

Status: Point in time view as at 18/07/2019.

Changes to legislation: Welfare Reform Act 2012, Cross Heading: Vaccine Damage Payments Act 1979 (c. 17) is up to date with all changes known to be in force on or before 12 June 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)

SCHEDULES

SCHEDULE 11

POWER TO REQUIRE CONSIDERATION OF REVISION BEFORE APPEAL

Vaccine Damage Payments Act 1979 (c. 17)

1 The Vaccine Damage Payments Act 1979 is amended as follows.

Commencement Information

- I1** Sch. 11 para. 1 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24
I2 Sch. 11 para. 1 in force at 29.4.2013 in so far as not already in force by S.I. 2013/983, art. 8

2 (1) Section 4 (appeals to appeal tribunals) is amended as follows.

(2) After subsection (1A) there is inserted—

“(1B) If the claimant's address is not in Northern Ireland, regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal only if the Secretary of State has considered whether to reverse the decision under section 3A.

(1C) The regulations may in particular provide that that condition is met only where—

- (a) the consideration by the Secretary of State was on an application,
- (b) the Secretary of State considered issues of a specified description, or
- (c) the consideration by the Secretary of State satisfied any other condition specified in the regulations.”

(3) At the end of subsection (2) there is inserted—

“(c) provision that, where in accordance with regulations under subsection (1B) there is no right of appeal against a decision, any purported appeal may be treated as an application to reverse the decision under section 3A.”

Commencement Information

- I3** Sch. 11 para. 2 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24
I4 Sch. 11 para. 2 in force at 29.4.2013 in so far as not already in force by S.I. 2013/983, art. 8

3 (1) Section 8 (regulations) is amended as follows.

(2) In subsection (2)(a) the words from “which shall be” to “House of Parliament” are repealed.

(3) After that subsection there is inserted—

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“(2A) A statutory instrument containing regulations made by the Secretary of State under this Act—

- (a) except in the case of an instrument containing regulations under section 4(1B), is subject to annulment in pursuance of a resolution of either House of Parliament;
- (b) in the case of an instrument containing regulations under section 4(1B), may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

(4) At the end there is inserted—

“(5) The power to make regulations under section 4(1B) may be exercised—

- (a) in relation to all cases to which it extends, in relation to those cases but subject to specified exceptions or in relation to any specified cases or classes of case;
- (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which it extends or any lesser provision (whether by way of exception or otherwise);
 - (ii) the same provision for all cases, different provision for different cases or classes of case or different provision as respects the same case or class of case but for different purposes of this Act;
 - (iii) provision which is either unconditional or is subject to any specified condition.”

Commencement Information

- I5** Sch. 11 para. 3 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24
- I6** Sch. 11 para. 3 in force at 29.4.2013 in so far as not already in force by S.I. 2013/983, art. 8

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