing decision, would they still
2 have remained free to buy commercial concentrate but
3 in reality would never have done so because they would
4 have to find the money from somewhere and the region
5 wouldn't give it?

6 **A.** Well, the implication in one of the papers that we've
7 actually had before us today -- I can't remember
8 exactly -- it implies that they were doing just that,
9 that they were -- considered that they were
10 independent over this.

11 I mean, I didn't consider that but in the area
12 we were in, in which had not yet been proven what we
13 could do, that was a fight for another day, but
14 I think that -- I definitely think they think they did
15 have that freedom.

16 **SIR BRIAN LANGSTAFF:** It's really a question of how far
17 clinical freedom goes when somebody else controls the
18 purse strings.

19 **A.** Yes. And that's the way you control the regions, was
20 the allocation of money.

21 Now, at this very moment I'm having a fight with
22 the thing called the Resource Allocation Working
23 Party. I came in with a prejudice maybe -- but pretty
24 good evidence for it -- that the four London regions
25 were taking far too much of the overall budget and we

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1 resources on the basis of evidence and not on the
2 basis of prejudice or political persuasion.

3 **SIR BRIAN LANGSTAFF:** Can I --

4 **A.** All I'm trying to indicate is once again you were
5 trying to take a decision with a longer timescale and
6 a fraught political situation. We did not like the
7 McKinsey recommendations, we did not like the
8 Keith Joseph reforms, but we decided that we would
9 live with it.

10 **SIR BRIAN LANGSTAFF:** Can I -- I have finished with my
11 questions. I am afraid have detained you there far
12 too long and I am sorry for those who are waiting.

13 **A.** You are the Chairman of this Inquiry you are entitled
14 to ask for as long as you like.

15 **SIR BRIAN LANGSTAFF:** Maybe, but I may have overdone it so
16 my apologies if I have.

17 **A.** No.

18 **SIR BRIAN LANGSTAFF:** Can I just thank you hugely for
19 coming. It's always difficult to sit in the witness
20 chair, particularly as I made clear this morning in
21 these times when there are risks attached which go
22 beyond the usual, and you are the first and it's
23 always difficult to be the first of a number of
24 witnesses other than those who have been directly
25 infected or affected by what took place.

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1 had to change the allocation system.

2 Again, you know, we were not -- we didn't have
3 a large majority, and so I took the decision that we
4 would introduce an objective system for allocation of
5 resources based on deprivation statistics, and we set
6 up the Resource Allocation Working Party.

7 Now, technically I could have said this is the
8 allocation but all hell would have broken loose and
9 I had to devise a formula which would be acceptable
10 and scientifically based.

11 There was a very able civil servant at that time
12 called Smith who oversaw that process, produced
13 a report, gathered a good deal of sympathy and
14 understanding for the mechanisms of which of the
15 resource allocation working party and we were all set
16 to make an allocation based on that, and then there
17 was an election and it was not taken.

18 But you went through a long process then and it
19 took two to three years to build a consensus that the
20 allocations to the regions would be based on different
21 criteria and it would mean slowly moving resources
22 from London out into the provinces. I'm a provincial
23 figure. I was born in my constituency in Plymouth and
24 so I was no doubt looking after my own but it was
25 actually an objective attempt to try to allocate

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1 So on both those counts you deserve our
2 gratitude. But, more than that, you have given us an
3 insight I think into the way in which politics
4 controlled the Department of Health and worked, at
5 least in your time. You've demonstrated the pressures
6 and reminded us of what Bevan had to say about them
7 and you haven't shirked the acceptance of
8 responsibility individually, collectively, for --
9 amongst politicians and Parliament for what took place
10 or didn't take place and that is brave and thank you
11 for that. You've given us a lot to think about.

12 You have also given a commercial for Titmuss'
13 book and can I just say for anyone who wants to answer
14 the commercial by going out and buying a copy, there
15 are two versions both of which I've read actually, one
16 of which is the old edition and one of which is
17 a revised modern edition. It's the old edition you
18 want if you ever do want to go and buy it and chapter
19 8 is the chapter which Ms Richards focused on and
20 I think is the right chapter to focus on for us in
21 this Inquiry. But there we are.

22 **MS RICHARDS:** Sir, I should just say I was going to ask
23 Lord Owen the now standard question of whether there
24 was anything that he wanted to add following the
25 questions that he's answered.

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1 A. I will try to be very brief. Firstly, I would like to
 2 make a correction in my own written evidence on
 3 page 18, paragraph 46. I refer to John Morris that's
 4 a mistake. It should be Alf Morris. I've already
 5 paid a tribute to Alf Morris.
 6 A lot of people out there are responsible for
 7 this Inquiry and not many of them are politicians but
 8 there were some outstanding people and Peter Archer
 9 devoting his time as a former Attorney General to hold
 10 the Archer Inquiry was I think important, particularly
 11 for the morale of those people outside who were all
 12 the time campaigning for this Inquiry.
 13 We should be humble enough to admit as
 14 politicians that this Inquiry was not taking place
 15 because of a conscious decision to do so. Successive
 16 governments, Labour, Conservative and Liberal
 17 Conservative coalition governments all refused it. It
 18 was eventually done because there was a Parliamentary
 19 majority that was going to vote it through and the
 20 Government had no option.
 21 So we have, all of us politicians, failed to
 22 face up to the fundamental thing: when things go
 23 wrong, be prepared to have a post-mortem. The medical
 24 profession has its failings but it does actually try
 25 to systematically look at its mistakes, particularly

