

SCHEDULE 7

## Guidelines for apportionment in Fatal Cases

The categories hereinafter referred to are as follows:

1. Infant
2. Single Adult
3. Married, but childless
4. Haemophiliac with children
5. Infected intimates

Where a person in one of the foregoing categories as defined in the detailed Terms of Settlement has died by the date for payment, payment will be made to the estate of such deceased person, except that in any case where a haemophiliac coming within category 3 or 4 or an infected intimate coming within category 5 all as defined in the detailed Terms of Settlement has died by the date of payment from the MacFarlane Trust, then (subject to the overriding discretion of the Trustees of the Trust, in respect of the value of the dependency of spouses, co-habitees and partners and the amount in consequence to be paid to the relevant estate but so that the value of the dependency of dependant children shall not thereby be affected):

- A. that part of the monies deemed to be in respect of dependency shall be paid to the dependants of the deceased, as defined by section 1(3) of the Fatal Accidents Act 1976, or into Court in accordance with

the value of their respective dependencies; and

- B. the remaining monies will be paid to the estate of the deceased haemophiliac or infected intimate as the case may be;

and that part of the monies deemed to be in respect of dependency shall be:

Category 3 claims: £4,250

Category 4 claims: £32,500

Category 5 claims: £4,250 (where there is a surviving spouse or stable partner but no dependant children)

£15,000 (where there are surviving dependant children)

The value of the Dependency will be deemed to be as follows:

- a. In Category 3 claims, the sum of £4,250 will be paid to the dependant widow or former partner (or if more than one such person, the sum will be divided equally between them).
- b. In Category 4 claims half of the sum of £32,500 will be paid to the dependant widow or former partner (or if more than one such person, that half will be divided equally between them); the remaining half (or if no dependant widow or former partner, the whole sum) will be divided between the dependant children in the following shares:

- The number of outstanding complete years of probable dependency as at and from the date of death of the relevant haemophiliac shall be identified for each dependant child in the case, taking into account any probability of engaging in full time adult education and the number of complete years of full time adult education yet to come, where such education will or has commenced;
- A "unit" of dependency shall then be established by dividing the sum representing the total value of the dependency of dependant children in the case by the total of all those children's outstanding years of dependency;
- The apportionment of the dependant children's dependency in the case shall then be achieved by multiplying the "unit" of dependency in the case by the number of outstanding years of dependency duly established for each dependant child in the case;
- The sum resulting from such apportionment shall be the share of the value of the dependency of the dependant child in question.

c. In Category 5 claims:

- Where the sum is £4,250, it will be paid to the dependant spouse or former partner (or if more than one such person, the sum will be divided equally between them).
- Where the sum is £15,000, one half will be paid to the

dependant spouse or former partner (or if more than one such person, that half will be divided equally between them); the remaining half (or if there is no dependant spouse or former partner, the whole sum) will be divided between the dependant children in shares to be identified in the same manner as for Category 4 claims.

The Court's approval of the valuation of the dependencies of spouses, co-habitees and partners is given upon the assumption that such spouses, co-habitees and partners also benefit under the will or intestacy of the relevant deceased person.