

Witness Name: ARCHIBALD DEWAR  
 MCINTYRE  
 Statement No.: 2  
 Dated: 19 JANUARY 2011  
 Inquiry Ref:

**THE PENROSE INQUIRY**  
**STATEMENT (2) OF DR ARCHIBALD D McINTYRE**

1. This witness statement relates to a request received by the Scottish Government Legal Directorate on 9 September 2010.

Consideration, if any, given by the Scottish Home and Health Department (SHHD) between 1975 and 1984 to the practice of collection of blood from penal institutions, the risk of Non-A Non-B Hepatitis from such donations and whether the practice of collecting blood from such institutions should continue?

2. The collection of blood from penal institutions was an established practice by the time I took responsibility for blood policy as PMO in charge of the public health group. I think that the issue of the desirability of such collections began to be talked about when the risk of infection from blood borne viruses became apparent. I cannot put a date on this. If there was a shortage of blood, the Blood Transfusion Services tended to use easy sources of blood, such as prisons. I recall that Dr Wallace (Glasgow) continued this practice the longest, because he had the biggest need.

3. I did not take part in any discussions regarding the continuing collection of blood from penal institutions. I am not aware of my colleagues having been involved in such discussions. This was really an issue for the Regional Transfusion Directors to address. We could see why the practice was employed, and over time we could see that the incidence of such collections was reducing and therefore there was no need for us to intervene.

4. I don't recall having any interaction with the Medicines Inspectors. I think the Medicines Inspectors would have dealt directly with SNBTS.

Signed... *Archibald D McIntyre* .....

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Dated... *19/1/11* .....

Communications, if any, between SHHD and the Scottish National Blood Transfusion Service (SNBTS) between 1974 and 1985 on the subject of collection of blood from penal institutions

5. I don't think there was much discussion between SHHD and SNBTS on this topic. I was not personally involved in any discussions. We knew that SNBTS were running the show and there was felt to be no need for us to interfere. SHHD did not set policy for SNBTS in this area.

Communications, if any, between the SHHD and DHSS between 1975 and 1987 on the subject of collection of blood from penal institutions

6. I do not recall any personal involvement with DHSS other than my attendance at meetings of the English Directors. I think that any dealings with DHSS would have been done on the administrative side. I do not know whether a common position was adopted on the issue by SHHD and DHSS.

The extent, if at all, to which the Chief Medical Officer, the Deputy Chief Medical Officer and the Permanent Secretary of the SHHD were aware of and were involved in any considerations by the SHHD between 1974 and 1985 on the practice of collecting blood from penal institutions

7. The CMO and DCMO were aware generally of the work being done by various PMO groups. They did not raise any concerns with me about the issue of the collection of blood from penal institutions. In my day to day work I spoke often with the CMO or the DCMO. I cannot at this time remember whether or not I spoke with either of them or how often on this subject but if they had a matter of concern or I had a matter to report we would discuss it verbally or where appropriate by a memo.

Signed Andrew D. McInyre

Dated 19.1.11

Whether the witness/SHHD were aware of the evidence produced by the National Blood Transfusion Service for England and Wales around July 1974 (SGH.001.7095) that the incidence of Hepatitis B in donors in prisons was approximately 5 times greater than the incidence in donations from the general public. If so, what, if anything, did the witness/SHHD do in response to that information?

8. I have no recollection of having seen the evidence referred to.

9. I have been provided with copies of papers by Wallace et al ("Total screening of blood donations for Australia (Hepatitis Associated) antigen and its antibody", BMA, 11 March 1972:663-664 (SGH.002.9831)) and Barr et al ("Hepatitis B virus markers in blood donors in the West of Scotland", Medical Laboratory Sciences, 1981;38:405-407 (SNB.008.0002)). The paper by Wallace et al was published in the BMJ on 11 March 1972. I did not take up appointment till 1974 and gradually over the ensuing months became involved in matters relating to blood transfusion – as well as in other areas. No doubt those in post at the time would be aware of this article. I do not recall being aware of the later article. I find it difficult to draw conclusions from these papers now without seeing the context of the situation and other publications at that time.

Whether the witness/SHHD were aware of the letter dated 6 January 1975 by J Garrott Allen (Stanford) to Dr William Maycock (Blood Products Laboratory) (SGH.004.6061) warning of the increase of risk of hepatitis, including NANBH hepatitis, from blood collected from prisoners. If so, what if anything did the witness/SHHD do in response to the concerns raised in that letter?

10. I do not remember seeing this letter. Dr Maycock may have contacted SNBTS direct in relation to the question raised about whether Factors VIII and IX were produced at the Glasgow centre, but this is speculation on my part.

Whether the witness/SHHD were aware of the letter dated 1 May 1975 by H Yellowlees, CMO, In England and Wales, to all Regional Medical Officers on the subject of blood donations and hepatitis (SGH.003.0187) and whether the witness/SHHD agreed with the advice contained in that letter i.e. that it is not

Signed..........

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Dated.....19.1.11.....

necessary to discontinue the collection of blood from prisons providing that all donations were tested for hepatitis B using a sensitive test

11. I do not specifically remember the letter sent by Dr. Yellowlees to all RMOs in England. However, I have been shown papers from the file NQJ 1/2, Part 2 (pages 184-188). It is clear that the letter from Dr Yellowlees was sent to Scotland, and copied to me. I note from the papers sent to me that I was asked to discuss with the NMD the position in Scotland. This no doubt I did and reported back, although I cannot recall the detail of any discussions I may have had with him. This kind of task, akin to attending various expert committees as an observer, was typical of my role. The content of the letter, which no doubt was based on the specialised advice available to him, is similar to what was the practice in Scotland as the expert advice came from shared sources (the various committees, blood transfusion, haemophilia directors, bacteriologists, virologists and epidemiologists).

Whether the witness/SHHD were aware of the internal correspondence in the DHSS in July/August 1983 on the practice of collecting blood from prisons ((SGH.001.0575) and (SGH.001.0574))?

12. I do not remember seeing the internal DHSS memoranda passing between two members of administrative staff. I notice that the first letter SGH.001.0575 shows no evidence of being copied to SHHD. The reply minute SGH.001.0574 was copied to an administrative official in Scotland (Mr McBryde). I cannot remember if it was shown to me but it might well have been.

In the 1970s and early 1980s, did the Scottish Home and Health Department, or Ministers, encourage donations in prisons and, if so, for what reasons?

13. I do not remember SHHD or Ministers encouraging donations in prisons. Indeed as stated in Chapter 5 of the preliminary report, in the section entitled "Collection of Blood in Prisons" (paragraphs 5.54 to 5.72) the practice was decreasing until it ceased in 1983 (as stated in SNF.001.1180 at 1188).

Signed.....*Col. D. M. Innes*.....  
 Dated.....*19/1/11*.....

What was the view, if any, of the witness/SHHD in the early 1980s on the practice of the collection of blood from penal institutions?

14. My role was to observe the situation and to report and discuss with administrative and senior medical colleagues how things were going.

What did the witness mean in his memo of 28 June 1976 (SGF.001.2834) that "Hepatitis B is only the tip of the iceberg"?

15. Once again my memory fails me but I can only assume that in 1976 when we could only talk in non specific terms such as NANBH we did not know what other infective agents there might be. Again, this is speculation.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed..........

Dated.....19/1/18.....

