



Vaccine Damage Payments Act 1979

1979 CHAPTER 17

3 Determination of claims

- (1) Any reference in this Act, other than section 7, to a claim is a reference to a claim for a payment under section 1(1) above which is made—
 - (a) by or on behalf of the disabled person concerned or, as the case may be, by his personal representatives; and
 - (b) in the manner prescribed by regulations under this Act; and
 - (c) within the period of six years beginning on the latest of the following dates, namely, the date of the vaccination to which the claim relates, the date on which the disabled person attained the age of two and 9th May 1978;

and, in relation to a claim, any reference to the claimant is a reference to the person by whom the claim was made and any reference to the disabled person is a reference to the person in respect of whose disablement a payment under subsection (1) above is claimed to be payable.

- (2) As soon as practicable after he has received a claim, the Secretary of State shall give notice in writing to the claimant of his determination whether he is satisfied that a payment is due under section 1(1) above to or for the benefit of the disabled person or to his personal representatives.
- (3) If the Secretary of State is not satisfied that a payment is due as mentioned in subsection (2) above, the notice in writing under that subsection shall state the grounds on which he is not so satisfied.
- (4) If, in the case of any claim, the Secretary of State—
 - (a) is satisfied that the conditions of entitlement which are applicable in accordance with section 2 above are fulfilled, but
 - (b) is not satisfied that the disabled person is or, where he has died, was immediately before his death severely disabled as a result of vaccination against any of the diseases to which this Act applies,

the notice in writing under subsection (2) above shall inform the claimant that, if an application for review is made to the Secretary of State, the matters referred to in paragraph (b) above will be reviewed by an independent medical tribunal in accordance with section 4 below.

Status: This is the original version (as it was originally enacted).

- (5) If in any case a person is severely disabled, the question whether his severe disablement results from vaccination against any of the diseases to which this Act applies shall be determined for the purposes of this Act on the balance of probability.