

THE PENROSE INQUIRY

Preliminary Hearing - Tuesday 31 March 2009

Media information pack

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26 March 2009

MEDIA NOTICE

The Penrose Inquiry – Preliminary Hearing

Date: Tuesday 31 March 2009
Time: 10.30am
Venue: Edinburgh International Conference Centre, The Exchange,
Edinburgh, EH3 8EE

A Preliminary Hearing of The Penrose Inquiry will be held on Tuesday 31 March at 10.30am at Edinburgh International Conference Centre.

The Inquiry was set up by the Cabinet Secretary for Health and Wellbeing, Nicola Sturgeon, to look into the circumstances in which patients treated by the NHS in Scotland became infected with Hepatitis C, HIV, or both, through the use of blood or blood products.

At the hearing, Lord Penrose will make an opening statement in which he will set out his proposed approach to the Inquiry. Matters such as participation in the Inquiry and legal representation at a later stage will be covered in the opening statement. Lord Penrose will not be taking questions or representations at this hearing.

The Preliminary Hearing will be open to the public. Lord Penrose has permitted filming of his opening statement and there will be an opportunity for still photographs at 10.00am. Lord Penrose and the Inquiry team will not be conducting any interviews.

A media information pack with further details about the Preliminary Hearing, background information and media arrangements is available at: www.penroseinquiry.org.uk

Media wishing to attend should contact:

Elise Clayton

Account Manager

Barkers PR

Tel: 0141 248 0451

Email: eliseclayton@barkers-scot.com

Media information

The Penrose Inquiry - Preliminary Hearing

Date: Tuesday 31 March 2009
Time: 10.30am
Venue: Edinburgh International Conference Centre, The Exchange, Edinburgh,
EH3 8EE
Chairman: The Right Honourable Lord Penrose

Preliminary Hearing

The hearing will be open to the public. Doors will be open from 8.30am and the hearing is scheduled to commence at 10.30am. The hearing will last for approximately one hour.

Media representatives are welcome to attend. A section of the public seating area will be identified for media.

Broadcasting

By law, (the Inquiries Act 2005) it is a matter for the Chairman to decide whether or not proceedings at an inquiry may be recorded or broadcast. Lord Penrose has agreed to permit filming of his opening statement at the Preliminary Hearing. A platform for fixed cameras will be available at the venue.

There will be an opportunity for still photography at 10.00am.

At this early stage, Lord Penrose and the Inquiry team will not be conducting any interviews.

Media wishing to attend the Preliminary Hearing should contact Elise Clayton on 0141 248 0451 or email: eliseclayton@barkers-scot.com by noon on Monday 30 March.

Transcripts

A transcript of the Preliminary Hearing will be available on the website shortly after the hearing.

Other information

There is no designated car parking at the Conference Centre, however on-street parking is available on Morrison Street.

Media wishing to attend the Preliminary Hearing should contact:

Elise Clayton

Account Manager

Barkers PR

Tel: 0141 248 0451

Email: eliseclayton@barkers-scot.com

The Penrose Inquiry

Background

On 23 April 2008, the Cabinet Secretary for Health and Wellbeing, Nicola Sturgeon announced that there would be a full independent public inquiry to look into the circumstances in which patients treated by the NHS in Scotland became infected with Hepatitis C, HIV, or both, through the use of blood or blood products.

The Right Honourable Lord Penrose was appointed as Chairman of the Inquiry on 12 January 2009 and the Inquiry was set up on the 13 January 2009. The Inquiry is a judicially-led public inquiry set up under the Inquiries Act 2005.

Since his appointment in January, Lord Penrose has begun the process of examining key documentation relating to the Inquiry's Terms of Reference, going back over 30 years. Due to the volume of information involved, it is anticipated that this process will take some time.

Preliminary Hearing

A Preliminary Hearing of The Penrose Inquiry will take place on Tuesday 31 March 2009 at Edinburgh International Conference Centre, commencing at 10.30am. At the hearing Lord Penrose will make an opening statement in which he will set out his proposed approach to the Inquiry. Matters such as participation in the Inquiry and legal representation at a later stage will be covered in the opening statement. Lord Penrose will not be taking questions or hearing representations at this hearing.

The hearing will be open to the public and a transcript will be available on the Inquiry website shortly after the hearing.

More information about the Inquiry is available at: www.penroseinquiry.org.uk

Terms of Reference

Term of Reference 1:

To investigate the systems in place in Scotland for the collection, treatment, licensing, testing, preparation for supply and supply for use by the NHS of blood and blood products with particular reference to the risks of transmission of the Hepatitis C virus and HIV to patients treated by the NHS in Scotland, including the role of government in regulation and setting guidelines and standards.

