



Ministry of JUSTICE

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Mr John Stone

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Dear Mr Stone,

Thank you for your letter received 4 March to the Rt Hon Jack Straw MP, Justice Secretary, in relation to vaccination proceedings and the role of the Legal Services Commission (LSC). I have been asked to reply on behalf of the Minister.

Decisions about funding in civil cases are entirely a matter for the Legal Services Commission (LSC), which is independent from the Government. As such, you will appreciate that neither Ministers nor Government officials intervene in or comment on decisions made about the grant of funding in individual cases. It is important that these decisions are, and are seen to be, free from political and government influence. That said, although I cannot intervene or comment on the way in which the LSC has handled the case, I have asked the LSC to explain the circumstances of the Measles, Mumps and Rubella (MMR) case, by way of background information.

The MMR case was a Multi-Party Action (MPA). MPAs are used where a large number of individuals have the same or similar claims to try to avoid duplication of costs. They tend to be very expensive and complex especially when they involve allegations that a drug is defective. As a consequence very careful scrutiny is given to such an application. In addition to the normal statutory tests of an applicant's means and the merits of the case, the LSC therefore also considers if it is able to afford to fund the case within its fixed budget for MPAs.

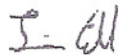
When taking the decision to discharge legal aid in the MMR case the LSC set out the reasons for their decision in writing to the claimant solicitors before any discharge was made. The claimant subsequently replied, but the LSC upheld their decision and discharged the certificate. An appeal was then made to the Funding Review Committee by the claimants' legal team (which included QC's) to reverse the decision. The appeal was refused and the claimant applied for Judicial Review. This Judicial Review was kept secret to prevent any harm to the case if it had continued to the Court of Appeal.

You express concern that the LSC deliberately collapsed proceedings in the MMR case by consulting with hostile witnesses before the matter could go to court. However, the LSC

courts, rather than on the people entering them. We also consulted on two further issues in the second paper. Firstly, whether we should allow people involved in proceedings to be able to share information and documents with a wider group of people than is presently allowed, and secondly, whether the identity of children should be protected beyond the end of proceedings. The consultation closed on 1 October 2007, and we will publish our findings on the responses in the spring.

I hope that this letter has helped to clarify the situation.

Yours sincerely,



Iain Gill
Civil and Family Legal Aid