

**Gulf War Illness
House of Lords**

30/10/2007

Gulf War Illnesses

Lord Morris of Manchester asked Her Majesty's Government:

Further to the Written Answer by Lord Drayson on 1 October (WA 221) about Gulf War syndrome, what representations have been forwarded to them from Dr Malcolm Hooper, Emeritus Professor of Medical Chemistry at the University of Sunderland, about the Answer; what response they will be making; and whether they will take any action consequent upon his comments; and [HL5409]

Further to the Written Answer by Lord Drayson on 1 October (WA 222) on the prevalence of motor neurone disease among veterans of the Gulf conflict, what response they have had from Dr

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Malcolm Hooper, Emeritus Professor of Medical Chemistry at the University of Sunderland and Chief Scientific Adviser to the Gulf War Veterans and Families Association, to the Written Answer; what reply they are sending; and whether they will place copies of both Dr Hooper's letter and their reply in the Library of the House. [HL5445]

The Minister of State, Ministry of Defence & Department for Business, Enterprise and Regulatory Reform (Lord Drayson): The noble Lord wrote to me on 1 October 2007, providing copies of two letters from Professor Hooper.

In a letter dated 26 September, Professor Hooper indicated that he felt there had been prevarication over the implementation of individual appeals that had been determined by the Pensions Appeal Tribunal. He suggested, too, that the use of "Gulf War Syndrome" as an umbrella term to cover any recognised medical condition caused by service and connected to the 1990-91 Gulf conflict was an attempt to evade our responsibility to Gulf veterans described as suffering signs and symptoms of ill-defined conditions (SSIDC).

The Government do not accept these points. The Ministry of Defence provides compensation for all accepted injuries or illnesses due to service. The department acts in good faith to give effect to the individual decisions of the Pensions Appeal Tribunal. As has been made clear on many previous occasions, the Government accept that some people are ill due to their service in the Gulf and compensate wherever there is disablement attributed to or aggravated by service, and this may include SSIDC. Our responsibility for Gulf veterans whose SSIDC is accepted as due to service is recognised by the award of a war pension; this is unaffected by any specific use of the term "Gulf War Syndrome".

Professor Hooper also suggested that MoD-sponsored research into cancers among Gulf veterans was flawed because it would not have picked up early diagnosis. This is incorrect; the study*, which found no excess of cancer among veterans, employed the records of the NHS central register and analysed data from 1 April 1991.

In a letter dated 24 September, Professor Hooper referred to my Answer of 1 October 2007 (*Official Report*, col. WA222) on motor neurone disease. A written reply will be sent in due course. A copy of Professor Hooper's letter and the department's reply will be placed in the Library of the House.

* Macfarlane G et al. Incidence of cancer among UK Gulf war veterans: cohort study. *British Medical Journal*, 13 December 2003, Vol 327, p1373.

Lord Roberts of Conwy asked Her Majesty's Government:

Further to the Answers by Lord Drayson on 11 October (*Official Report*, cols. 341—3), whether they will confirm that Gulf War syndrome is now fully recognised by the Ministry of Defence, both publicly and when making assessment decisions as a meaningful condition, not merely an umbrella label, as it is already so recognised by the Pensions Appeal Tribunal. [HL5577]

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Lord Drayson: Under the war pension scheme, where disablement is accepted as due to service this should be, as far as possible, in terms of the underlying pathological process, as described in the World Health Organisation's international classification of diseases.

The Government accept that some Gulf veterans have become ill due to service and this has been fully reflected in the level of disablement under the scheme. The term “Gulf War syndrome” can be applied as an umbrella term to conditions that are connected with an individual's service in the 1990-91 Gulf conflict. This is the Government's general policy on the matter.

The Government do accept, however, that once a decision of the Ministry of Defence has properly been referred to the Pensions Appeal Tribunal and the tribunal has decided that case, the decision in that case is final and conclusive and must be implemented, unless the Secretary of State for Defence has appealed it. Recent decisions by the tribunal regarding the use of the term “Gulf War syndrome” have therefore either been, or are being, implemented accordingly.

Lord Roberts of Conwy asked Her Majesty's Government:

Whether the award recently made by the Pensions Appeal Tribunal in the case of Barrington (ref ASS/00483/2007) where the appellant had only one accepted disablement, Gulf War Syndrome (GWS), indicates that GWS is

recognised by the tribunal as a meaningful condition and not an umbrella label. [HL5600]

Lord Drayson: It is not appropriate to comment publicly on the details of individual cases. However, the case quoted is an assessment appeal heard by the Pensions Appeal Tribunal (PAT). In an assessment appeal the PAT has the power to uphold, increase or reduce the assessment of the degree of disablement. In the particular assessment identified, the PAT merely upheld an assessment made by the Service Personnel and Veterans Agency under the War Pensions Scheme.

