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KENNETH CLARKE'S STATEMENT ON COURT OF APPEAL JUDGEMENT
CONCERNING HAEMOPHILIACS

Kenneth Clarke, Secretary of State for Health, today issued the attached statement on the judgement of the Court of Appeal concerning action brought by a number of haemophiliacs.

"It is an appalling tragedy that so many haemophiliacs were infected by HIV as a result of their NHS treatment. For this reason, the Government has quite uniquely paid the victims at least £20,000 each to help with their problems and we have paid more in cases of hardship. We have made it clear that we will review our expenditure of £34 million so far and top up the funds of the Macfarlane Trust if that becomes necessary.

"In my opinion, on the factual information before me at the moment, this tragedy was no-one's fault. The doctors and staff gave the patients the best medical treatment available in the light of medical knowledge at the time. The patients could have died then if they had not received that treatment. When the blight of AIDS first struck haemophiliacs suffered the same appalling consequences throughout the western world.

"Today's judgement will enable the Judge to see a further batch of documents in addition to those already disclosed. I am advised that they do not contain anything which will reveal that anyone was at fault.

"It may be argued that we should pay compensation to the victims regardless of whether anyone in the Health Service or the Department of Health was negligent or to blame for the tragedy. I believe it would have very grave consequences for medicine in this country if compensation was paid whenever a patient who had been treated properly by his or her doctors later suffered awful side-effects or died. We rely on the clinical judgement of the medical and other professions when patients are treated. This principle of only paying full compensation when negligence is proved is not unique to the case of the haemophiliacs. It could arise over and over again whenever a patient suffers a harrowing experience after receiving treatment.

"In the USA, the practise of medicine is now dominated by these issues of compensation and their resources for health care cut back as a result. That should never happen here.

"If at any stage I am advised that there is evidence that this tragedy was probably caused by the fault of someone in the NHS or in my Department or in one of its agencies, the Government will pay compensation for the victims of that error. If, as I believe, the NHS and the Department are blameless, we will maintain the payments to the Macfarlane Trust that we have already put in hand to give exceptional help to the victims and their families."

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