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Our reference LNV/MJC/54660/4

Your reference

Date 26 August 2009

Rt Hon Andy Burnham MP
Secretary of State for Health
Department of Health
Richmond House
79 Whitehall
LONDON
SW1A 2NS

Dear Sir

**JUDICIAL REVIEW OF THE GOVERNMENT'S FAILURE TO IMPLEMENT
"RECOMMENDATION 6" OF THE ARCHER REPORT INTO NHS SUPPLIED
CONTAMINATED BLOOD AND BLOOD PRODUCTS**

Please find enclosed a sealed copy of the Claim Form for Judicial Review issued on 20 August 2009 by way of service upon you together with a copy of the Government Response to the Archer Report, dated 20 May 2009, which contains the Decisions to be judicially reviewed.

We refer to our Letter before Action of 25 August 2009 in which we advised you that we have had to take the step of issuing our client's application for Judicial Review of your Decisions. We also informed you that we had applied for an extension of time for service of the Claim Form in order to comply with the Pre-Action Protocol for Judicial Review.

Unfortunately our application for an extension of time for service of the Claim Form has not been addressed by the Court before the 7-day deadline for service under CPR 54.7 therefore we have been forced to take the step of serving the Claim Form today in order to comply with CPR and protect our client's application.

It is our intention to obtain the Court's permission to lodge further evidence in the form of a paginated Bundle of Documents, further Statement of Facts and a detailed Statement of Grounds, to amplify those set out in the Claim Form itself, before the application comes before a Judge for permission to proceed to a full hearing.

It follows that we will be pursuing our application for an extension of time for these steps to be taken. Under CPR 54.8 you would normally have 21 days to file your acknowledgement of service, but it is within the Court's power to grant an extension to this period. Should our application for an extension of time to lodge additional evidence be successful, we consider that it would be right for you to be granted a subsequent extension of time for acknowledgement of service. We would propose a period of 21 days from the date of service of the additional evidence upon you

We will keep you informed of any procedural developments in the meantime, but please be on notice that we intend to apply for permission to lodge this additional evidence. It would usually be up to you to apply for an extension of time to file your acknowledgement of service. Unless the Court otherwise directs such an extension in the meantime, please be

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CORRESPONDENCE
PRIVATE OFFICE CC12

assured that we would not seek to oppose such an application and intend to suggest such a direction in our own application to the Court.

Yours faithfully

MICHELMORES LLP
Email: Inv@michelmores.com

cc. *Administrative Court Office*
Haemophilia Society

Enclosures:

1. Claim Form for Judicial Review issued 20 August 2009
2. Government Response to the Archer Report dated 20 May 2009