

On Mandating of Vaccines, Medical Procedures and Informed Consent

This is compiled from a Twitter thread by Weston A. Price Foundation, London on the subject of mandatory vaccines in the UK and provides useful information for those being placed under pressure to undergo a medical procedure against their wish. It explains what the law is with respect to informed consent.

<https://twitter.com/WAPFLondon/status/1419968605593247760>

Vaccines in UK are not mandatory. There is an exemption on evidence of medical reasons and the Supreme Court recognises at common law that **denial of free and informed consent is a self certified medical reason**. See *Montgomery v Lanarkshire* [2015] UKSC 11

<https://www.supremecourt.uk/cases/docs/uksc-2013-0136-judgment.pdf>

In *R Wilkinson v Broadmoor* : [2001] EWCA Civ 1545, Lady Justice Hale, Supreme Court President, confirmed that forced medical procedure without informed consent “may be

sued in the ordinary way for the (common law) tort of battery”.

<https://www.bailii.org/ew/cases/EWCA/Civ/2001/1545.html>

In the judgement it was held that acting under statutory authority provides no defence, therefore the Employer will be guilty of coercion on the threat of battery with regards to unlawful dismissal if express evidence of denial of informed consent are unlawfully rejected.

This will result in a breach of contract and also a Tort that can be sued. The above is why mask “mandate” exemptions were self certified. It is unlawful for Doctors to interfere with the process of free and informed consent. Informed consent is defined in Montgomery as follows:

- 1. That the patient is given sufficient information – to allow individuals to make choices that will affect their health and well being on proper information.**
- 2. Sufficient information means informing the patient of the availability of other treatments (and forms of testing).**
- 3. That the patient is informed of the material risks of taking the medical intervention and the material risks of declining it.**

If consent is given but the Patient subsequently proves that information provided at the time breached the above common law test of informed consent, the Tort of battery is committed and the medication is unlawful.

The High Court has found children incapable of providing Gillick Competency for experimental medicines with unknown long term effects. **Schools therefore risk being**

sued for battery if ignoring Parental preferences. See Bell v Tavistock [2020] EWHC 3274

<https://www.judiciary.uk/wp-content/uploads/2020/12/Bell-v-Tavistock-Judgment.pdf>

These principles are discussed without reference to case law on this important NHS page on Free and Informed Consent and Gillick Competency.

<https://www.nhs.uk/conditions/consent-to-treatment/>

The fundamental common law right to free and informed consent, based on the ancient Tort of battery (trespass to the person), are valid in all 16 Commonwealth Realms and both the Republic of Ireland and USA, where English common law is retained as a body of law.

In Ireland, evidence that English common law rights are retained can be found in the Statute Revision Act (2007) which retained Magna Carta and most of the English Bill of Rights (1688) and much, much more.

<http://www.irishstatutebook.ie/eli/2007/act/28/enacted/en/html>

In USA, English common law rights are retained by the 9th Amendment of the Constitution “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”, hence why US courts refer to them.

<https://constitution.congress.gov/constitution/amendment-9/>

Law that provides rights sit above normal laws in English law and provide lawful excuse to statutory obligations with this

acknowledged by courts. see Art.29 Magna Carta (1297), which states: “we will not deny or defer to any man either Justice or Right.”

<https://www.legislation.gov.uk/aep/Edw1cc1929/25/9/section/XXIX>

Another case to read is Burton Hospitals NHS Foundation Trust [2017] EWCA Civ 62 regarding Doctor's obligation to provide information to inform consent.

<https://www.bailii.org/ew/cases/EWCA/Civ/2017/62.html>

Covid passports also recognise self certified free and informed consent. “If you have a medical reason which means you cannot be vaccinated or tested, you may be asked to self-declare this medical exemption.”

<https://www.gov.uk/guidance/nhs-covid-pass>

Also see Art.IV Acts of Union (1706-7) “That all the Subjects of the UK of GB shall from & after the Union have full freedom & Intercourse of Trade & Navigation to & from any port or place within the said UK & the Dominions”

<https://www.legislation.gov.uk/aep/Ann/6/11/part/4>

For our friends in New Zealand, you also have these common law rights, but additionally, Art.11 of your 1990 Bill of Rights states: “Everyone has the right to refuse to undergo any medical treatment.”

<https://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html>

“England appears to be the rock on which the revolutionary waves split and disperse and which starves the coming

society even in the womb.” Karl Marx, (Cologne, December 31, 1848)

<https://www.marxists.org/archive/marx/works/1848/12/english-and-revolution.htm>

Tort is committed by the vaccinator who can be sued. They can counter-sue their employer who can counter-sue the Secretary of State, who can counter-sue Sage, creating a Tort Map. This is a better way than judicial review.

Question: This is positive news. Two questions if I may: 1. How does one go about declaring a self exemption. 2. On what is this based? Thank you

Answer: The common law states that the default position is that you haven't consented, that you are exempt. It is based on the Tort of battery, so the default position if somebody plans to slap you in the face is that unless you have expressly consented that there is no consent.

This guidance states the process it is self certified. "If you have a medical reason which means you cannot be vaccinated or tested, you may be asked to self-declare this medical exemption."

<https://www.gov.uk/guidance/nhs-covid-pass>

Failure to provide consent is a medical reason according to the Supreme Court, but you have a right to medical privacy, GDPR also so there is no reason to elaborate but at common law, failure to provide express and informed consent is reason and lawful excuse.

As the guidance states, you may be asked for your exemption, but because refusal is the default position you have no obligation to answer that question.

If you choose to make a declaration, simply state "There are confidential medical reasons why I cannot be tested or vaccinated, please see this government guidance". This can be verbal or in writing, potentially a sworn statement that could be countersigned by a Solicitor.

If you need to make a legal argument, the cases I cited in the thread contain within them all the legal arguments you would ever need to defend yourself in any court or place. Hopefully this is helpful.

I was called by a Solicitor today who used the Wilkinson case to convince his father's nursing home to let him visit without testing or vaccination. It will be easier for him, but if everybody asserts this right, we will win. If you get nowhere, escalate up the management chain.

Comment: I have a medical condition, called "being alive." It causes poisonous substances to be detrimental to my health, if ingested. Thus, I have an exemption. Capiche?

Response: Under English Common Law, your exemption is that you have not yet freely provided express, informed consent. Your statement about "being alive" shows that you understand British common law better than most.