



The Haemophilia Society

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03 AUG 1989

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TO ALL HAEMOPHILIA CENTRE DIRECTORS

SUBJECT: HIV HAEMOPHILIA LITIGATION - England and Wales

Following the preliminary hearings in the High Court I wanted to give you a brief indication of how things were proceeding. It is especially important to note that all the litigation has now been brought together and common approaches will be applied - ie **NO ACTIONS WILL BE AGAINST CENTRE STAFF** but against RHAs and DHAs - the Welsh Office being regarded as an RHA; the CSM and the Department of Health.

It is important to note that, even if actions have been indicated against Centre Directors, those actions will not continue and where actions have been started against Districts they will, in the main we hope, be picked up by the Regions. His Honour Judge Ognall has indicated that it is his wish to pursue that line of business in due course.

Other snippets from the proceedings so far include a ruling that all those who want to enter on the present co-ordinated scheme of litigation should start their proceedings by 2 February 1990. Only the most exceptional circumstances would allow 'late' cases to join the combined action after that date. **COSTS** will be based on an Open-Style scheme - ie the total cost will be divided by the total number of litigants - so it is obviously in the litigants interest to have as many cases on board as possible!

Another absolutely unique feature directed by HHJ Ognall is that all litigants will have their anonymity totally protected at all stages of proceedings, code-names only being used. This is of vital importance to those who were anxious about any invasion of their personal privacy.

I am happy to answer any queries from Centre Staff which arise from this letter or any aspect of the proceedings as they move along.

General Secretary

25 July 1989

31 OCT 1990



AN URGENT LETTER TO ALL SOCIETY MEMBERS FROM THE GENERAL SECRETARY.

24 October 1990

Dear Member

You will no doubt have seen, read or heard at least something of the speculation which is being conducted in the media about the possibility of an out of court settlement.

It is being implied that negotiations are taking place between lawyers representing both sides – ie YOUR lawyers and the Government lawyers – to establish an acceptable out of court settlement.

The Haemophilia Society is not – and cannot be – involved in those negotiations. If they are taking place they are being held between the lawyers and any level of settlement will be determined by them and the court. It is therefore important that you get in touch with your lawyer in that connection.

The press and the media have mentioned a number of likely settlement figures. Those are all speculative and the only figure we have to operate from is that which was given twelve months ago by the lawyers.

The role of the Society throughout has been to make it politically expedient for the Government to settle our case out of court – now rather than in three or four years time. The other point, of course, is that money paid now is guaranteed, whereas there are certainly no guarantees associated with the final outcome of the legal case.

Within the newspaper and media reports it is also mentioned that payments could be through the Macfarlane Trust. The Society has made it very clear that any 'topping up' of the charitable (original) Macfarlane Trust would be totally unacceptable whereas lump-sum payments made through the Macfarlane Special Payments Trust (MSPT) would have considerable advantage since those would be free of tax and not taken into account for social security purposes – a considerable boost to the value of any negotiated settlement. MSPT was the vehicle for payment of the £20,000 earlier in the year.

We are sorry that we cannot paint a clearer picture. This is an anxious time for us all but one in which we very much need to keep up the pressure on MPs and through the media: your continued help with that would be most warmly appreciated.

General Secretary

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