Term of Reference 2:

To investigate the systems in place for informing patients treated by the NHS in Scotland of the risks associated with the use in their treatment of blood or blood products, with particular reference to the risks of infection with the Hepatitis C virus and HIV.

Term of Reference 3:

To investigate the systems in place in Scotland for obtaining consent from, and testing for infection with Hepatitis C and HIV, patients treated with blood or blood products, and informing any patients found to be so infected.

Term of Reference 4:

To investigate the systems for recording and monitoring the numbers of NHS patients in Scotland treated with blood and blood products, with particular reference to the numbers exposed to risk of infection with the Hepatitis C virus and HIV and the numbers contracting either or both such infections as a consequence of such treatment.

Term of Reference 5:

To examine the circumstances generally in which patients treated by the NHS in Scotland became infected with Hepatitis C, HIV, or both through the use of blood or blood products in the course of their treatment, taking account of the development of scientific and clinical understanding and evidence internationally.

Term of Reference 6:

To investigate the deaths of Reverend David Black and Mrs Eileen O'Hara, with particular reference to the circumstances in which they became infected with the Hepatitis C virus, HIV or both.

Term of Reference 7:

To investigate the steps taken by those involved in, and those responsible for, the NHS in Scotland, including NHS Boards and the Scottish National Blood Transfusion Service (“SNBTS”), their officers and employees and associated agencies, once Hepatitis C and HIV were identified, to trace individuals who might have become infected with one or both of them as a result of receiving blood or blood products; and to identify any other or further steps that might reasonably have been taken to trace such individuals.

Term of Reference 8:

To investigate the steps taken by those involved in, and those responsible for, the NHS in Scotland including NHS Boards and SNBTS, their officers and employees and associated agencies, to prevent the provision of infected blood and blood products.

Term of Reference 9:

To investigate the steps taken by those involved in, and those responsible for, the NHS in Scotland including NHS Boards and the SNBTS, their officers, employees and associated agencies to inform individuals who might have received infected blood or blood products of the risks associated with their treatment for themselves and their families; and to offer treatment to any individual at risk, and to identify any other or further steps that might reasonably have been taken to inform and to treat such individuals.

Term of Reference 10:

To examine any particular adverse consequences for patients treated by the NHS in Scotland and their families of infection through blood and blood products with Hepatitis C and HIV, including the treatment offered.

Term of Reference 11:

To identify any lessons and implications for the future, and make recommendations.

Term of Reference 12:

To report as soon as practicable.

Inquiry Team

The Right Honourable Lord Penrose is Chairman of the Inquiry.

Senior counsel to the Inquiry is Laura Dunlop QC, supported by junior counsel, Euan Mackenzie, Advocate. Their role is strictly impartial and is to assist Lord Penrose in the Inquiry's investigation of the facts, to present the evidence to the Inquiry and to provide advice on questions of law and evidence.

The solicitor to the Inquiry is Douglas Tullis, who will be assisted by Louyse McConnell-Trevillion. They will be responsible for investigating the evidence, taking statements from witnesses and potential witnesses, arranging the programme of public hearings and for responding to queries from those with an interest in the Inquiry.

The secretary to the Inquiry is Maria McCann, who is responsible for the organisation and administration of the Inquiry and for managing the staff of the Inquiry. Her deputy is Diane Barr.

Lord Penrose has appointed Professor Oliver James as medical assessor to the Inquiry in terms of Section 11 of the Inquiries Act 2005. His role will be as principal adviser to the Inquiry on medical matters. Professor James has recently stepped down as Head of the Medical School and Pro-Vice Chancellor at the University of Newcastle and is a former Senior Vice President of the Royal College of Physicians (London).

Biographies of Inquiry team

The Right Honourable Lord Penrose – Chair of the Inquiry



Lord Penrose was appointed as a Court of Session Judge in 1990 and retired in 2005. He is a graduate of Glasgow University (MA, LLB) and a Chartered Accountant. He was admitted to the Faculty of Advocates in 1964 and appointed Queen's Counsel in 1978. Before being appointed to the Court of Session, he served as Advocate Depute from 1986 and Home Advocate Depute from 1988 until 1990. He has also served as a Chairman of the Financial Services Tribunal and was President of the Scottish proceedings of the Aircraft and Shipbuilding Industries Arbitration Tribunal from 1977 to 1983. From 1984 until 1990 Lord Penrose was Procurator to the General Assembly of the Church of Scotland. Lord Penrose conducted the public inquiry into the Equitable Life Assurance Society, the report of which was published in 2004. He is currently the Chairman of the Court of Heriot-Watt University.

