

FIRST WRITTEN WITNESS STATEMENT OF MARK FLYNN

Witness Name: MARK FLYNN

Statement No.: WITN7591001

Exhibits: WITN7591002-

WITN7591014

Dated: 5 December 2022

INFECTED BLOOD INQUIRY

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I, Mark Flynn, will say as follows: -

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## Introduction

- 1.1. I make this statement in response to a request under Rule 9(1) of the Inquiry Rules 2006 dated 16 August 2022 ("**Rule 9 Request**").
- 1.2. I have been asked by the Inquiry to set out my understanding on a series of issues related to the Inquiry's Terms of Reference on behalf of the General Register Office ("**GRO**"). The Inquiry's Rule 9 Request asks after events that occurred during the 'relevant period' which is 1970 to date. To answer these questions, I have relied on a review of written material, including the documents provided by the Inquiry, and also documents compiled for this Inquiry by colleagues in the GRO following careful searches of the often dated, paper-based documentation that the GRO holds for the purposes of this Rule 9 Request. The paragraph numbering in this statement is designed to accord with the question number of the Rule 9 Request, for ease of reference.
- 1.3. I have been asked to provide a brief history and background information of the General Register Office, including but not limited to: (a) its foundation; (b) any predecessor organisation(s); and (c) the role of the GRO and how it has changed over time.
- 1.4. The post of the Registrar General ("**RG**") for England and Wales was first established by the Births and Deaths Registration Act 1836. The relevant legislation has not been substantively reformed since, although it has been consolidated, amended and extended, most notably in 1953. The Acts of Parliament that set out how civil registration is delivered are based around the Crown appointment of the RG. The Registration Service Act 1953 (the "**1953 Act**") is the Act currently in force which makes provision for this post. As indicated in the 1953 Act, the Crown makes the appointment of RG under the Great Seal of the UK. The duties and powers of the RG are those contained in the legislation relating to civil registration. Civil registration is a devolved matter and separate legislation is in place for Scotland and Northern Ireland.
- 1.5. The legal framework is complex, but overall organisation of the civil registration services in England and Wales has remained substantially unchanged since 1953. The main functions of the RG are specified in the 1953 Act and other

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Acts that relate to the RG's functions (the most important provisions are found in the Marriage Act 1949, the Births and Deaths Registration Act 1953, the Adoption and Children Act 2002, the Civil Partnership Act 2004 and the Gender Recognition Act 2004).

1.6. The main duties and powers of the RG are as follows:

- a) The power to make regulations (with the approval of the Secretary of State) which sets out the system of civil registration;
- b) A duty to maintain a central register of registration events, to make an index to this publicly available and to issue certified copies from it in line with statutory provision;
- c) The provision to provide documentation to the registration service, clergy and authorised persons in other places of worship;
- d) The power to reduce the notice period for marriage or civil partnership;
- e) The power to authorise a Registrar General's Licence for marriage or civil partnership;
- f) A duty to maintain a list of places of worship and those buildings registered for marriage; and
- g) Duties and powers to supply registration information to those where there is a statutory provision to do so.

1.7. The delivery of the registration service in England and Wales is a shared responsibility between the local authority and the RG. The RG is head of the GRO, regulates and oversees the service and has power to appoint her own officers and servants (section 3 of the 1953 Act) to assist her in her functions. The local authority has responsibility for the running of the service locally. As already noted, superintendent registrars and registrars of births and deaths are appointed officers of the local authority (section 6 of the 1953 Act). Though dated, in the main civil registration processes work effectively as the relevant roles are well established both within central and local government. The RG's duties are mostly carried out by officials in the GRO which also holds civil registration records. The GRO and the local registration service liaise and cooperate on a regular basis, and the RG oversees and monitors the overall

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delivery of the registration service in England and Wales. This is done through the issue of regulations, policy and guidance by the RG within the scope of her statutory powers. In specific circumstances, the RG may issue written authority for local registrars to carry out a specific task (where statute or regulations provide that this is required). The statutory functions and duties of the RG and local registrars are distinct, and local registrars (superintended registrars and registrars) are officers of the local authority.

