

Covid-19 No-Fault Compensation Scheme draft regulations gazetted

Cooperative Governance and Traditional Affairs (CoGTA) Minister, Dr Nkosazana Dlamini-Zuma, has invited the public to comment on the draft regulations of the Covid-19 Vaccine Injury No-Fault Compensation Scheme.



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The scheme, according to the gazette published on Thursday, is an essential part of the Covid-19 vaccination rollout.

In the gazette, Dlamini-Zuma said vaccination rollout was the “most critical” component of the national plan and response to alleviate, contain and minimise the effects of the disaster, and ultimately end the State of National Disaster.

The purpose of the scheme is to provide expeditious and easy access to compensation for persons who suffer vaccine injury as a consequence of a Covid-19 vaccine being administered.

According to the draft amendment, the Health Minister, in consultation with the Finance Minister, “must designate the account for the Fund and the institution that is responsible for the financial management of the Fund”.

The Fund consists of 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 (PFMA), as well as funds accruing from any other source.

Regarding the financial management and oversight of the Scheme, the draft regulations state that the Finance Minister may issue directions, after consultation with the Health Minister, in accordance with the Public Finance Management Act.

The Department of Health will be responsible for the administration of the scheme.



Government expects to vaccinate 65% of population

11 Mar 2021



The regulations state that the Health Director-General may appoint a service provider to perform the administration, or certain administrative functions, for the scheme, which has the necessary expertise and capacity to perform the functions efficiently, effectively, competently and fairly.

“The applicable procurement procedures, in terms of the PFMA and any other legislation, must be followed when appointing a service provider,” reads the document.

The service provider “is accountable to the Department of Health DG as the accounting officer of the scheme.

“The terms and conditions of employment of the employees of the service provider are determined in terms of their contracts of employment with the service provider. Accounting by the service provider must be in accordance with directions issued by the... [Finance Minister],” the regulations read.

In line with a Cabinet decision, an adjudication panel and an appeal panel to deal with the adjudication of claims must be established.

The adjudication and appeal panels are expected to have suitably qualified medical and any other relevant experts to assess claims under the scheme.

The draft regulations also call for the appointment of a Governance and Oversight Committee. This committee is to be headed by a retired Judge, and include medical, actuarial, legal and any other relevant experts. It will be responsible for overseeing policies and advising the Health Minister.

Only persons who have suffered a vaccine injury caused by the administration of a Covid-19 vaccine, that is registered or approved by the South African Health Products Regulatory Authority and administered at a facility in South Africa, will be eligible for compensation.

The scheme will remain in place until the CoGTA Minister, in consultation with Cabinet, is satisfied that the implementation of all measures necessary to prevent an escalation of the pandemic have been concluded.

The public has until 19 April 2021 to comment on the draft regulations.