

# **Covid-19 Vaccine Damage Payments Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by Sir Christopher Chope, are published separately as 45—EN.

# Covid-19 Vaccine Damage Payments Bill

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[AS INTRODUCED]

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[AS INTRODUCED]

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# B I L L

TO

Place a duty on the Secretary of State to make provision about financial assistance to persons who have suffered disablement following vaccination against Covid-19 and to the next of kin of persons who have died shortly after vaccination against Covid-19; to require the Secretary of State to report to Parliament on the merits of a no-fault compensation scheme to provide such financial assistance, on whether there should be any upper limit on the financial assistance available, on the criteria for eligibility and on whether payment should be made in all cases where there is no other reasonable cause for the death or disablement suffered; and for connected purposes.

**B**E IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## 1 Review of financial assistance

- (1) *The Secretary of State must, before the end of the period of 30 days beginning with the day on which this Act is passed, appoint a current or former High Court judge to lead an independent review to assess the costs and benefits of providing compensation, without the need to establish fault, to all persons who have been disabled by a Covid-19 vaccination administered in the United Kingdom and to the next of kin of persons who have died shortly after a vaccination against Covid-19 administered in the United Kingdom.* 5
- (2) In making its assessment, the review must consider—
- (a) the nature, range, severity and duration of disablement caused by each type of Covid-19 vaccination offered in the UK, 10
  - (b) the adequacy of compensation offered to persons so disabled,
  - (c) whether specific provision should be made for compensation for a person's next of kin in cases where it can be proven that that person has died as a result of a Covid-19 vaccination, 15
  - (d) the effectiveness of the Medicines and Healthcare products Regulatory Agency in identifying and publicising adverse reactions to Covid-19 vaccinations,
  - (e) the efficiency and effectiveness of the NHS in diagnosing and treating those who have suffered adverse reactions to Covid-19 vaccinations, 20

- (f) whether compensation should be disregarded for the purposes of Universal Credit entitlements, and
- (g) the efficacy of the Vaccine Damage Payments Act 1979 and regulations made under it, including in particular the 60% disablement threshold under section 1(4) of that Act. 5
- (3) In making its assessment, the review must consider—
- (a) whether the criteria for assessing disablement under section 1(4) of the Vaccine Damage Payments Act 1979 are sufficient for the purposes of assessing all possible conditions resulting in disablement, including psychological conditions, multi-system inflammatory syndrome and related conditions, autoimmune conditions and any other conditions not included in those criteria, 10
- (b) whether there should be any upper limit on the financial assistance available under such a scheme,
- (c) what criteria for eligibility could be used for the purposes of providing compensation, and 15
- (d) whether payment should be made in all cases where there is no other reasonable cause for the death or disablement suffered.
- (4) In making its assessment, the review must have regard to the effects of providing such compensation on public confidence in vaccination programmes in the United Kingdom. 20
- (5) The person appointed under subsection (1) must prepare a report on the review.
- (6) The report must make recommendations for legislative or policy change.
- (7) The Secretary of State must— 25
- (a) before the end of the period of 90 days beginning with the day on which the independent person is appointed, lay before Parliament the report under subsection (5), and
- (b) before the end of the period of 30 days beginning with the day on which the report is laid under paragraph (a), lay before Parliament the Government's response to the findings and any recommendations of that report under subsection (6). 30

## 2 Financial assistance for Covid-19 vaccine damage

- (1) The Secretary of State must, before the end of the period of six months beginning with the day on which this Act is passed, bring forward proposals for financial assistance to persons who have suffered any disablement as a result of vaccination against Covid-19 and to the next of kin of persons who have died shortly after vaccination against Covid-19, and subject those proposals to consultation for a period of 12 weeks. 35
- (2) Proposals under section 2(1) must include specific provision for compensation for the next of kin of persons who have died as a result of a vaccination against Covid-19. 40

- (3) The Secretary of State must lay before Parliament the Government's response to the consultation under section 2(1) within 90 days of the end of the 12 week consultation period.

**3 Extent, commencement and short title**

- (1) This Act extends to England and Wales, Scotland and Northern Ireland. 5
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Covid-19 Vaccine Damage Payments Act 2022.

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