

VOTE 41. - HEALTH

46. Tribunal Costs

Paragraph 51 of my 1995 Report refers to the Compensation Tribunal established on 15 December 1995 to administer the Scheme to compensate certain persons who had contracted Hepatitis C from the use of Human Immunoglobulin Anti-D, whole blood or other blood products. By the end of August 1997, amounts totalling £46.8m in 391 cases had been paid on foot of awards by the Tribunal. Other costs paid to that date include legal costs in relation to 240 claimants, amounting to £4.5m, tribunal members fees^a of £512,000 and administration costs of £1.1m. Under the terms of the compensation scheme, the costs of the claimant's legal representative are borne by the State and are agreed with the Chief State Solicitor after each case is completed and prior to payment of costs. Any case of dispute may be referred to the chairman of the Tribunal for adjudication, but none has arisen to date.

The Minister for Health appointed a Tribunal of Inquiry on 24 October 1996 to inquire into the circumstances surrounding the Hepatitis C infection of blood and blood products manufactured and distributed by the Blood Transfusion Service Board (BTSB). The Tribunal issued its report on 6 March 1997. Total costs of the Tribunal paid to 31 August 1997 are £873,500, of which £556,400 refers to legal fees and £317,100 to administration costs. Legal fees paid to date include those paid to teams appointed by the Attorney General to represent the Public Interest, the Tribunal and the State. These fees were agreed in advance by the Attorney General and consisted of a fixed briefing fee^b and a fixed daily fee^b for the life of the Tribunal. The fees were determined on the basis of what the Attorney General considered proper and reasonable, having regard to the interest of the taxpayer, the complexity and difficulty of the issues to be determined by the Tribunal, to the expertise of the counsel selected and to the present market rate for work of this nature. The Attorney General also had regard for what a solicitor in private practice, acting reasonably and prudently, would offer counsel for such services. The BTSB, Positive Action and the National Drugs Advisory Board were granted legal representation but claims for legal fees from these bodies had not been paid by 31 August 1997. The BTSB claim has been lodged with the Chief State Solicitor but the other two bodies had not yet submitted claims. Claims will be taxed before the Taxing Master.

<i>a</i>	Chairman:	<i>Salary of a Judge of the Supreme Court</i>
	Members:	<i>Initial briefing fee of £15,000 plus £,750 daily fee per sitting day.</i>

<i>b</i>	Counsel Fees	Briefing Fee	Daily Fee
	<i>Senior</i>	<i>£15,000</i>	<i>£1,400</i>
	<i>Junior</i>	<i>£10,000</i>	<i>£,750</i>