## General Questions

- 2.1. I am asked about a GRO consultation of the medical profession that took place in 1982 to see if they supported the Brodrick formula, which consisted of (a) asking the doctor to report a case to the coroner if he had not attended within seven days before death; and (b) that the doctor would have to report a case to the coroner if he could not certify the cause of death 'with accuracy and precision.' I am told that none of the letters received by the GRO as part of the consultation phase supported these conditions and referred to a document [HOME0000058\_052]. I am asked to set out: (a) to the best of my knowledge, who GRO sent letters of consultation to, in reference to the above; (b) to the best of my knowledge, what the response was of the individuals/ bodies that were consulted on the Brodrick formula for death certification; and (c) to provide copies of the responses which were received following the letters of consultation which were sent by GRO.
- 2.2. According to our records, on 25 February 1982, the RG sent a letter of consultation [WITN7591002] to:
- Sir Douglas Black, President, Royal College of Physicians
  - Mr A J Cowers, General Secretary, Royal College of Radiologists
  - Dr J D Nabarro, Chairman, Joint Consultation Committee
  - Sir Alan Parks, President, Royal College of Surgeons of England
  - Sir Anthony Alnet, President, Royal College of Obstetricians and Gynaecologists
  - Dr B Knight, British Association in Forensic Medicine
  - Dr J P Horder, President, Royal College of General Practitioners
- 2.3. In addition, three individuals and their organisations are listed on the file. However, due to the age of the documents and the degradation of the

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information the following names and organisations may not be shown totally accurately:

- Miss B Brideaux, Secretary, Royal College of Pathologists
- Dr J Havard, British Medical Association
- Mrs R S Monckton, Association of Clinical Pathologists

2.4. GRO holds copies of the responses to the consultation and has provided such copies to the Inquiry. The views expressed by the individual organisations provide insight into the thinking at the time. The responses are numbered [WITN7591003 – WITN7591013].

3.1. I am informed that on 17 April 1989, N. G. Gardiner, H.M. Coroner for Oxfordshire, wrote to Dr C.R. Rizza, Oxford Haemophilia Centre, and refers to instructions issued by the RG to Registrars of death. The instructions are said to direct Registrars not to enquire about how H.I.V. was contracted if it was included on the death certificate. The coroner goes on to state that only a small number of cases are likely to be reported by registrars to him for this reason. I am referred to [OXUH0001262\_007]. I am asked: (a) to set out any directive which was issued by the Registrar General during this timeframe, which directed Registrars of death not to enquire as to how H.I.V. was contracted if it appeared on the death certificate; (b) to provide copies of any directives/ guidance which matches the above description; (c) to provide copies of any communications (if any existed) between the RG and other parties on the issue of Registrars of deaths not having to enquire as to how H.I.V. was contracted if it appeared on the death certificate; and (d) to provide the date when the General Register's Office issued a new directorate which advised Registrars to enquire into how AIDS was contracted.

3.2. The letter referred to above (dated 17 April 1989) includes references to instructions issued by the RG to registrars when registering a death. Following a thorough search of all relevant files – both paper and digital – we have been unable to locate a copy of the instructions issued by the RG to registrars when registering a death. Most likely this is due to the age of the records. However,

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upon reviewing a case file, a copy of a model reply letter dated 13 May 1988 was found. This model letter sets out the position of the RG in the time period requested and it has been provided to the Inquiry [WITN7591014].