Laura Dunlop, QC - Senior Counsel to the Inquiry

Laura Dunlop QC is a graduate of Edinburgh University. She was called to the Scottish Bar in 1989 and became a QC in 2002. She has had a wide ranging civil practice, and has appeared at planning and other inquiries (including the Dunblane Inquiry and the Holyrood Inquiry concerning the Scottish Parliament). She was a co-editor of the 10th, 11th and 12th editions of Gloag and Henderson: "The Law of Scotland". Her current appointments include that of Procurator to the General Assembly of the Church of Scotland.

<http://www.hastiestable.com/Advocates.aspx>

Euan Mackenzie, Advocate – Junior Counsel to the Inquiry

Euan Mackenzie was called to the Scottish Bar in 1999. He is a graduate of the University of Aberdeen (LLB Hons). He has been a standing junior counsel to the Scottish Government since 2006. He has a wide ranging civil practice with particular experience in public law and medical law.

www.ampersandstable.co.uk/ampersand/Who_27_view.

Douglas Tullis, Solicitor to the Inquiry

Douglas Tullis qualified as a solicitor in 1973 and is a senior civil servant on secondment to the Inquiry from the Scottish Government Legal Directorate, which he joined in 2002 after a career mainly in private practice as a litigation solicitor in Edinburgh. He has a particular interest in public inquiries and acted as Solicitor to the Inquiry under the chairmanship of Lord Fraser of Carmyllie into the Holyrood Parliament building project which reported in 2004.

Douglas Tullis will be supported by Louyse McConnell-Trevillion, Deputy Solicitor to the Inquiry. Louyse is a lawyer on secondment from the Government Legal Service for Scotland. She has held posts advising Scottish Ministers on education, freedom of information and before secondment was Legal Secretary Depute to the Lord Advocate.

Maria McCann, Secretary to the Inquiry

Maria McCann is a civil servant on secondment to the Inquiry from the Scottish Government. She joined the Scottish Government in 2001 as a policy analyst in Schools Directorate. Previously she was a senior manager with local government.

Maria McCann will be supported by Diane Barr, Deputy Secretary to the Inquiry. Diane is on secondment to the Inquiry from the Scottish Parliament. She was Deputy Secretary to the Inquiry under the chairmanship of Lord Fraser of Carmyllie into the Holyrood Parliament building project which reported in 2004.

Professor Oliver James - Medical Assessor to the Inquiry

Professor James recently stepped down as Head of the Medical School and Pro-Vice Chancellor at the University of Newcastle. For almost thirty years Professor James was a consultant physician in Newcastle. His research interests have been in Liver Disease and Ageing and he has written over 300 research papers. He is a former Senior Vice President of the Royal College of Physicians and President of the British Association for the Study of the Liver. He is also Chair of the Scientific Advisory Panel of ERAB (an independent European biomedical research charity into alcohol, funded by the brewers of Europe).

PRESS RELEASE – issued 9 March 2009

Date announced for initial hearing of The Penrose Inquiry

A Preliminary Hearing of the independent public inquiry into the infection of people with Hepatitis C and HIV through blood and blood products will take place on Tuesday 31 March at Edinburgh International Conference Centre.

The Penrose Inquiry, chaired by the Right Honourable Lord Penrose, was announced by Cabinet Secretary for Health and Wellbeing Nicola Sturgeon to look into the circumstances in which patients treated by the NHS in Scotland became infected with Hepatitis C, HIV, or both, through the use of blood or blood products.

Since his appointment in January, Lord Penrose has begun the process of examining key documentation relating to the Inquiry's Terms of Reference, going back over 30 years. Due to the volume of information involved, it is anticipated that this process will take some time.

At the Preliminary Hearing, Lord Penrose will make an opening statement in which he will set out his proposed approach to the Inquiry. Lord Penrose will not be taking questions or hearing representations at this hearing. Matters such as participation in the Inquiry and legal representation at a later stage will be covered in the opening statement.

The hearing will be open to the public and a transcript will be available on the Inquiry website shortly after the hearing.

