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STATUTORY INSTRUMENTS

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**1999 No. 2677**

**The Social Security and Child Support (Decisions and Appeals), Vaccine Damage Payments and Jobseeker's Allowance (Amendment) Regulations 1999**

**PART II**

**AMENDMENT OF THE VACCINE DAMAGE PAYMENTS REGULATIONS 1979**

**Amendment of regulation 1**

2. In regulation 1(2) (citation, commencement and interpretation) the definitions of “the President” and “tribunal” shall be omitted.

**Amendment of regulation 4**

3. In regulation 4(1) (obligations of disabled person), for the words “a tribunal” there shall be substituted the words “an appeal tribunal”.

**Substitution of Part IV**

4. For Part IV (reconsideration) there shall be substituted the following Part—

**“PART IV**

**DECISIONS REVERSING EARLIER DECISIONS**

**Decisions reversing earlier decisions made by the Secretary of State or appeal tribunals**

11.—(1) The Secretary of State may make a decision under section 3A(1) of the Act which reverses a decision of his, made under section 3 of the Act, or of an appeal tribunal, made under section 4 of the Act—

- (a) pursuant to an application in the circumstances described in paragraph (2) below;  
or
  - (b) except where paragraph (3) applies, on his own initiative.
- (2) The circumstances referred to in paragraph (1)(a) above are—
- (a) the application is made in writing and contains an explanation as to why the applicant believes the decision in respect of which the application is made to be wrong; and

- (b) where the application is in respect of a decision of the Secretary of State, the application is made within six years of the date on which notification of that decision was given; or
- (c) where the application is in respect of a decision of an appeal tribunal, the application is made before whichever is the later of—
  - (i) the date two years after the date on which notification of that decision was given; or
  - (ii) the date six years after the date on which notification of the decision of the Secretary of State which was appealed was given.
- (3) This paragraph applies where—
  - (a) less than 21 days have elapsed since notice under regulation 12 below was given; or
  - (b) more than six years have elapsed since the date on which notification of that decision was given except where it appears to the Secretary of State that a payment was made in consequence of a misrepresentation or failure to disclose any material fact.
- (4) Where the Secretary of State has made a decision under section 3A(1) of the Act, he shall notify—
  - (a) the disabled person (if he is alive) to whom the decision relates; and
  - (b) if the disabled person is not a claimant, the claimant who made the claim in respect of that disabled person,of that decision and the reasons for it.

**Procedure by which a decision may be made under section 3A of the Act on the Secretary of State's own initiative**

- 12.** Where the Secretary of State on his own initiative proposes to make a decision under section 3A of the Act reversing a decision (“the original decision”) of his or of an appeal tribunal he shall give notice in writing of his proposal to—
- (a) the disabled person (if he is alive) to whom the original decision relates; and
  - (b) the claimant in relation to the original decision where he is not the disabled person.”.