



# Coronavirus Act 2020

## 2020 CHAPTER 7

### PART 1

#### MAIN PROVISIONS

##### *Health service indemnification*

#### **11 Indemnity for health service activity: England and Wales**

- (1) The appropriate authority may—
  - (a) indemnify a person in respect of a qualifying liability incurred by the person, or
  - (b) make arrangements for a person to be indemnified, in respect of a qualifying liability incurred by the person, by an authorised person.
- (2) References in this section to a qualifying liability are to a liability in tort, in respect of or consequent on death, personal injury or loss, arising out of or in connection with a breach of a duty of care owed in connection with the provision, after the coming into force of this section, of a relevant service.
- (3) “Relevant service” means a service which is provided by a person as part of the health service and which—
  - (a) relates to—
    - (i) caring for or treating a person who has, or is suspected of having, coronavirus disease, whether or not in respect of that disease,
    - (ii) caring for or treating a person (other than a person within subparagraph (i)) who has been, or is suspected of being, infected or contaminated, in respect of that infection or contamination or suspected infection or contamination, or
    - (iii) diagnosing or determining whether a person has been infected or contaminated,
  - (b) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service (other than one within

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*Status: This is the original version (as it was originally enacted).*

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- paragraph (a)) as part of the health service being unable to do so in consequence of providing a service within paragraph (a), or
- (c) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service as part of the health service being unable to do so because of a reason relating to coronavirus.
- (4) In a case within subsection (1)(a), any question relating to—
- (a) whether a person has incurred a qualifying liability, or
- (b) the amount of any payment by virtue of subsection (1),
- is to be determined by the appropriate authority.
- (5) In a case within subsection (1)(b)—
- (a) any question relating to whether a person has incurred a qualifying liability is to be determined by the authorised person;
- (b) any question relating to the amount of any payment by virtue of subsection (1) is to be determined by the authorised person in accordance with the arrangements.
- (6) Subsection (1) does not apply where arrangements are already in place (whether under an insurance policy or otherwise) for the person to be indemnified in respect of the liability.
- (7) In this section—
- “the appropriate authority” means—
- (a) in relation to a relevant service provided as part of the English health service, the Secretary of State;
- (b) in relation to a relevant service provided as part of the Welsh health service, the Welsh Ministers;
- “authorised person” means a person authorised by the appropriate authority;
- “the health service” means the English health service or the Welsh health service;
- “the English health service” means the health service continued under section 1(1) of the National Health Service Act 2006;
- “the Welsh health service” means the health service continued under section 1(1) of the National Health Service (Wales) Act 2006.