Further information about the Inquiry can be found at: www.penroseinquiry.org.uk

Notes to Editors

1. Full Terms of Reference for the Inquiry can be found at: www.penroseinquiry.org.uk

2. The Penrose Inquiry is a public inquiry set up under the Inquiries Act 2005. The Inquiries Act 2005 is a UK wide statute which provides a modern and comprehensive framework for inquiries in relation to matters of public concern. The Act sets out the legal powers and duties of both Ministers and the Inquiry chairman. In relation to a Scottish public inquiry, like this one, the Act is supplemented by the Inquiries (Scotland) Rules 2007 which set out many of the detailed rules and procedures.
3. The Preliminary Hearing will take place at Edinburgh International Conference Centre, The Exchange, Edinburgh, EH3 8EE commencing at 10.30am. The hearing will be open to the public.
4. Lord Penrose will permit filming of his opening statement. Further information about broadcasting and media arrangements will be announced in due course.

For assistance with media enquiries, please contact:

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PRESS RELEASE – issued 10 February 2009

The Penrose Inquiry launches inquiry website

A dedicated website for the independent public inquiry into the infection of people with Hepatitis C and HIV through blood and blood products launched today.

The Penrose Inquiry website www.penroseinquiry.org.uk contains background information, documents relating to the Inquiry, frequently asked questions and latest news. The site will be updated throughout the course of the Inquiry.

Cabinet Secretary for Health and Wellbeing, Nicola Sturgeon announced the independent public inquiry in April last year, to look into the circumstances in which patients treated by the NHS in Scotland became infected with Hepatitis C, HIV, or both, through the use of blood or blood products.

The Right Honourable Lord Penrose was appointed as Chair of the Inquiry on 12 January and a full Inquiry team is now in place.

The Terms of Reference for the Inquiry have been agreed between Scottish Ministers and Lord Penrose and include an investigation of the systems in place in Scotland for:

- the collection, treatment, licensing, testing, preparation and supply for use by the NHS of blood and blood products;
- informing patients treated by the NHS in Scotland of the risks associated with their treatment and advising those who might have received infected blood or blood products of the risks associated with their treatment for themselves and their families;
- obtaining consent from, and testing for infection with Hepatitis C and HIV, patients treated with blood or blood products, and informing any patients found to be infected;
- tracing individuals who might have become infected as a result of receiving blood or blood products;
- recording and monitoring the numbers of NHS patients in Scotland treated with blood and blood products;

- preventing the provision of infected blood and blood products.

The Inquiry will also investigate the specific circumstances surrounding the infection and subsequent deaths of Reverend David Black and Mrs Eileen O'Hara, identify lessons and implications for the future and make recommendations based on the Inquiry's findings.

The full Terms of Reference can be found at www.penroseinquiry.org.uk/terms-of-reference

The Inquiry will begin by examining documentation in detail, going back over 30 years, and undertaking any other investigations Lord Penrose considers appropriate. Due to the volume of information involved, it is anticipated that this process will take some time. Lord Penrose is currently giving consideration to the procedures to be adopted by the Inquiry, details of which will be published in due course.

For more information about the Inquiry visit: www.penroseinquiry.org.uk

Notes to Editors

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2. Lord Penrose was appointed as a Court of Session Judge in 1990 and retired in 2005. He was admitted to the Faculty of Advocates in 1964 and appointed Queen's Counsel in 1978. Before being appointed to the Court of Session, he served as Advocate Depute from 1986 and Home Advocate Depute from 1988 until 1990. He has also served as a Chairman of the Financial Services Tribunal and was President of the Scottish proceedings of the Aircraft and Shipbuilding Industries Arbitration Tribunal from 1977 to 1983. From 1984 until 1990 Lord Penrose was Procurator to the General Assembly of the Church of Scotland.

Lord Penrose conducted the public inquiry into the Equitable Life Assurance Society, the report of which was published in 2004. He is currently Chairman of the Court of Heriot-Watt University.

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The Penrose Inquiry - FAQs

1. General Background

1.1 Why was it decided to hold the Inquiry?

The Inquiry was announced in the Scottish Parliament by the Cabinet Secretary for Health and Wellbeing, Nicola Sturgeon, on 23 April 2008, to look into the circumstances in which patients treated by the NHS in Scotland became infected with Hepatitis C, HIV, or both, through the use of blood or blood products.

1.2 When was Lord Penrose appointed?

Lord Penrose was formally appointed with effect from 12 January 2009.

