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STATUTORY INSTRUMENTS

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**2015 No. 47**

**PUBLIC HEALTH**

**The Vaccine Damage Payments (Specified Disease) Order 2015**

*Made* - - - - 20th January 2015  
*Laid before Parliament* 27th January 2015  
*Coming into force* - - 28th February 2015

The Secretary of State for Health, in exercise of the powers conferred by sections 1(2)(i) and 2(2) of the Vaccine Damage Payments Act 1979<sup>(1)</sup>, makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Vaccine Damage Payments (Specified Disease) Order 2015 and comes into force on 28th February 2015.

(2) In this Order, “the Act” means the Vaccine Damage Payments Act 1979.

**Additions to the list of diseases to which the Act applies**

2.—(1) Subject to paragraph (2), the following are specified as diseases to which the Act applies—

- (a) rotavirus; and
- (b) influenza, other than influenza caused by a pandemic influenza virus.

(2) Paragraph (1)(b) does not affect any entitlement which arises under the Vaccine Damage Payments (Specified Disease) Order 2009<sup>(2)</sup> (addition of influenza caused by the pandemic influenza A (H1N1) 2009 virus) and references in this Order to pandemic influenza are to be interpreted accordingly.

**Modification of conditions of entitlement**

3. The conditions of entitlement in section 2(1) of the Act have effect subject to the following modifications—

- (a) in relation to vaccination against rotavirus, in sub-paragraph (ii) of section 2(1)(a), for “5th July 1948” substitute “1st July 2013”;

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<sup>(1)</sup> 1979 c.17.

<sup>(2)</sup> S.I. 2009/2516. This Order was revoked by the Vaccine Damage Payments (Specified Disease) (Revocation and Savings) Order 2010, S.I. 2010/1988, subject to savings provisions in Article 4 of the latter Order.

- (b) in relation to vaccination against influenza, other than influenza caused by a pandemic influenza virus, in sub-paragraph (ii) of section 2(1)(a), for “5th July 1948” substitute “1st September 2013”;
- (c) in relation to vaccination against rotavirus or influenza, other than influenza caused by a pandemic influenza virus, for paragraph (b) of section 2(1) substitute—
  - “(b) that the vaccination was carried out at a time when the person to whom it was given was under the age of eighteen; and”.

Signed by Authority of the Secretary of State for Health.

20th January 2015

*Jane Ellison*  
Parliamentary Under Secretary of State  
Department of Health

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order adds (1) rotavirus and (2) influenza, other than influenza caused by a pandemic influenza virus, to the list of diseases to which the Vaccine Damage Payments Act 1979 applies.

It modifies the condition of entitlement in section 2(1)(a)(ii) of that Act so that in relation to vaccination against rotavirus, the vaccination must have been carried out on or after 1<sup>st</sup> July 2013, and in relation to influenza, other than influenza caused by a pandemic influenza virus, the vaccination must have been carried out on or after 1<sup>st</sup> September 2013.

It also modifies the condition of entitlement in section 2(1)(b) of that Act so that the only condition of entitlement under that paragraph is that the vaccinated person was aged under 18 at the time the vaccination was given.

A full impact assessment has not been prepared for this Order as it has no impact on the private or voluntary sectors.