- 4.1. I am informed that, on 5 October 1989, Miss G Harrison, Home Office, wrote to Mr W Jenkins of the GRO, and referred to the fact that Registrars had been advised not to query the reasons for AIDS-related deaths. Miss Harrison states that members of the Coroners' Working Party were concerned by this because the result could be a failure to refer cases to coroners which require investigation. Miss Harrison goes on to state that in general, AIDS-related deaths would be considered unnatural if AIDS was contracted by treatment with contaminated blood products. Miss Harrison asks Mr Jenkins for his views on how the problem of AIDS being omitted from a death certificate may be avoided, so that the appropriate cases can be investigated by the coroner. I am referred to [MOJU0000013\_057]. I am asked: (a) to provide an account of the views that Mr Jenkins/ the GRO provided to Miss Harrison/ the Home Office on this issue; and (b) whether, to the best of my knowledge, Mr Jenkins/ the GRO amended the/created a new directorate which advised Registrars not to enquire as to how AIDS was contracted, following this letter?
- 4.2. Following extensive searches of all of GRO's relevant paper and digital records, the GRO has been unable to locate any written accounts on file by Mr W Jenkins. To the best of my knowledge the model letter supplied [WITN7591014] was the position taken by the RG at that time.
- 5.1. I have been asked to provide (if any exist) any specific instructions issued by the GRO on how to record and/or enquire about HIV, HCV, vCJD deaths or any deaths caused by infections which were contracted through blood products or blood transfusions.
- 5.2. As mentioned above, the model letter [WITN7591014] sets out – to the best of my knowledge – the position taken by the RG at the time.
- 6.1. I am referred to [CRMN0000017], a handwritten note dated 4 December 1996. The note appears to state: 'GRO - error of fact of substance' and makes a reference to 'Handbook C.3.22'. I am asked: (a) to clarify what is meant by this statement and what it is in reference to, and also provide the document(s)



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referred to (if applicable); and (b) to explain what is meant by the rest of the content on the note, and if possible, to identify the author of the note.

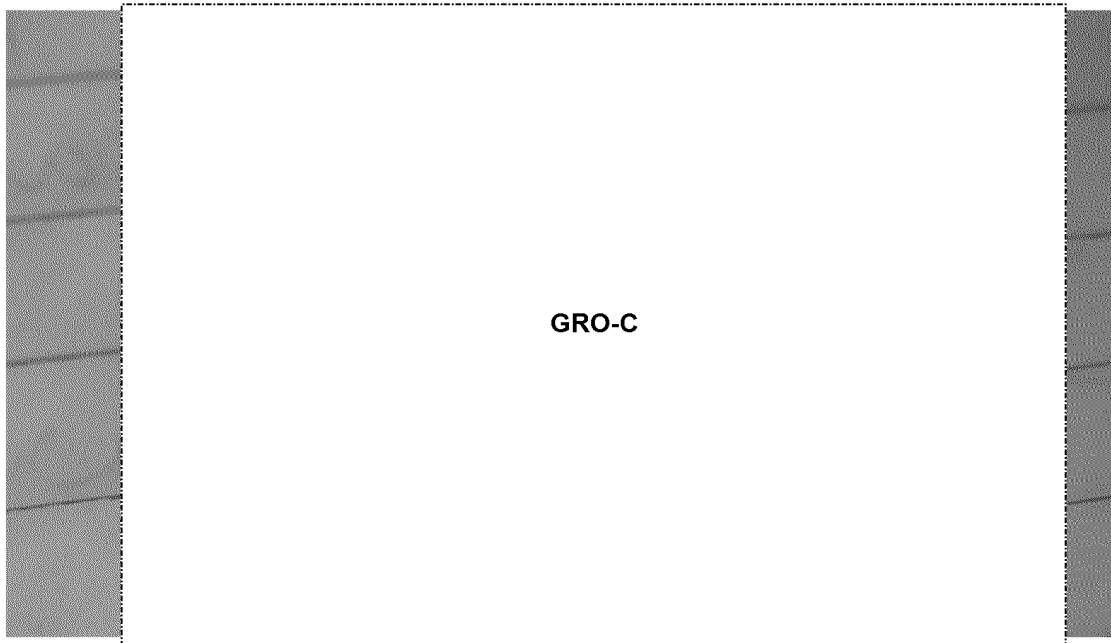
- 6.2. I do not consider that this handwritten note is relevant to the Inquiry's Terms of Reference. The note refers to the procedure to correct a clerical error on a civil registration record, such as a typographical error. The Handbook reference noted (C.3.22) is to the guidance in place at that time for this process. I am unable to establish the author of the note.

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Statement of Truth

**Statement of Truth**

I believe that the facts stated in this witness statement are true.

Signed:



Dated: 5 December 2022