1.3 What is meant by an inquiry under the Inquiries Act 2005?

The Inquiries Act 2005 is a UK wide statute which provides a modern and comprehensive framework for inquiries in relation to matters of public concern. The Act sets out the legal powers and duties of both Ministers and the Inquiry chairman. In relation to a Scottish public inquiry, like this one, the Act is supplemented by the Inquiries (Scotland) Rules 2007 which set out many of the detailed rules and procedures.

1.4 The report of the independent Inquiry chaired by Lord Archer of Sandwell has now been published. Will this be taken into account in this Inquiry? Will the Inquiry rely on the report of the Archer Inquiry?

Lord Archer's independent public inquiry, which was privately financed, was set up in early 2007 and its report was published on 23 February 2009. The remit of that Inquiry was "To investigate the circumstances surrounding the supply to patients of contaminated NHS blood and blood products; its consequences for the haemophilia community and others afflicted; and suggest further steps to address both their problems and needs and those of bereaved families".

Lord Penrose has read Lord Archer's report with interest, and acknowledges Lord Archer's achievement in producing his report under challenging circumstances. There are some points of connection with the Terms of Reference for Lord Penrose's Inquiry,

but it is too early to say how relevant Lord Archer's report will be to Lord Penrose's investigations.

2. Organisation and running of the Inquiry

2.1 What are the Terms of Reference for the Inquiry?

A copy of Lord Penrose's Terms of Reference can be found in the Background section of this pack or on the Inquiry website at: www.penroseinquiry.org.uk

2.2 Will there be a panel or will Lord Penrose sit alone?

Lord Penrose will sit alone.

2.3 Will a medical expert be involved as a specialist advisor to the Inquiry?

Lord Penrose has appointed Professor Oliver James as medical assessor to the Inquiry in terms of section 11 of the Inquiries Act 2005. His role will be as principal adviser to the Inquiry on medical matters. Professor James has recently stepped down as Head of the Medical School and Pro-Vice Chancellor at the University of Newcastle and is a former Senior Vice President of the Royal College of Physicians (London).

2.4 How long will the Inquiry take?

It is not possible to say at this stage how long the Inquiry will take. Lord Penrose will conduct the Inquiry as expeditiously as possible, consistent with fairness to all parties. Details of progress will be notified on the Inquiry website.

2.5 What will the inquiry cost and who is paying for it?

It is too early to give any estimate of the cost of the Inquiry. The cost will depend on the work required including the number of documents to be considered, the number of witnesses, the number of core participants, their representation, the length of the Inquiry and the nature of the evidence. The Inquiries Act 2005 requires the chairman to act with fairness and with regard to the need to avoid any unnecessary cost. The Inquiry will be paid for by the Scottish Government, which is required to publish its total cost at the end of the Inquiry.

2.6 Where will the public hearings of the Inquiry be held?

A Preliminary Hearing of The Penrose Inquiry will take place at Edinburgh International Conference Centre. No venue has yet been identified for any further Preliminary Hearings or for the hearings of evidence.

2.7 How will the Inquiry work?

The initial phase of the Inquiry will involve considering the very large volume of documentation likely to be available to the Inquiry, to enable identification of the significant and contentious issues.

At the Preliminary Hearing on 31 March, Lord Penrose will make an opening statement in which he will set out his proposed approach to the Inquiry. Lord Penrose will not be taking questions or hearing representations at this hearing. Matters such as participation in the Inquiry and legal representation at a later stage will be covered in the opening statement.

2.8 Is there a timetable for future hearings?

This has not been fixed at this stage of the Inquiry.

3. Legal position and powers of the Inquiry

3.1 What powers does the Inquiry have under the Inquiries Act 2005?

The main powers available to the Inquiry under the Inquiries Act 2005 are the powers to require witnesses to give evidence, both in writing and orally and to require the production of documents. Failure, without reasonable excuse, to comply with a requirement made by the Inquiry is an offence.

3.2 What powers do Scottish Ministers have in relation to the Inquiry?

The powers of Scottish Ministers in relation to the Inquiry are set out in the Inquiries Act 2005. Apart from the general power to establish the Inquiry, the main powers given to Ministers by the Act include the determination of the remuneration of members of the Inquiry team and the imposition of certain conditions on the awards of expenses that can be made by the chairman.

3.3 Is the Inquiry legally independent of Scottish Ministers?

Yes. The Inquiry is entirely independent of Scottish Ministers and will approach its task in an entirely impartial way.

