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Your Ref: BGD/AD/HAST002

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*From the
Minister for Health*

20 MAY 1991

Brian G Donald,

Thank you for your letter of 20 March about compensation for blood transfusion recipients who have contracted the AIDS virus. I am sorry that you have not had an earlier reply.

Firstly, let me say that I have every sympathy for the tragic plight of those who have become HIV positive after receiving blood transfusions.

The Government made provision in relation to haemophiliacs infected with the AIDS virus as a result of NHS treatment as a special case. The haemophiliacs were doubly disadvantaged by the pre-existing haemophilia, which affected their employment, mortgage and insurance prospects and by their HIV infection. The hereditary nature of haemophilia can mean that more than one member of the family might be affected. This combination of factors would not generally apply to blood transfusion cases.

In your letter you suggest that the Government's position is to the effect that those sustaining injury as an unfortunate side effect of NHS treatment must prove medical negligence in order to become entitled to compensation. The suggestion on your part is that individuals should be entitled to compensation without having to establish medical negligence. Successive governments have never been persuaded that a general scheme of no fault compensation of such a kind would be fairer than present arrangements. Since the settlement offer for haemophiliacs was announced last December, a general scheme of no fault compensation for the NHS has been considered in Parliament and decisively rejected. The Government's view remains that such a scheme would be unworkable and unfair.

C A R I N G F O R T H E I 9 9 0 s



You will understand that it would not be right for me to make any comment on the circumstances of the individual cases to which you refer since these could be the subject of claims brought before the courts.

Yours sincerely

GRO-C

VIRGINIA BOTTOMLEY