



Ministry of JUSTICE

Civil and Family Legal Aid
Selborne House
54 Victoria Street
London
SW1E 6QW

T 0207 210 8754
F 0207 210 8780
E iain.gill@justice.gsi.gov.uk
www.justice.gov.uk

Mr John Stone

Our ref: TO 08/1849

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Dear Mr Stone,

Thank you for your reply to my letter received 11 April 2008.

You state that I have relied upon the Department of Health's view concerning the safety of the MMR vaccine to support the view that the MMR case was unfounded, and that this shows that the Ministry of Justice has approached this issue with an institutional bias. In fact I referred to the Department of Health's view on the safety of the MMR vaccine as the reason why there are no special provisions in place to monitor the effects of the MMR vaccination.

The Ministry of Justice was not involved in the decision to withdraw funding for the MMR case. That decision was taken by the Legal Services Commission (LSC) and, as stated in my previous letter, neither Ministers nor Government officials intervene in or comment on decisions made about the grant of funding in individual cases. Unfortunately a confidentiality clause surrounding the Judicial Review into this application for funding prevents me from disclosing the exact reasons why funding was withdrawn. However, documents explaining all funding decisions in this case were provided to the applicants' legal teams. This should have been provided to the applicants through their solicitors if they had wanted to see it, and I would suggest that you contact your solicitors at the time if you would like any more information on why the certificate was discharged.

I can also confirm that the Funding Review Committee (FRC) which dealt with the appeal in this case is a committee of independent lawyers and are not representatives of the Ministry of Justice, or other public agencies. The FRC consider the merits of any case referred to them in full. They can make a binding determination on certain issues, such as prospects of success and whether a certificate should be discharged or revoked on the grounds of a client's conduct. In the case of the MMR application, the FRC was made up of experienced lawyers and chaired by a QC, and the claimants' legal team, which included two QCs, had the decision explained to them.

You state that it is impossible for litigation such as the MMR case to succeed when the LSC is trying to second-guess the outcome. I should point out that when assessing applications the LSC does not decide the issue between the parties. That is entirely a matter for the court. The LSC's sole function is to decide, on the information provided by the solicitor and

counsel's opinion, whether the applicant has a reasonable argument that a private client of moderate means would be able to put before the court. It is for this reason that the prospects of success are taken into account by the LSC when assessing funding applications. The rules for qualification are in legislation or other documents laid before Parliament.

Medicines are regulated in the UK by the Medicines and Healthcare products Regulatory Agency (MHRA). You may be interested in the information available on the MHRA's website (www.mhra.gov.uk) by searching for 'MMR'. If you would like further information regarding the studies into the MMR vaccine, or the Government's position on the benefits of the vaccines I would advise you to contact the Department of Health. However, my colleagues in that Department have confirmed that the Government did not sign indemnity contracts with GSK because it knew that its MMR vaccine was faulty.

Finally in answer to your question about whether reforms to the family court system will apply to previous cases i am not currently aware of any such provisions. However, the Government's response to the consultation on the paper *Confidence and Confidentiality: Openness in family courts — a new approach* will contain more information and will be published shortly.

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

Yours sincerely,



Iain Gill
Civil and Family Legal Aid