In a previous entitlement appeal in the same case, where the PAT had the power to allow or disallow an appeal in respect of a condition rejected for war pensions purposes, the tribunal made clear that it approached the issue of Gulf War syndrome on the basis of a formal written concession made by the MoD in the case of Martin. In that case, the MoD conceded that where appropriate the term Gulf War syndrome should be used as an umbrella term covering accepted disablements caused by service and connected to service in the 1990-91 Gulf conflict.

Armed Forces: War Pensioners

Lord Morris of Manchester asked Her Majesty's Government:

Further to the Written Answer by Lord Darzi of Denham on 8 October (WA 2) and the reported tracking by the Ministry of Defence of medically discharged service personnel, for the first time under its six-month pilot scheme, what health effects were tracked and why; when the scheme was

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concluded; what were the results; whether they have been published; and, if so, whether they will place a copy in the Library of the House. [HL5444]

The Minister of State, Ministry of Defence & Department for Business, Enterprise and Regulatory Reform (Lord Drayson): It is not clear to which tracking pilot the noble Lord refers. Following the MoD welfare conference in April 2007 it was agreed that there should be regular monitoring of the welfare needs of seriously injured personnel, regular and reservist, and veterans by designated service welfare staff and the Veterans Welfare Service. This would begin in service and continue to service termination and for at least two years after discharge, with an option to carry on beyond that date as required. Protocols to support seamless transition from service to civilian life setting out actions, time course and lead welfare service have been developed and agreed and the aftercare service has now been implemented. The service is being documented and will be fully evaluated.

Lord Tyler asked Her Majesty's Government:

What has been the average time taken to process war pension claims from Gulf War veterans in each of the last seven years. [HL5612]

The Minister of State, Ministry of Defence & Department for Business, Enterprise and Regulatory Reform (Lord Drayson): The Defence Analytical Services Agency (DASA) has confirmed the average clearance times for Gulf War veterans considered under the war pension scheme over the last six years are as follows:

2001-02	2002-03	2003-04	2004-05	2005-06	2006-07
78 days	71 days	61 days	65 days	72 days	75 days

All average clearance times are rounded to a whole day and include both Gulf War 1 and 2 claims. Data are not available for 2000-01.

13 November 2007
House of Lords

For answer on Monday 10 December at 2.30pm

Gulf War Veterans (Unexplained Illnesses)

***Lord Morris of Manchester** to ask Her Majesty's Government what further consideration they are giving to the problems and needs of veterans of the 1990-91 Gulf War with still medically unexplained illnesses, and of the dependants of those who have died since the conflict.

Lords debate Armed Forces

Thu, 22 November 07 | Debate - Adjournment and General

11.38 am

Baroness Park of Monmouth

[...] The legion is fighting many battles; here are some of them. Sadly, one large group of veterans, the 1991 GULF WAR VETERANS, have had a long battle for fair treatment, which has often been debated in this House. About 7,000 finally received compensation payments, but those veterans should also receive an ex-gratia payment. More research into the result of

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the war pensions review for GULF WAR VETERANS is needed. The onus should be put on the Government to prove that the service was not responsible for causing or worsening an injury or illness when compensation claims under the Armed Forces Compensation Scheme are being considered. The Government should also remove the time limit on claims under the AFCS, including the five year cut-off point. The legion urges-recent examples of this have been publicised-that there should be full compensation for each and every injury sustained in a single incident.[...]

11.57 am

Lord Craig of Radley:

[...] The noble Lord, Lord Drayson, made a belated apology to your Lordships for failings in MoD treatment of GULF War I veterans. He said:

"I accept on behalf of the Ministry of Defence that this issue has not been handled well from the beginning. The department was slow to recognise the emerging ill health issues and to put measures in place to address them".- [Official Report, 11/10/07; col. 341.]

But the Minister for Veterans still refuses to accept the Pensions Appeal Tribunal determination that GULF War Illness is a valid label to merit compensation for sick veterans from the first GULF conflict who do not have an established pathology.

GULF veterans who have had their claims refused should be contacted by the MoD and told that they can appeal if they have not already done so. This would be the least that the MoD can do to make good on its admitted failings and to bring this long-running issue to a satisfactory closure. [...]

Roberts - War pension entitlement (Gulf War veteran Mark McGreevy)

Tue, 27 November 07 | House of Lords - Written Answer

Lord Roberts of Conwy asked Her Majesty's Government:

Further to the replies by Lord Drayson on 19 June (Official Report, cols. 87—88) and 11 October (Official Report, cols. 341—43), whether they will now urgently review the war pension entitlement of Gulf War veteran Mark McGreevy in the light of the letter sent on 10 October by the Ministry of Defence to the late Mr T E Walker's father. [HL159]

The Parliamentary Under-Secretary of State, Ministry of Defence (Baroness Taylor of Bolton): The Service Personnel and Veterans Agency strives to ensure that all decisions made are in accordance with the rules of the scheme and in accordance with the evidence.

