

2021 No. 1469

MINISTERS OF THE CROWN

**The Transfer of Functions (Vaccine Damage Payments) Order
2021**

Made - - - - - *15th December 2021*

Laid before Parliament *20th December 2021*

Coming into force - - - *18th January 2022*

At the Court at Windsor Castle, the 15th day of December 2021

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 2 of the Ministers of the Crown Act 1975(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Transfer of Functions (Vaccine Damage Payments) Order 2021.

(2) This Order comes into force on 18th January 2022.

(3) In this Order—

“vaccine damage payments function” means any function relating to the Vaccine Damage Payments Act 1979(b) so far as it was entrusted to the Secretary of State for Work and Pensions immediately before 1st November 2021 and has before the making of this Order been entrusted to the Secretary of State for Health and Social Care;

“instrument” includes Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, licences, authorisations, consents, approvals, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents.

Transfer of property, rights and liabilities to the Secretary of State for Health and Social Care

2. There are transferred to the Secretary of State for Health and Social Care all property, rights and liabilities to which the Secretary of State for Work and Pensions is entitled or subject at the coming into force of this Order in connection with any vaccine damage payments function.

(a) 1975 c. 26.

(b) 1979 c. 17.

Transfer to the Secretary of State for Health and Social Care: supplementary

3.—(1) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State for Work and Pensions may, so far as it relates to a vaccine damage payments function or anything transferred by article 2, be continued by or in relation to the Secretary of State for Health and Social Care.

(2) Anything done (or having effect as if done) by or in relation to the Secretary of State for Work and Pensions in connection with a vaccine damage payments function or anything transferred by article 2 has effect, so far as necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Secretary of State for Health and Social Care.

(3) Any instrument made before the coming into force of this Order has effect, so far as necessary for the purposes of or in consequence of—

- (a) the entrusting to the Secretary of State for Health and Social Care of a vaccine damage payments function, or
- (b) the transfer of anything by article 2,

as if references to (and references which are to be read as references to) the Secretary of State for Work and Pensions were or included references to the Secretary of State for Health and Social Care.

(4) Documents or forms printed for use in connection with a vaccine damage payments function may be used in connection with that function even though they contain (or are to be read as containing) references to the Secretary of State for Work and Pensions.

(5) For the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State for Health and Social Care.

(6) In paragraphs (1) to (5)—

- (a) references to the Secretary of State for Work and Pensions include references to the department or an officer of the Secretary of State for Work and Pensions, and
- (b) references to the Secretary of State for Health and Social Care include references to the department or an officer of the Secretary of State for Health and Social Care accordingly.

Validity of things done before coming into force of Order

4.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the Secretary of State for Work and Pensions before the coming into force of this Order.

(2) In paragraph (1) the reference to the Secretary of State for Work and Pensions includes a reference to the department or an officer of the Secretary of State for Work and Pensions.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council is made under section 2 of the Ministers of the Crown Act 1975. It makes provision in connection with the transfer of certain functions in relation to the Vaccine Damage Payments Scheme from the Secretary of State for Work and Pensions to the Secretary of State for Health and Social Care.

Article 2 transfers all property, rights and liabilities in connection with the transferred functions.

Article 3 provides for anything done, or being done, by or in relation to the Secretary of State for Work and Pensions in relation to the transferred functions at the coming into force of the Order to be treated as done by or in relation to, and to be continued by or in relation to, the Secretary of State for Health and Social Care. It also provides for references to the Secretary of State for Work and Pensions in instruments, documents or forms to be treated, where appropriate, as references to the Secretary of State for Health and Social Care.

Article 4 makes provisions preserving the validity of anything done by or in relation to the Secretary of State for Work and Pensions in relation to the transferred functions before the coming into force of this Order.

Nothing in this Order alters the functions of the Welsh Ministers, the Scottish Ministers or the devolved authorities in Northern Ireland.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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