The purpose of my petition was two fold, to secure an acknowledgement of the damage sustained by Scottish children following administration of the Urabe containing Pluserix vaccine, and compensation to the victims for their lasting disabilities.

“Calling on the Scottish Parliament to urge the Scottish Government to acknowledge and compensate individuals who suffered permanent neurological disabilities following administration of the Urabe mumps containing Pluserix MMR ………….”

The submission from the Scottish Government states that “policy on compensation for vaccine damages” is a matter reserved to the UK Parliament via the Vaccine Damage Payment Scheme (VDPS).

The Scottish Government is aware that the VDPS is not, and never has been, a compensatory scheme with every reference to the scheme rigorously stating that an award is not compensation. This information was circulated in the Scottish Parliament Information Centre (SPICe) briefing on 12th May 2017 and appears alongside my petition on the website:

“Payment made under the Vaccine Damage Payment Scheme is not compensation…”

It has never been an option for the Pluserix vaccine damaged individuals to get compensation for their injuries from the VDPS which provides a one off payment to “ease the present and future burdens of the vaccine-damaged person and their family”. That is entirely different to a compensatory award which is being sought in this petition.

Compensation is defined in the dictionary as “something, typically money, awarded to someone in recognition of loss, suffering, or injury”.

It is not in dispute that the Pluserix victims endured a negative impact with the Scottish Government acknowledging in their response that individuals were “affected” by the vaccine:

“It is of course regrettable that anyone was affected as a result of efforts to protect the population against disease, and I fully sympathise with those individuals and their families”

Whilst choosing not to initiate a system of ex gratia payments for the Pluserix vaccine victims, the Scottish Government has sought to circumvent their liability by suggesting that the VDPS scheme provides compensatory awards to vaccine damaged applicants. Additionally, they argue that the “events” pre-dated devolution and “relate to decisions made at the time by the UK Government” neither of which
have prevented the Scottish Government from (a) acknowledging and (b) compensating other similar groups who have endured lasting disabilities as a result of events which occurred prior to devolution and were the result of decisions made by the UK government.

Injuries and disabilities suffered as a result of Thalidomide, Hepatitis C, and exposure to asbestos, all of which pre-dated devolution have been acknowledged and compensated with the Scottish Government specifically creating the Damages (Asbestos-Related Conditions) (Scotland) Bill to allow those suffering from asbestos related disease to raise a claim for damages in Scotland.

“The legislation will also ensure that people who develop asymptomatic asbestosis or asymptomatic pleural thickening as a result of being negligently exposed to asbestos will continue to be able to raise a claim for damages in Scotland.”

One has to wonder why Scottish subjects who have sustained lifelong disablement as the result of the Pluserix vaccine are being treated differently. Attempts to raise a claim for damages in Scotland in respect of the Pluserix MMR in the early 2000’s were dismissed by the then First Minister. Today, the victims are denied compensation on the argument that the events predated devolution and were related to decisions which were made by the UK Government, neither of which has been an impediment to other groups in similar circumstances.

The Scottish Government is disingenuously causing confusion by erroneously suggesting that the VDPS is a means by which the Pluserix victims can get compensation and concluding “that these are matters reserved to the UK Parliament”.

The Scotland Act 1998, Sched 5, para F1, states that the VDPS is a matter reserved to Westminster and the Scottish Government cannot alter the terms and conditions or amend it in any way, none of which prevents the Scottish Government from awarding ex gratia payments to those who suffered lasting disablement as a result of the Pluserix vaccine which was circulated by the SHHD who, at all material times, had the authority to switch to an alternative, safer brand of MMR.

I respectfully invite the Petitions Committee to view the fact that the Scottish Government have sought to address the plight of those “affected” by Pluserix with regrets and sympathy and their dismissal of a request to initiate exgratia payments for the victims, as entirely unacceptable.

I ask the Petitions Committee to consider in what circumstances the law allows a party with responsibility for causing lasting disablement in young babies via a defective vaccine, to expunge themselves from all liability for the injuries caused with a statement like this…
“It is of course regrettable that anyone was affected as a result of efforts to protect the population against disease, and I fully sympathise with those individuals and their families”.