

**The European Communities (Coronavirus Vaccine)  
(Immunity from Civil Liability) (Sark) Ordinance, 2020**

THE POLICY AND FINANCE COMMITTEE, in pursuance of the powers conferred on the Chief Pleas by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994<sup>a</sup> and all other powers enabling them in that behalf, and on the Committee by section 41 of the Reform (Sark) Law, 2008<sup>b</sup>, hereby orders:-

**Application of this Ordinance.**

1. (1) This Ordinance applies where –
  - (a) the UK licensing authority has authorised a medicinal product on a temporary basis (whether with or without conditions) under regulation 174 of the Human Medicines Regulations 2012<sup>c</sup>,

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<sup>a</sup> Ordres en Conseil Vol. XXXV (1), p. 65; see also Guernsey Ordinances No. XX of 2015 and No. XXVI of 2018. The functions of the General Purposes and Advisory Committee were transferred to the Policy and Performance Committee by Sark Ordinance No. VI of 2015, and then to the Policy and Finance Committee by Sark Ordinance No. XIII of 2018.

<sup>b</sup> Orders in Council Nos. V, VII and XXVII of 2008; No. XIV of 2010; and No. XI of 2014. The functions of the General Purposes and Advisory Committee were transferred to the Policy and Performance Committee by Sark Ordinance No. VI of 2015, and then to the Policy and Finance Committee by Sark Ordinance No. XIII of 2018.

<sup>c</sup> UK S.I. 2012 No. 1916.

- (b) the Guernsey Committee has designated the medicinal product to be used for vaccination or immunisation against the coronavirus under regulations made under section 15(2) and (3) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009<sup>d</sup>, and
- (c) a medicinal product falling within the description or class of the designated vaccine has been sold, supplied or administered by a person specified in section 3 in accordance with –
  - (i) a Patient Group Direction approved or consented to by the Guernsey Committee, or
  - (ii) a protocol.

(2) In subsection (1)(a), "**UK licensing authority**" means the licensing authority within the meaning given by regulation 6(2) of the Human Medicines Regulations 2012.

### **Exclusion of civil liability**

2. (1) Where this Ordinance applies, none of the persons specified in section 3 are to be subject to any civil liability for any loss or damage arising out of or in connection with any person receiving the relevant medicinal product administered in accordance with the Patient Group Direction or (as the case may be) protocol.

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<sup>d</sup> Ordinance No. XXV of 2009; as amended by No. XXV of 2010; No. IX of 2016; No. XXXIV of 2020.

- (2) Subsection (1) –
- (a) is subject to section 4, and
  - (b) does not apply so as to prevent an award of damages against a person specified in section 3 on the ground that any action or omission of that person was unlawful as a result of section 6(1) of the Human Rights (Bailiwick of Guernsey) Law, 2000<sup>e</sup>.

**Persons excluded from civil liability.**

3. Sections 1(1)(c) and 2 refer to the following persons –
- (a) any person responsible for the sale, supply, procurement for sale or supply, procurement for manufacture or assembly, or otherwise placing on the market in Sark, of the relevant medicinal product, in the course of a business carried on by the person,
  - (b) the Chief Pleas, to the extent that it is responsible for the sale, supply, procurement for sale or supply, procurement for manufacture or assembly, or otherwise placing on the market in Sark, of the relevant medicinal product,

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<sup>e</sup> Order in Council No. XIV of 2000; amended by No. I of 2005; Ordinance No. XXXVII of 2001; No. XXXIII of 2003; No. XX of 2015; No. IX of 2016; No. XXVI of 2018; and G.S.I. No. 27 of 2006.

- (c) any officer, servant, employee or agent of a person described in paragraph (a) or (b),
- (d) any person specified in Part II of Schedule 2 to the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,
- (e) any dentist, nurse independent prescriber, pharmacist independent prescriber or supplementary prescriber, within the meaning given to each of these terms by section 20(1) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,
- (f) any medical practitioner registered under the Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017<sup>f</sup>, and
- (g) where section 1(1)(c)(ii) applies, any person (not being a person mentioned in any of paragraphs (a) to (f)) who sold, supplied or (as the case may be) administered the relevant medicinal product in accordance with the protocol mentioned in section 1(1)(c)(ii).

**Time of sale, supply or administration.**

4. The exclusion of liability in section 2(1) applies only in respect of a relevant medicinal product sold, supplied or (as the case may be) administered –

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<sup>f</sup> Sark Ordinance No. VI of 2017.

- (a) after this Ordinance comes into force, and
- (b) if the designated vaccine is given a United Kingdom marketing authorisation or a European Union marketing authorisation within the meaning given by regulations 12 and 13(1), respectively, of the Medicines (Human) (Exemptions and Recognition of Marketing Authorisations) (Bailiwick of Guernsey) Regulations, 2009<sup>8</sup>, before it is given either marketing authorisation concerned.

**Interpretation.**

5. In this Ordinance, unless the context requires otherwise –

"**the coronavirus**" has the meaning given by section 15(3) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**designated vaccine**" means the medicinal product designated in accordance with section 1(1)(b),

"**the Guernsey Committee**" means the States of Guernsey Committee for Health & Social Care,

"**medicinal product**" has the meaning given by section 133 of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008<sup>h</sup>,

"**Patient Group Direction**" has the meaning given by section 15(4) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**protocol**" means any protocol for the sale, supply or administration of the designated vaccine approved under or for the purposes of section 15A of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, and

"**relevant medicinal product**" means the medicinal product sold, supplied or (as the case may be) administered in accordance with section 1(1)(c).

**Extent.**

6. This Ordinance has effect in Sark.

**Citation.**

7. This Ordinance may be cited as the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Sark) Ordinance, 2020.

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<sup>h</sup> Order in Council No. V of 2009; as amended by Ordinance No. XXIV of 2009; No. XLI of 2013; No. IX of 2016.