



Coronavirus Act 2020

2020 CHAPTER 7

PART 1

MAIN PROVISIONS

Health service indemnification

13 Indemnity for health and social care activity: Northern Ireland

- (1) The Department of Health 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 system of health and social care 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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Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, Section 13. (See end of Document for details)

- paragraph (a)) as part of the system of health and social care 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 system of health and social care 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 Department of Health.
- (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—
- “authorised person” means a person authorised by the Department of Health;
- “the Department of Health” means the Department of Health in Northern Ireland;
- “the system of health and social care” means the system promoted under section 2(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1 (N.I.)).

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