Gulf War Illness 30.11. – 13.12.2007

10 December 2007 – House of Lords – Oral Questions

Gulf War Illnesses

2.48 pm

Lord Morris of Manchester: My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I declare a non-pecuniary interest as honorary parliamentary adviser to the Royal British Legion and as national vice-president of the War Widows Association.

The Question was as follows:

To ask Her Majesty's Government what further consideration they are giving to the problems and needs of veterans of the 1990-91 Gulf War with still medically unexplained illnesses and of the dependants of those who have died since the conflict.

The Parliamentary Under-Secretary of State, Ministry of Defence (Baroness Taylor of Bolton): My Lords, first, I am sure that the whole House would wish to join me in offering sincere condolences to the family and friends of Sergeant Lee Johnson, who was killed during operations in Afghanistan over the weekend.

The needs of Gulf veterans and their dependants remain a high priority for the Government. We hope shortly to award the contract for research aimed at assisting the rehabilitation of Gulf veterans. We intend that this should involve close working with those affected. The recent launch of pilots for a new community-based mental health service for veterans and the extension of priority treatment could also assist some Gulf veterans.

Lord Morris of Manchester: My Lords, I am grateful to my noble friend and I warmly welcome her return to ministerial office. In a reply to me, her predecessor, the noble Lord, Lord Drayson, accepted that the whole issue of Gulf War syndrome had been badly handled "from the beginning" and that the MoD had been,

"slow to recognise the emerging ill health issues and to put measures in place to address them".—[*Official Report*, 11/10/07; col. 341.]

What measures were put in place and with what success so far?

Meanwhile, is it not shaming that wrangling with veterans over pensions still drags on, 17 years after the conflict, and that it has now engulfed so grievously Terry Walker, who had his pension cut

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from 100 per cent to 40 per cent shortly before he died, leaving his two orphaned

children in poverty? How can any apology ameliorate the depth of distress caused by the handling of his case?

Baroness Taylor of Bolton: My Lords, I thank my noble friend for his comments. I admire his tenacity in raising this issue on numerous occasions in this House. He is right to say that, in the example that he gave of Terry Walker, no apology can make amends for what happened. Great distress was caused to the family. I think that my ministerial colleagues have acknowledged that, as I certainly do. I believe that some progress has been made: I understand that arrangements have now been made to pay Terry Walker's funeral expenses. I hope that that helps the family to understand that there is genuine concern about what happened and that the apology that was given was very sincere.

On the overall situation, the Government have tried to come to grips with the problem but, as my noble friend knows, research in this area is extremely complex and there is still a great deal of divided opinion. I am sure that many of the people involved, and their families, think that there is a simple causal link, but for those charged with responsibility for pensions and other payments certain issues have to be dealt with and that is what has proved so difficult. But it is a great shame that this issue has been going on for so long.

Lord Lloyd of Berwick: My Lords, as the Government have at last accepted, in answer to my noble friend Lord Morris of Manchester, that those suffering from Gulf War syndrome have a genuine grievance for which the Government have at last apologised, is it not time for the Government to reinforce that apology by making small *ex gratia* payments to those who have been affected? Can the Minister see any other way of bringing this long-running saga to an end?

Baroness Taylor of Bolton: My Lords, the noble and learned Lord has a great deal of experience because of the work that he has done and I know that he has been in close contact with many of those concerned. We have acknowledged that there is an umbrella condition called "Gulf War syndrome", but it is difficult to make the kind of *ex gratia* payment that he suggests without possibly being unfair to other people who have been injured or who have suffered as a result of conflicts in other areas. That is the basic problem that we face, although I understand that all involved would like to draw closure. I hope that some of the work that is being planned, including in particular assisting with rehabilitation and with mental health problems, will be of some benefit.

Lord Lawson of Blaby: My Lords, this is clearly a very complex matter, but does the noble Baroness not agree that it is also one that causes great concern on all sides of the House? I refer both to Gulf War syndrome itself and to the Government's treatment of its victims. Does she agree that it might be a good idea for the Science and Technology Committee of this

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House, which is held in high esteem on all sides, to find the time to inquire into this matter, not least to ensure that the lessons are fully drawn and that nothing of this sort is likely to happen again?

Baroness Taylor of Bolton: My Lords, I have to agree that this is an extremely complex issue. It is also one in which all sides of the House have been involved, both in looking into it and campaigning about it. It is not an easy issue. A great deal of research has been carried out in this country and in the United States, but none of it has proved definitive. Whether the Science and Technology Committee wishes to look into it is a matter for the committee.

