

FROM THE MINISTER OF HEALTH



Department of
Health

An Roinn Sláinte

Mánnystrie O Poustie

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Dear

Liz

VICTIMS AND PRISONERS ACT – INFECTED BLOOD COMPENSATION

The Victims and Prisoners Act (Part 3) is the legislation under which a UK-wide infected blood compensation scheme will be established, in response to the recommendation by the Chair of the Infected Blood Inquiry, Sir Brian Langstaff KC, in his second interim report¹.

The former Minister Robin Swann wrote to you on 21st March 2024 regarding his intention to lay an LCM in the Assembly to seek its agreement to Northern Ireland's inclusion in the Victims and Prisoner's Bill. Subsequent to this, written briefing was provided to the Committee, followed by oral briefing from Departmental officials (Liz Redmond and Lesley Heaney) on 9 May. I am writing to provide you with an update.

During the Report Stage in the House of Lords on 30th April, the amendment affecting Northern Ireland was debated, however this was adjourned until Tuesday, 21st May, when the Bill completed report stage, with all remaining UKG amendments to Part 3 (infected blood) agreed. Part 5 was amended to extend Part 3 to Northern Ireland (and Scotland) and to commence all provisions of Part 3 on Royal Assent. The next stage was due to be the Third Reading and was scheduled for 4 June 2024. After that, the Bill would have returned to the Commons for consideration of the Lords' amendments and then Royal Assent.

¹ <https://www.infectedbloodinquiry.org.uk/reports/second-interim-report>

However, on Wednesday 22nd May, the Prime Minister announced a date for the General Election. As the Victims and Prisoners Bill had cross-Party support at Westminster and to prevent the Bill from falling before Parliament was dissolved on Thursday 30 May, the remaining stages were fast-tracked in a process known to complete unfinished business, known as 'wash-up'.

The remaining stages were considered, with the Third Reading taking place on Thursday 23rd May and consideration of Commons amendments on Friday 24 May. **The Victims and Prisoners Bill received Royal Assent and became an Act of Parliament on Friday 24th May.**

As the 'relevant day', as defined in Standing Order 42A(11)(a)(ii), was 23rd May and the Bill was passed by Parliament on prorogation and received Royal Assent on 24 May, there was insufficient time to seek the legislative consent of the Northern Ireland Assembly. Legislative consent would have been sought within 10 days of the relevant day had Parliament not been prorogued for a general election.

After consideration by its health and delegated powers committees, the Scottish Parliament gave its consent to inclusion in the Bill on 30th April and has written to the Minister for the Cabinet Office to confirm this. The matter was also debated in the Welsh Parliament on the 7th May, where members voted and agreed the motion to consent to Part 3 of the Bill.

The Infected Blood Compensation Authority (IBCA) was established on the day the Bill became law and it will deliver the Infected Blood Compensation Scheme on a UK-wide basis, to be set up by way of regulations within three months of the passing of the legislation (by 23rd August).

The aim of the Infected Blood Compensation Authority (IBCA) is to ensure that compensation payments are made as swiftly as possible. It is currently part of the Cabinet Office in its shadow form but will become an established legal entity once the relevant legislation is passed. Sir Robert Francis KC has been appointed Interim Chair of the

shadow IBCA, while David Foley, Director of Public Bodies at the Cabinet Office, is the Interim Chief Executive Officer.

Sir Robert Francis will shortly begin work to engage with the infected blood community to help their understanding of the new compensation scheme and the impact on the current support schemes. My predecessor wrote to the Minister for the Cabinet Office to say that it is of the utmost importance that the infected blood community is involved in this process, so that there is an opportunity for the Government to provide reassurance and listen to their concerns.

The Infected Blood Inquiry published its final report on 20th May in what will have been a watershed moment for victims. I know that you have recently heard from representatives of the infected blood community in Northern Ireland and will be aware of the life-changing impacts and financial hardship that people have endured as a result of receiving a devastating diagnosis following treatment with NHS contaminated blood.

I agree with Robin Swann that Sir Brian Langstaff's recommendation for a UK-wide compensation scheme is the best approach to ensuring those who have suffered as a result of this terrible tragedy get the justice and support they deserve. Whilst the Victims and Prisoners Act has established the IBCA, close four nations engagement will be essential to work through the practical and legal implications to set up the Compensation Scheme, including any potential impact on the devolved NI Infected Blood Payment Scheme.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mike Nesbitt'.

Mike Nesbitt MLA
Minister of Health