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## STATUTORY INSTRUMENTS

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# 1979 No. 432

## The Vaccine Damage Payments Regulations 1979

### PART II

### CLAIMS

#### Claims to be made to the Secretary of State in writing

2.—(1) Every claim for payment shall be made in writing to the Secretary of State on the form approved by him, or in such other manner, being in writing, as he may accept as sufficient in the circumstances of any particular case or class of cases.

(2) Any person who has made a claim in accordance with the provisions of this regulation may amend his claim, at any time before a decision has been given thereon, by notice in writing delivered or sent to the Secretary of State, and any claim so amended may be treated as if it had been so amended in the first instance.

#### Information to be given when making a claim

3. Every person who makes a claim shall furnish such certificates, documents, information and evidence for the purpose of determining the claim as may be required by the Secretary of State.

#### Obligations of disabled person

4.—(1) Subject to the following provisions of this regulation, every disabled person in respect of whom a claim has been made under section 3 of the Act shall comply with every notice given to him or, where he is not the claimant, to the claimant by the Secretary of State which requires such disabled person to submit himself to a medical examination either by a medical practitioner appointed by the Secretary of State or by <sup>[F1]</sup>an appeal tribunal] for the purpose of determining whether he is severely disabled as a result of vaccination against any of the diseases to which the Act applies.

(2) Every notice given under the preceding paragraph shall be given in writing and shall specify the time and place of examination and shall not require the disabled person to submit himself to examination before the expiration of the period of fourteen days beginning with the date of the notice or such shorter period as may be reasonable in the circumstances.

**F1** Words in reg. 4(1) substituted (18.10.1999) by [The Social Security and Child Support \(Decisions and Appeals\), Vaccine Damage Payments and Jobseeker's Allowance \(Amendment\) Regulations 1999 \(S.I. 1999/2677\)](#), regs. 1, 3

#### Vaccinations to be treated as carried out in England

5.—(1) Vaccinations given outside the United Kingdom and the Isle of Man to serving members of Her Majesty's forces or members of their families shall be treated for the purposes of the Act as carried out in England where the vaccination in question has been given as part of medical facilities provided under arrangements made by or on behalf of the service authorities.

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- (2) For the purposes of section 2(5) of the Act—
- (a) “serving members of Her Majesty's forces” means a member of the naval, military or air forces of the Crown or of any women's service administered by the Defence Council;
- [<sup>F2</sup>(b) a person is a member of the family of a serving member of Her Majesty's forces if—
- (i) he is the spouse or civil partner of that serving member,
- (ii) he and that serving member live together as husband and wife or as if they were civil partners, or
- (iii) he is a child whose requirements are provided by that serving member.]

**F2** Reg. 5(2)(b) substituted (5.12.2005) by [The Vaccine Damage Payments \(Amendment\) Regulations 2005 \(S.I. 2005/3070\)](#), regs. 1, 2

### [<sup>F3</sup>Circumstances prescribed in relation to cases of damage through contact

**5A.** The circumstances prescribed for the purposes of section 1(3) of the Vaccine Damage Payments Act 1979 (Act to have effect with respect to a person severely disabled as a result of contracting a disease through contact with a third person who was vaccinated against it) are that:—

- (1) the disabled person has been in close physical contact with a person who has been vaccinated against poliomyelitis with orally administered vaccine;
- (2) that contact occurred within a period of sixty days beginning with the fourth day immediately following such vaccination; and
- (3) the disabled person was, within the period referred to in paragraph (2) of this regulation, either—
- (a) looking after the person who has been vaccinated, or
- (b) himself being looked after together with the person who has been vaccinated.]

**F3** Reg. 5A inserted (13.12.1979) by [The Vaccine Damage Payments \(Amendment\) Regulations 1979 \(S.I. 1979/1441\)](#), regs. 1, 2

### Claims made prior to the passing of the Act

**6.—**(1) A claim made before the passing of the Act in connection with the non-statutory scheme of payments for severe vaccine damage established by the Secretary of State for Social Services in anticipation of the passing of the Act and which has not been disposed of at the commencement of the Act shall be treated as a claim falling within section 3(1) of the Act.

(2) Any information and other evidence furnished and other things done before the commencement of the Act in connection with any such claim made before the passing of the Act shall be treated as furnished or done in connection with a claim falling within section 3(1) of the Act.

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