3.4 Can witnesses be compelled to attend and give evidence?

Yes. Section 21 of the Inquiries Act 2005 enables the chairman to require any person to attend to give evidence, or for the purpose of producing relevant documents or other evidence. It also enables the chairman to require the provision of written statements of evidence and of relevant documents or other evidence. In terms of Section 35 of the Act failure, without reasonable cause, to comply with such a request is an offence.

These provisions are subject to Section 22, which provides that a person may not be required to give, produce or provide any evidence or document to the Inquiry if such a requirement could not be made by a court in civil proceedings.

3.5 How will evidence actually be taken?

It is Lord Penrose's intention to take as much evidence as possible in written form. Oral hearings will take place to assist the Inquiry in areas where the facts are unclear or in dispute or where oral evidence is considered necessary to help to clarify or expand on matters. Oral hearings may also be necessary to test the accuracy or reliability of disputed evidence. The fact that some evidence is taken in writing does not mean that it is less important than evidence taken orally. The Inquiry will consider all evidence it receives.

3.6 Do the powers of the Inquiry enable it to recover evidence from the UK Government?

The powers of a Scottish Inquiry are set out in Section 28 of the Inquiries Act 2005. In particular its powers under the Act only apply in relation to "evidence, documents or other things that are wholly or primarily concerned with a Scottish matter" or for the purpose of inquiring into something that is "wholly or primarily a Scottish matter". A "Scottish matter" means a matter that relates to Scotland and is not a reserved matter within the meaning of the Scotland Act 1998. Section 28 also prevents a Scottish Inquiry from using its powers to "require any evidence, document or other thing to be given,

produced or provided by or on behalf of Her Majesty's Government in the United Kingdom....” There is, however, nothing to prevent a Scottish inquiry from considering evidence made available to it by the UK Government, which has indicated that it will offer all reasonable assistance to Lord Penrose in explaining to him what documents are held by the Department of Health and in making available to him any additional documents he feels necessary to his Inquiry.

3.7 What witnesses will give evidence to the Inquiry?

Lord Penrose will decide which witnesses will be asked to give evidence and how their evidence can most appropriately be taken. It is likely that all prospective witnesses will be asked to provide an initial written statement of their evidence to enable the chairman to make those decisions. The solicitors to the Inquiry will be available to assist witnesses in the preparation of statements.

3.8 Will there be financial assistance for witnesses to appoint legal representation?

Section 40 of the Inquiries Act 2005 enables the chairman to award reasonable amounts in respect of legal representation in relation to the Inquiry. Rules 17 to 20 of the Inquiries (Scotland) Rules 2007 make more detailed provision in relation to awards. It has been indicated to the Inquiry that the Cabinet Secretary for Health and Wellbeing, Nicola Sturgeon, will in due course be making a determination under Section 40(4) of the Act setting certain conditions on any such awards, but no such determination has been made yet. Lord Penrose will, in due course, be issuing a separate statement setting out how he proposes to deal with applications for awards of legal expenses and of the procedure for applications. Full details will be published on the Inquiry website as soon as they are available.

3.9 Will any Ministers or former Ministers give evidence to the Inquiry?

No decisions have yet been taken as to which witnesses will or will not be giving evidence. If Lord Penrose considers the evidence of any witness to be necessary to enable the Inquiry to carry out its task, he will request the evidence of that witness either in writing or orally.

3.10 Will transcripts of evidence from the hearings and documents referred to be publicly available?

Yes – it is intended that all transcripts of evidence and documents referred to will be published on the Inquiry website. Documents published will be subject to redaction as necessary to ensure anonymity where it has been agreed and to ensure compliance with the Data Protection Act.

3.11 Will the Inquiry only be looking at the position of haemophiliacs who have become infected with Hepatitis C and HIV through blood and blood products?

No. The Inquiry's terms of reference enable it to consider the circumstances generally in which any patients treated by the NHS in Scotland became infected with Hepatitis C, HIV, or both through blood and blood products.

3.12 Why is the Inquiry specifically investigating the deaths of Reverend David Black and Mrs Eileen O' Hara?

The representatives of David Black and Eileen O'Hara have successfully brought petitions in the Court of Session against the Lord Advocate and the Scottish Ministers for the judicial review of the initial decision not to hold an inquiry into the circumstances of the deaths. In his opinion of 5 February 2008, and in terms of his supplementary opinion of 7 January 2009, Lord Mackay of Drumadoon held that compliance with Article 2 of the European Convention on Human Rights required the holding of an independent, effective and reasonably prompt inquiry into the two deaths. On 7 January 2009 he made an order declaring that the petitioners are entitled to an independent, effective and reasonably prompt inquiry into the deaths.