

I can remember very few debates in which so many wide aspects and so much agreement has been greeted, if I may say, by such a stonewall or stubborn defensive bat from the Government. I hope that that will not be their approach to what has been said today because, as I said at the beginning, it is hugely important to send a message to the probation service that what it is doing is appreciated and appreciated for what it is doing, not for what people think that it is doing.

When the Minister said that all the people will be guaranteed employment, I hope that that message goes through, because last year cohort 10, as the next group of people joining the service after training is called, came to see me because those people were not being guaranteed employment. They were on their way to see Jack Straw, as a result of which money was added to the budget and they got employment. We must never put the people potentially coming into the probation service in that form of uncertainty again, because to give them uncertainty of employment is to send uncertainty through the service. People are not

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things; we should never forget that. I again thank everyone who has taken part in this debate and I beg leave to withdraw my Motion.

Motion withdrawn.

Contaminated Blood (Support for Infected and Bereaved Persons) Bill [HL]

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Third Reading

4.49 pm

Clause 2 : Blood donations

Amendment 1

Moved by Baroness Masham of Ilton

1: Clause 2, page 2, line 22, at end insert "the blood supply is made safe through the implementation of prion filtration and that"

Baroness Masham of Ilton: My Lords, the noble Lord, Lord Morris of Manchester, is president of the Haemophilia Society and I am a vice-president. We both feel that blood safety is an absolute priority, particularly for the groups of people who rely on a regular supply of clean, safe blood. I congratulate the noble Lord, Lord Morris, and the noble and learned Lord, Lord Archer of Sandwell, on their tireless efforts in championing the rights of people with haemophilia.

Amendment 1 aims to make a minor change to Part 2 of the Bill regarding the measures that need to be introduced to ensure that people with haemophilia are not given contaminated blood or blood products in the future. The amendment seeks to ensure that all diseases are covered by widening the potential range of solutions to blood diseases that can be used.

The current wording of the Bill proposes that people with haemophilia are offered a blood test for a list of conditions including hepatitis B, hepatitis C, syphilis and variant Creutzfeldt-Jakob disease-variant CJD. The challenge is that at present there is not a reliable blood test for variant CJD, unlike for other viral infections and blood-borne diseases. Detecting the infective prion that causes variant CJD is extremely difficult and as yet no one has been able to develop a test that would be reliable or effective.

However, an alternative approach to a blood test has been developed to ensure that all donated blood is free from the infective prion that causes variant CJD. This approach, prion filtration, effectively cleans the blood removing all prion whether infective or not. The P-CAPT filter has been designed to work directly with the existing technologies used by the UK National Blood Service and has been CE marked since 2006, meaning that it has passed EU-wide safety and efficacy testing, as required for it to be legally used in the UK.

In October, the Government's blood safety advisory body, SaBTO-the Advisory Committee on Safety of Blood Tissues and Organs-published advice stating that there is now sufficient evidence that the P-CAPT prion reduction filter reduces infectivity and successfully cleans blood to remove the infective prions that carry variant CJD.

The haemophilia group has had a really terrible time with HIV infection, hepatitis C and variant CJD and the risk of it. We must surely do all that we can

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to protect those people. I am pleased that the noble Lord, Lord Morris of Manchester, my colleague of many years over matters relating to disability, is supporting this amendment. I wish the Bill godspeed and I beg to move.

Lord Morris of Manchester: My Lords, I am most grateful to my good friend the noble Baroness, Lady Masham of Ilton, for proposing this important amendment. As she said, we have worked in close rapport for over 40 years to enhance the status and improve the well-being of chronically ill and disabled people-she made her maiden speech on the Bill I enacted in 1970-which of course makes this an evocative moment for us both.

I diverge from her only very slightly today. She said before the debate that she was sure she was pushing an open door. In fact my door is off its hinges and I was delighted to add my name to hers as a signatory of this amendment. Thus I can be brief in my response, pointing as the noble Baroness did, to the emphasis placed in my speech on 17 March on the importance of prion filtration in removing the causative agent of variant CJD.

This debate takes place against a backcloth of human suffering on a scale that most people can barely imagine. A small and stricken community of barely 5,000 people, already disabled by a rare, lifelong blood disorder, haemophilia patients have twice been infected en masse by contaminated NHS blood and blood products. Ninety-five per cent of them were infected with hepatitis C, and one in four with HIV. Of the 1,243 haemophilia patients infected with HIV, only 361-29 per cent-are still alive. The much higher number of deaths among the hepatitis C-infected patients is still increasing.

As of now, an estimated 1,974 haemophilia patients have died from being infected in the worst ever treatment disaster in the history of the National Health Service. Should anyone dispute that assessment, they should look at the finding of distinguished statisticians that the contaminated blood disaster involved the haemophilia community in a loss of life more savage in proportion to the number of people at risk than the Black Death.