Lord Tyler: My Lords, does the Minister recall that, in his apology to the House, her predecessor apologised not just to the Walker family but on behalf of the Ministry of Defence to all those suffering from Gulf War syndrome? There have been a number of detailed inquiries, not least that headed by the noble and learned Lord, Lord Lloyd of Berwick, and the important report produced by the Royal British Legion, *Gulf War: A Legacy of Suspicion*. Does she now accept that the victims of Gulf War syndrome are looking for action, not more and more inquiries?

Baroness Taylor of Bolton: My Lords, I agree that those affected want action and that there have been a number of inquiries, but it is not a simple cause-and-effect issue. That is what the inquiries have shown. I hope that we have made some progress with those cases outstanding with the Pensions Appeal Tribunal, but I also hope that there may be some way forward with the work that is going on with rehabilitation and mental health issues.

The Lord Bishop of Norwich: My Lords, does the Minister recognise that the continuing dissatisfaction with the Government's treatment of Gulf War veterans creates anxieties among the forces serving in present conflicts about their future care? Resolution of these outstanding issues for Gulf War veterans would aid morale now.

Baroness Taylor of Bolton: My Lords, the right reverend Prelate is quite right. We would all like to make the kind of progress that he is talking about. We have tried to take measures to ensure that those on operations now are monitored in a way that did not happen in the past. I hope that that provides some reassurance. I reiterate that this is not a simple issue.

Lord Craig of Radley: My Lords, the Pensions Appeal Tribunal has determined that Gulf War illness is the appropriate label to allow compensation to be paid to Gulf War I personnel who became ill but do not have an established pathology. Do Her Majesty's Government accept the Pensions Appeal Tribunal findings as legally binding? If so, what steps has the MoD taken to inform Gulf War I veterans whose claims were rejected by the Service Personnel and Veterans Agency because they did not have an established pathology that they should now reapply for compensation?

Baroness Taylor of Bolton: My Lords, I know that the noble and gallant Lord has taken a close interest in this. Indeed, he raised the issue with my predecessor a

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short time ago. He asked about the number of veterans who have been written to about the issue, as he did on the last occasion. The numbers are slightly higher than they were in October, with 1,375 letters written and 234 responses given. As to what we accept by "Gulf War syndrome", the Ministry of Defence has made it clear that we

accept it as an umbrella term, and many of the conditions within it are catered for in compensation. We have respected the decisions of the Pensions Appeal Tribunal, but it does not set precedents when it makes decisions.

11 December 07 - House of Lords - Written Question Tabled

Roberts of Conwy - Gulf War Veterans (Service Personnel and Veterans Agency)

The following question was tabled on 11 December for answer on 27 December 2007.

Lord Roberts of Conwy to ask Her Majesty's Government, further to the Written Answer by Baroness Taylor of Bolton on 27 November (WA 108), whether the Service Personnel and Veterans Agency's decisions in the case of Gulf War veteran, the late Mr T E Walker, were in accordance with the evidence and the rules of the scheme; and whether they have any bearing on the case of Mr Mark McGreevy or that of any other Gulf War veteran. HL902

11 December 07 - House of Lords - Written Question Tabled

Finlay - Gulf War Veterans (Blood Samples)

The following question was tabled on 11 December for answer on 27 December 2007.

Baroness Finlay of Llandaff to ask Her Majesty's Government how blood samples from Gulf War veterans are being banked so that, as new assay methods emerge for organic compounds, the samples can be tested; and whether samples are being banked from other veterans returning from other conflicts.

12 December 2007 – House of Lords – Oral Question

Armed Forces: War Pensions

Lord Addington asked Her Majesty's Government:

Further to the replies by Lord Drayson on 19 June (*Official Report*, cols. 87—8) and 11 October (*Official Report*, cols. 341—3), what was the role of the Minister for Veterans in the decision, shortly before the death of Gulf War veteran Mr T E Walker, to cut his war pension from 100 per cent to 40 per cent; at what date he was aware of the decision to reverse the cut; whether and when the Minister saw the terms of the letter sent by the Service Personnel and Veterans Agency, following Mr Walker's death, to his father on 10 October;

and whether at any stage the Prime Minister has been informed of the handling of this case. [HL357]

The Parliamentary Under-Secretary of State, Ministry of Defence (Baroness Taylor of Bolton): The Minister for Veterans had no role in the decision to reduce Mr T E Walker's war pension from 100 per cent to 40 per cent.

Following representations from the honourable Member for the City of York (Mr Bayley), about related matters, ministerial commitment was given on 31 July 2007 to look into the case in more detail. On

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5 September 2007 a response from the Minister for Veterans was sent to Mr Bayley. The letter promised a further update once officials had provided a more detailed note about the case specifics. It was during this review that it was established that the decision to reduce Mr Walker's war pension had been incorrect.

The Minister for Veterans was kept up to date on developments.