



Vaccine Damage Payments Act 1979

1979 CHAPTER 17

4 Review of extent of disablement and causation by independent tribunals

- (1) Regulations under this Act shall make provision for independent medical tribunals to determine matters referred to them under this section, and such regulations may make provision with respect to—
 - (a) the terms of appointment of the persons who are to serve on the tribunals ;
 - (b) the procedure to be followed for the determination of matters referred to the tribunals;
 - (c) the summoning of persons to attend to give evidence or produce documents before the tribunals and the administration of oaths to such persons.
- (2) Where an application for review is made to the Secretary of State as mentioned in section 3(4) above, then, subject to subsection (3) below, the Secretary of State shall refer to a tribunal under this section—
 - (a) the question of the extent of the disablement suffered by the disabled person ;
 - (b) the question whether he is or, as the case may be, was immediately before his death disabled as a result of the vaccination to which the claim relates ; and
 - (c) the question whether, if he is or was so disabled, the extent of his disability is or was such as to amount to severe disablement.
- (3) The Secretary of State may refer to differently constituted tribunals the questions in paragraphs (a) to (c) of subsection (2) above, and the Secretary of State need not refer to a tribunal any of those questions if—
 - (a) he and the claimant are not in dispute with respect to it; or
 - (b) the decision of a tribunal on another of those questions is such that the disabled person cannot be or, as the case may be, could not immediately before his death have been severely disabled as a result of the vaccination to which the claim relates.
- (4) For the purposes of this Act, the decision of a tribunal on a question referred to them under this section shall be conclusive except in so far as it falls to be reconsidered by virtue of section 5 below.