

Witness Name: Alice Mackie

Statement No.: WITN2189005

Exhibits: WITN2189006 – WITN2189065

Dated: 30th April 2021

INFECTED BLOOD INQUIRY

EXHIBIT WITN2189058

UNDERTAKING TO BE GIVEN BY A QUALIFYING PARENT OR QUALIFYING SPOUSE TO RECEIVE PAYMENT FROM THE SECRETARY OF STATE FOR SCOTLAND AKIN TO PAYMENT BY THE MACFARLANE TRUST UNDER CATEGORY G.

Whereas the Secretary of State for Scotland has set out proposals for payment of certain sums to or in respect of haemophiliacs infected with Human Immuno Deficiency Virus, to or in respect of other persons who may have become or may yet become infected as a consequence of their relationship to such a haemophiliac, and further to or in respect of certain qualifying parents or spouses who have not sero-converted and/or been infected with HIV to their knowledge but were as at 13 December 1990 at risk of doing so because they were intimates of haemophiliacs who have sero-converted and/or been infected with HIV or developed AIDS;

and whereas the proposals for payment to such qualifying parents or spouses involve such payment at the instance of the Secretary of State for Scotland and it is a condition for payment of funds to such qualifying parents or spouses that a discharge and undertaking be granted to the Secretary of State and others

now therefore I, ALICE JANE MACKIE, residing at GRO-C hereby undertake as follows

1. I hereby discharge the said Secretary of State and all other Ministers of the Crown and Government Departments or bodies or any of their respective agents, servants or employees whomsoever (hereinafter referred to as "the Crown"), from any liability they may have in respect of the risk of my sero-conversion or the risk of my infection with HIV arising from the fact that I was as at 13 December 1990 the ~~parent or~~ spouse, living in family with, and in regular intimate physical contact with ~~the late~~ ROBERT GEORGE MACKIE ^{living with me} who was as at 13 December 1990 a haemophiliac or infected intimate who qualified for reimbursement of legal expenses under paragraph 9 of the detailed Terms of Settlement of HIV Haemophiliac claims in Scotland issued by the Secretary of State on 24 June 1991.

2. I hereby discharge any health board, the Common Services Agency, the Scottish National Blood Transfusion Service or any other body established under the National Health Service (Scotland) Act 1978 or any of their respective agents, servants or employees whomsoever (hereinafter referred to as "a Health Service body") from any such liability as is specified in paragraph 1 above which they may have.
3. I acknowledge that payment of any sums is made without admission of liability on the part of the Crown or any Health Service body.
4. I undertake not to bring any proceedings against the Crown or any Health Service body nor or at any time in the future in respect of the matters specified in paragraph 1 above.

"Provided this discharge and undertaking shall be without prejudice to -

- (a) any claim competent to me by virtue of paragraph 4 of the detailed terms of settlement of HIV/Haemophilia claims in Scotland dated 24 June 1991 except in so far as such claim was as Category G, and
- (b) any claim competent to me against any Health Service body in respect of any alleged medical negligence in connection with the infection of ^{the said} ROBERT GEORGE MACKIE with human immuno deficiency virus allegedly arising out of treatment with the Factor VIII or Factor IX (whether cryoprecipitate or concentrate)."

And for the purpose of this undertaking the expression "medical negligence" shall include only specific allegations as to negligence in the application of treatment including treatment with Factor VIII or Factor IX (whether cryoprecipitate or concentrate) and shall not extend to averments as to the policy for such treatment or the selection or screening of any blood products or other material in such treatment, and by way of example:-

- a. that self-sufficiency in blood products should have been achieved at any date prior to the date of a claimant's sero-conversion;
- b. that donor warnings were adequate;
- c. that heat-treated blood products should have been made available for us by

any Health Service body by any earlier date than that date on which they became available for such use;

- d. that blood products screened for HIV should have been made available for use by any Health Service body by any date earlier than that date on which they became available for such use;
- e. that Health Service bodies should have taken steps to increase the supply of blood products made from non-commercial plasma, whether by arranging for fractionation of such plasma otherwise than by the BPL or by increasing supplies of plasma by investment in plasmapheresis or by having plasma fractionated in Scotland or otherwise.

Further provided that this discharge and undertaking is conditional upon receipt by me of the sum of £ 1000 from the Secretary of State for Scotland which shall be evidenced by my grant of an appropriate receipt.

Dated this day 1994

signed

Witness

Address

Occupation

Witness

Address

Occupation