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1 that.
 2 So I end, finally, with a word of thanks for all
 3 those people who we had long debates with in The
 4 Haemophilic Society, haemophilia sufferers, AIDS
 5 sufferers, the families, the people who have devoted
 6 a huge amount of time. I could name them all. One
 7 person who even went and got self-educated and wrote
 8 an MSC on the whole issue of this, and it's still
 9 a big resource document for us. A lot of people who
 10 have made this Inquiry possible, a great many hopes
 11 and aspirations lie that we will -- but above all, we
 12 politicians and we doctors -- I am a member of both,
 13 I still believe both are honourable professions --
 14 must ask ourselves many questions and look at many of
 15 our own internal procedures to try to make sure that
 16 this sort of mistake doesn't happen again.
 17 **SIR BRIAN LANGSTAFF:** Thank you very much indeed.
 18 **MS RICHARDS:** Sir, there are no further questions.
 19 **SIR BRIAN LANGSTAFF:** Thank you, Ms Richards.
 20 Tomorrow, 10 o'clock?
 21 **MS RICHARDS:** Yes, sir.
 22 **SIR BRIAN LANGSTAFF:** What do we have tomorrow?
 23 **MS RICHARDS:** Tomorrow is a presentation on the developing
 24 public medical and scientific knowledge of the risk of
 25 infection from blood and blood products.

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1 when the patient is dead, and try to see if they could
 2 have done better.
 3 We need to look at how to do better. And
 4 I would just say positively, I hope very much as
 5 a result of this Inquiry there is some changes made.
 6 I've indicated where I hope they will come. You
 7 mentioned the New Zealand no fault compensation.
 8 There have been some proper serious studies of it
 9 recently, particularly in Scotland. I refer to that
 10 in my commission. I recommend it to people who are
 11 trying to look at ways of -- compatible with the
 12 National Health Service, which it looks as if we are
 13 going to go on having, and I bless that factor.
 14 Then the other question is the Ombudsman. I so
 15 think such a vast organisation as this has got to have
 16 another mechanism than the Parliamentary debating one,
 17 and I hope the Ombudsman would be a success. I think
 18 it has not been a success, and I think that --
 19 Parliament and particularly you I hope will look at it
 20 and make recommendations, because I think you would be
 21 very influential on all of those things.
 22 I have already referred to my mistake in
 23 referring to John Cash's demolition article really on
 24 the Blood Transfusion Service in the BMJ. I often
 25 said it was 1980, it was actually '87, so I keep to

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1 **SIR BRIAN LANGSTAFF:** Ladies and gentlemen, Lord Owen,
 2 stay safe. I will see those of you coming back
 3 tomorrow.

4 (5.30 pm)
 5 (Adjourned until 10.00 am the following day)

<p>MS RICHARDS: [17] 10/2 46/5 55/19 55/21 68/6 90/13 90/23 108/2 123/20 135/10 137/5 137/11 138/3 196/21 199/17 199/20 199/22</p> <p>SIR BRIAN LANGSTAFF: [61] 1/2 44/11 44/22 55/17 55/20 67/4 67/7 67/10 67/13 68/5 90/15 105/10 107/25 121/20 122/6 122/9 135/8 137/8 137/18 137/21 169/25 170/4 172/22 173/6 174/12 175/4 175/7 175/13 175/20 176/5 176/11 176/14 176/17 176/20 180/7 180/19 180/25 181/2 182/22 183/4 183/13 186/15 187/8 187/10 188/3 188/8 188/13 189/8 189/15 189/25 191/12 192/21 193/15 195/2 195/9 195/14 195/17 199/16 199/18 199/21 199/25</p> <hr/> <p>'52 [2] 188/13 188/14 '64 [1] 179/8 '66 [2] 182/13 182/16 '67 [1] 37/12 '70s [1] 187/13 '73 [1] 49/4 '74 [6] 27/21 49/14 51/19 52/25 53/1 66/21 '75 [5] 53/17 66/21 91/14 108/24 114/3 '76 [11] 12/11 43/25 49/3 51/19 66/21 66/21 95/3 103/7 103/10 108/24 114/4 '77 [3] 103/10 107/1 108/24 '78 [5] 66/20 66/21 108/23 118/10 118/16 '78/'79 [3] 66/21 118/10 118/16 '79 [4] 66/21 108/23 118/10 118/16 '80 [1] 20/5 '80s [3] 87/11 109/21 122/21 '82 [6] 69/5 69/8 69/14 124/17 173/5 173/5 '83 [1] 61/11</p>	<p>'85 [1] 69/14 '87 [1] 198/25 '88 [1] 130/18 '90s [1] 87/11 'I [1] 72/7 'I agree [1] 72/7 'it [1] 72/4</p> <hr/> <p>... 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