

"CHAPTER 8

CoVID-19 VACCINE INJURY NO-FAULT COMPENSATION SCHEME

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Addition of Chapter 8 to the Regulations

- 3. The following Chapter is hereby added to the Regulations after Chapter 7:

"CHAPTER 8

CoVID-19 VACCINE INJURY NO-FAULT COMPENSATION SCHEME

Definitions

88. For the purposes of this Chapter, unless the context otherwise indicates **'Fund'** means the COVID-19 Vaccine Injury Compensation Fund established by regulation 90 of the Regulations;

means the Public Finance Management Act, 1999 (Act No. 1 of 1999); and

'Scheme' means the COVID-19 Vaccine Injury No-Fault Compensation Scheme established by regulation 89 of the Regulations.

Establishment of CoVID-19 Vaccine Injury No-Fault Compensation Scheme

- (a) funds appropriated by an Act of Parliament to the vote of Health or from contingencies in terms of appropriation legislation or the Public Finance Management Act; and
- (b) funds accruing from any other source.

Financial management and oversight of Scheme

91. The Cabinet member responsible for Finance may issue directions in terms of regulation 4 after consultation with the Cabinet member responsible for Health, in respect of the requirements relating to the financial management and oversight of the Scheme and the Fund that are in accordance with the Public Finance Management Act.

Administration of Scheme

92. (1) The National Department of Health is responsible for the administration of the Scheme.

(2) The Cabinet member responsible for Health, in consultation with the Cabinet member responsible for Finance, must designate an institution appointed in terms of subregulation (3) to conduct the administration of the Scheme in directions issued in terms of regulation 4.

(6) (a) The Cabinet member responsible for Health, in consultation with the relevant Cabinet members, must appoint a Governance and Oversight Committee, headed by a retired Judge, and comprised of medical,

claim through a court process against the National Government or any Provincial Government

- (a) until the claim has been adjudicated by the relevant panel; and
- (b) unless the person is dissatisfied with the outcome of the adjudication or the amount awarded, and the person has lodged an appeal and the appeal has been determined by the relevant decision-maker.

(2) If, after pursuing a claim with the Scheme, a person succeeds in claiming damages through a court process against the National Government or any Provincial Government for a vaccine injury referred to in regulation 93(2) and (4)(b) in relation to a vaccine contemplated in regulation 93(4)(c), the amount of damages awarded by the court must be reduced by the amount paid or due to the person from the Scheme.

(3) A claim for damages through a court process arising from a vaccine injury referred to in regulation 93(2) and (4)(b) in relation to a vaccine contemplated in regulation 93(4)(c) and said to have been caused by the conduct of a vaccine manufacturer

- (a) may not be brought against the vaccine manufacturer; and
- (b)