THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

29th September 2021

Billet d'État No. XIX

Ordinance laid before the States

THE MEDICINES (HUMAN AND VETERINARY) (BAILIWICK OF GUERNSEY) LAW (AMENDMENT) ORDINANCE, 2021

MOTION TO ANNUL

Proposed by: Deputy G St Pier
Seconded by: Deputy A Taylor

To resolve, pursuant to Article 66(A)(1) The Reform Law, 1948 (as amended,) that The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law (Amendment) Ordinance be annulled.

Explanatory Note

This Motion to Annul is being laid solely for the purpose of ensuring that there is an opportunity to properly debate and vote on this important Ordinance as there is no other route available to ensure such a debate.

The Ordinance was made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948 and, in the ordinary course, such legislation is merely laid before the States of Deliberation, without debate.

This Ordinance makes amendments to the Law which are intended to permanently replace the temporary Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (Bailiwick of Guernsey) Regulations, which have been made under by the Civil Contingencies Authority, using its emergency powers. The Ordinance effectively alters the legal norms in relation to legal liability, by imposing a statutory limit of £120,000 per person in the event of death or injuring arising from COVID vaccines.

The Ordinance amends the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008. Section 2 of, and the Schedule to, this Ordinance insert a new Part VIIA immediately after Part VII of the Law. The new Part VIIA limits the liability of the States of Guernsey and any other person determined by a court to be liable in respect of any death or personal injury suffered by any person as a result of receiving coronavirus

vaccines designated by regulations made by the Committee for Health & Social Care and sold, supplied or administered in accordance with a Patient Group Direction or protocol approved or consented to by that Committee.

Rule 4 information

a) *The proposition is outwith States' objectives and policy plans.*

b) *Before lodging the Motion, the President of the Policy & Resources Committee was invited to comment on the rationale for the use in this instance of Article 66A and a response was received on the President's behalf from Her Majesty's Procureur.*

c) *The proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.*

d) *It is impossible to estimate the financial implications to the States of the legislation or its annulment as it is unknown whether at an indeterminate point in the future, there might be any successful claim made against the States and, if so, at what quantum.*