It is in that context that the sombre new threat of a third scourge facing the haemophilia community must be judged. Many hundreds of haemophilia patients have now been told by the Department of Health that they were prescribed blood from donors who subsequently died of variant CJD; indeed, a post-mortem on one such victim found variant CJD in his spleen.

The amendment addresses the new scourge and plainly warrants the support of this House.

Amendment 1 agreed.

Clause 6 : Regulations, short title, commencement and extent

Amendment 2

Moved by Lord Morris of Manchester

2: Clause 6, page 4, line 5, leave out subsection (1) and insert-

"(1) Regulations made by the Secretary of State under this Act are to be made by statutory instrument."

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(1A) A statutory instrument which contains any regulations made under this Act is subject to annulment in pursuance of a resolution of either House of Parliament, unless it is an instrument to which subsection (1B) applies.

(1B) A statutory instrument which contains, whether alone or with other provisions, any regulations made under section 2(5) or 4 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament."

Lord Morris of Manchester: My Lords, this amendment to Clause 6 addresses the Delegated Powers and Regulatory Reform Committee's suggestions that in relation to Clauses 2 and 4, the affirmative procedure should apply. That is provided for in my amendment. I entirely accept the committee's view, and I beg to move.

Amendment 2 agreed.

A privilege amendment was made.

Motion

Moved by Lord Morris of Manchester

That the Bill do now pass.

Lord Archer of Sandwell: My Lords, it would be wrong to allow this moment to pass without a tribute to my noble friend Lord Morris. It is not the first tribute that he has received in a long and distinguished career, but without him, there would have been no inquiry, no recommendations, no Bill and no debate. We ought to include a tribute to the noble Baroness, Lady Masham, who has given unstinting service over a very long period to those who have suffered in this way.

Having intervened at this stage, perhaps I should declare an interest. The purpose of the Bill is to implement certain recommendations. I was privileged to chair the inquiry which made those recommendations. It is certainly not my intention at this stage in our proceedings to embark on an embellishment of them, but perhaps I may be allowed to assure your Lordships that we did not overlook the fact that this is not the ideal moment to press the Government for further expenditure. What we had in mind was that those we are discussing have suffered a shattering tragedy, as my noble friend said, of proportions that it is difficult to envisage. One of the consequences is that many of them are now suffering severe financial embarrassment. I believe that the test of a country is whether, when times are hard, the burden falls on those who have already suffered or who are most vulnerable, and that is what is on trial today. This is an important Bill not only for those whom it is intended to benefit but because it is a test of the priorities of our community.

5 pm

Lord Thomas of Gresford: May I be permitted to associate myself with everything that the noble and learned Lord, Lord Archer, said about the noble Lord, Lord Morris, and the noble Baroness, Lady Masham? I should not let this moment go without paying tribute

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to the noble and learned Lord, Lord Archer, for the way in which he marshalled the evidence and produced a highly influential report which we hope will, in due course, lead to some justice for those who have been damaged, inadvertently, perhaps, by the state.

Lord Morris of Manchester: I am most grateful to my noble and learned friend. All the recommendations of his independent public inquiry into the contaminated blood disaster are embraced by the Bill. I commend him and his colleagues in the inquiry team, including the admirable Dr Norman Jones and Judith Willetts, on the excellence of their report.

I warmly acknowledge today all the help given to me in promoting the Bill by Sarah Jones in the Public Bill Office of your Lordships' House. She could not possibly have been more helpful and the haemophilia community joins me in paying high tribute to the constancy of her support. Many other officials of the House hastened the passage of this important measure and the haemophilia community feels much indebted to them too.

I have been highly fortunate in the backing for the Bill of noble Lords in all parts of this House, and I know noble Lords will understand why that of my noble friends Lord Corbett of Castle Vale and Lord Rooker has been so important to me. Moreover, I know they would want to join me in paying tribute to noble Lords all across the House who have put such enormous effort into speeding the Bill's passage. They include the noble Lord, Lord Thomas of Gresford, the noble Baroness, Lady Morris of Bolton, and, of course, my dear and inspirational noble friend Lady Campbell of Surbiton. They would all join me in appreciating the role of my noble friend Lady Thornton, whose awareness of the depth of anguish and despair in the haemophilia community is well understood across the House.

My final words in this debate are about the ministerial statement made last week by Mike O'Brien, as Minister of State at the Department of Health, on the victims of the thalidomide disaster, and I am grateful to him for his kindly references to my role in achieving the original settlement. The public apology made by the Government and the announcement of new help for the surviving thalidomiders must very strongly support the case for the Government now to endorse the provisions of this Bill. That is not only my view, but that of everyone I have heard commenting publicly on the measure.

Bill passed and sent to the Commons.

Rehabilitation of Offenders (Amendment) Bill [HL]

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Committee

5.05 pm

Clause 1 : Amendment of the Rehabilitation of Offenders Act 1974