

# Haemophiliacs can see documents about AIDS

HAEMOPHILIACS WHO contracted the AIDS virus after receiving infected blood products during NHS treatment yesterday won their legal battle to see more government documents which could be vital to their damages claim.

Three Court of Appeal judges in London dismissed a cross-appeal by the Government that it should not have to produce any official papers because of public interest immunity.

In a 50-page main judgment Lord Justice Ralph Gibson said the 962 claimants appeared to have "at least a good arguable case" that there had been negligence.

He added, "This case must cause great public interest and concern."

Lord Justice Bingham added, "The tragedy was avoidable in the sense that different measures been taken in the 1970s and early 1980s, it could, at least in large measure, have been prevented."

The ruling led to calls from the Haemophilia Society for speedy and generous out-of-court settlements—the full damages hearing will not take place until March and is expected to last several months.

But Health Secretary Kenneth Clarke talked about "this mistaken claim" and insisted there had been no negligence by the NHS or individual doctors.

"We cannot pay out very large sums of money in such circumstances," he said. "It would have very grave effects on the National Health Service."

The tragedy, which happened before screening of blood was introduced, led to hundreds of haemophiliacs being given infected blood products contaminated with the HIV virus.

The general secretary of the Haemophilia Society, Mr David Watters, said after yesterday's ruling, "It is the judgment we wanted but dared not hope for."

He urged a "rapid settlement out of court" as an act of humanity. If the case

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went to a full hearing the total cost to the claimants could be as high as £10 million.

He had been advised by lawyers that the average settlement should be no less than £100,000 for each claimant.

"People with haemophilia and HIV have suffered enormously as a result of their infection and the hardship of living with two life-threatening conditions.

"For the Government now to prolong their suffering still further would be beyond belief."

The society said 1200 people with haemophilia were infected with the HIV virus

from contaminated blood products. Already 210 had developed AIDS and more than 140 had died.

Mr Clarke, speaking on BBC Radio 4, said neither the NHS or individual doctors were to blame for the tragedy.

Those affected had already each been paid at least £20,000 and in some cases more, where there was real hardship.

If evidence was presented to show blame could be attributed, the Health Service would pay "without hesitation."

But what had happened could not be blamed on anyone. The people were given the best medical treatment available. Paying out huge compensation payments under those circumstances would set a costly precedent for the future and move the NHS towards the American system where every doctor had a lawyer.

The haemophiliacs were appealing against an order by High Court judge Justice Rougier restricting the government documents they could see.

Yesterday's ruling means they will be able to see almost all the official papers.

Most of the 962 claimants are haemophiliacs who became infected with the HIV virus. Seventy-six have died, 50 have contracted full AIDS and 326 are suffering from AIDS-related complexes.

Other claimants include 177 wives and children of haemophiliacs. Of these one has full AIDS, 11 AIDS-related complexes and 23 have the HIV virus.

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