



Vaccine Damage Payments Act 1979

1979 CHAPTER 17

5 Reconsideration of determinations and recovery of payments in certain cases.

[^{F1}(1) Subject to subsection (2) below, the Secretary of State may reconsider a determination that a payment should not be made under section 1(1) above on the ground—

- (a) that there has been a material change of circumstances since the determination was made, or
- (b) that the determination was made in ignorance of, or was based on a mistake as to, some material fact,

and the Secretary of State may, on the ground set out in paragraph (b) above, reconsider a determination that such a payment should be made.

(2) Regulations under this Act shall prescribe the manner and the period in which—

- (a) an application may be made to the Secretary of State for his reconsideration of a determination; and
- (b) the Secretary of State may of his own motion institute such a reconsideration.

(3) The Secretary of State shall give notice in writing of his decision on a reconsideration under this section to the person who was the claimant in relation to the claim which gave rise to the determination which has been reconsidered and also, where the disabled person is alive and was not the claimant, to him; and the provisions of subsections (3) to (5) of section 3 and section 4 above shall apply as if—

- (a) the notice under this subsection were a notice under section 3(2) above; and
- (b) any reference in those provisions to the claimant were a reference to the person who was the claimant in relation to the claim which gave rise to the determination which has been reconsidered.]

(4) If, whether fraudulently or otherwise, any person misrepresents or fails to disclose any material fact and in consequence of the misrepresentation or failure a payment is made under section 1(1) above, the person to whom the payment was made shall be liable to repay the amount of that payment to the Secretary of State unless he can show that the misrepresentation or failure occurred without his connivance or consent.

[^{F2}(5) Except as provided by subsection (4) above, no payment under section 1(1) above shall be recoverable by virtue of a reconsideration of a determination under this section.]

Changes to legislation: Vaccine Damage Payments Act 1979, Section 5 is up to date with all changes known to be in force on or before 17 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Textual Amendments

- F1** S. 5(1)-(3)(5) repealed (18.10.1999 for certain purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1)(2), 87, Sch. 7 para. 6, **Sch. 8**; S.I. 1999/2860, art. 2, **Sch. 1** (subject to transitional provisions in **Schs. 16-18**)
- F2** S. 5(1)-(3)(5) repealed (18.10.1999 for certain purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1)(2), 87, Sch. 7 para. 6, **Sch. 8**; S.I. 1999/2860, art. 2, **Sch. 1** (subject to transitional provisions in **Schs. 16-18**)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(5A)(5B) substituted for s. 2(5) by [2007 c. 5 s. 56\(2\)](#)
- s. 4(1A) inserted by [2007 c. 5 s. 57\(2\)](#)
- s. 4(3A)(3B) inserted by [2007 c. 5 s. 57\(3\)](#)
- s. 7A(1A) inserted by [2007 c. 5 s. 57\(4\)](#)
- s. 8(4) inserted by [2007 c. 5 Sch. 7 para. 1\(7\)](#)
- s. 9A inserted by [2007 c. 5 Sch. 7 para. 1\(8\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 1(8) repealed (3.11.2008) without ever being in force by S.I. 2008/2833, arts. 1(1), 9(1), Sch. 3 para. 228(o) (with Sch. 4))
- s. 12(3A) inserted by [2007 c. 5 s. 57\(5\)](#)