



The BMJ

Cite this as: *BMJ* 2023;380:p725<http://dx.doi.org/10.1136/bmj.p725>

Published: 28 March 2023

Patients launch legal action against AstraZeneca over its covid-19 vaccine

Clare Dyer

Dozens of patients and families are launching legal action against AstraZeneca over a rare side effect of its covid-19 vaccine.

Lawyers have sent the company pre-action protocol letters, the first step in a legal claim on behalf of around 75 claimants. Some have lost relatives and some have survived with catastrophic injuries following blood clots.

Many millions have had the vaccine without suffering complications but in 2021 the Medicines and Healthcare Products Regulatory Agency confirmed a possible link between the vaccine, known as Vaxzevria, and a rare condition involving blood clots along with abnormally low platelet levels. Those taking legal action have been diagnosed with vaccine induced thrombotic thrombocytopenia.

The claimants are pursuing a two pronged strategy: taking legal action under the Consumer Protection Act 1987 as well as claiming payment under the government run Vaccine Damage Payment Scheme. The scheme has paid out in several cases, but is limited to £120 000 per claim and applicants must prove severe disablement.¹ Payment under the scheme does not preclude a claim for personal injury through the courts. Those taking action under the Consumer Protection Act must show that the vaccine was not as safe as the public were entitled to expect.

Peter Todd, a consultant solicitor with Scott-Moncrieff & Associates, one of two lawyers handling claims, told *The BMJ* that the complications included stroke, heart failure, and leg amputations. He said the technology involved in the AstraZeneca vaccine was “risky.”

Even though the legal claim is against AstraZeneca, the UK taxpayer will have to pay any compensation awarded, under a legal indemnity that the government gave the company early in the pandemic.

In response to a freedom of information request, NHS Business Services, which operates the vaccine damage scheme, revealed that by 6 March 2023 the scheme had received 4017 claims relating to a covid-19 vaccine. Of those which had been dealt with, 622 concerned the AstraZeneca vaccine, 348 the Pfizer, and 43 the Moderna vaccine. Of the 4017 claims, 334 were for a death.

Sarah Moore, a partner in the Hausfeld law firm, whose clients are also taking legal action, said the maximum £120 000 payment from the scheme was “nothing” in cases where the person who was injured or died was a breadwinner. “Many were parents and many were caregivers,” she said.

MPs, campaigners, and families also argue that the scheme takes too long to decide on payments. The

number of administrative staff processing claims has recently been increased from four to 80.

Damages for individuals in the court action could be in the millions. Moore added, “We’ve been trying to get the government to reform their statutory scheme. We didn’t want to litigate but the government has forced us into a corner. The only way these families can get compensation is to fight the battle they didn’t want to fight.”

An AstraZeneca spokesperson said the company could not comment on ongoing legal matters, but added, “Patient safety is our highest priority and regulatory authorities have clear and stringent standards to ensure the safe use of all medicines, including vaccines. Our sympathy goes to anyone who has reported health problems.

“AstraZeneca and regulatory authorities carefully record and assess all reports of potential adverse events associated with use of Vaxzevria. From the body of evidence in clinical trials and real world data, Vaxzevria has continuously been shown to have an acceptable safety profile and regulators around the world state that the benefits of vaccination outweigh the risks of extremely rare potential side effects.”

¹ Wise J. Covid-19: UK makes first payments to compensate injury or death from vaccines. *BMJ* 2022;377:. doi: 10.1136/bmj.o1565 pmid: 35750349

This article is made freely available for personal use in accordance with BMJ’s website terms and conditions for the duration of the covid-19 pandemic or until otherwise determined by BMJ. You may download and print the article for any lawful, non-commercial purpose (including text and data mining) provided that all copyright notices and trade marks are retained.