

Witness Name: David Foley  
Statement No.: WITN7757021  
Dated: 23 May 2025

## **INFECTED BLOOD INQUIRY**

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### **FOURTH WRITTEN STATEMENT OF DAVID FOLEY**

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I provide this, my fourth witness statement, in response to further requests for disclosure under Rule 9 of the Inquiry Rules 2006 dated 21 May 2025.

I, David Foley, will say as follows:

#### **Introduction and overview**

1. This statement should be read alongside my first three witness statements and oral evidence given to the Inquiry at the hearing on 8 May 2025. In particular, as requested by the Inquiry, it provides further detail on some issues covered in my witness statement of 20 May 2025.
2. I have been asked whether IBCA's interpretation of the Regulations is that IBCA cannot calculate compensation for HIV from a date before 1 January 1982. The Regulations state that, as regards HIV, someone is eligible if they began or continued to receive infected blood treatments between 1 January 1982 and 1 November 1985. IBCA is given no discretion within the Regulations to change these dates. If the person making the claim believes their infection year was prior to 1 January 1982 and they did not receive any further blood treatments within the liability window then it follows that IBCA cannot assess that person to be eligible.

3. At present IBCA is only opening claims from those already registered on an Infected Blood Support Scheme who are already accepted to be eligible. Where someone is already registered on a scheme as infected with HIV but there is a lack of evidence for the infection date then IBCA uses the earliest date - within the liability window - when the infection could have been contracted.
4. I have been asked whether IBCA is seeking to clarify the position or to request an amendment to the Regulations. The position of the Regulations on eligibility is clear although IBCA has worked to develop policies on how to assess that eligibility.
5. With regards to an amendment, as I set out in my first witness statement, "the Cabinet Office is responsible for setting the policy framework of [the] legislation which IBCA is then responsible for administering with full operational independence and accountability". IBCA provides input to the Cabinet Office "on the practicalities of delivering regulations". This is not a matter of practicality, it is a matter of the intent and scope of the Regulations and it is not IBCA's role to take a position on that.

**Statement of Truth**

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

Signed

GRO-C

Dated

23/05/25