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STATUTORY INSTRUMENTS

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**2009 No. 38**

**PUBLIC HEALTH, ENGLAND**

**The Health Protection (Vaccination) Regulations 2009**

<i>Made</i>	- - - -	<i>15th January 2009</i>
<i>Laid before Parliament</i>		<i>21st January 2009</i>
<i>Coming into force</i>	- -	<i>1st April 2009</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 45C, 45F and 45P of the Public Health (Control of Disease) Act 1984<sup>(1)</sup>.

In accordance with section 45Q(3) of the Public Health (Control of Disease) Act 1984, the Secretary of State declares that he is of the opinion that these Regulations do not contain any provision made by virtue of section 45C(3)(c) of that Act which imposes or enables the imposition of a special restriction or requirement or any other restriction or requirement which has or would have a significant effect on a person's rights.

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the Health Protection (Vaccination) Regulations 2009 and shall come in to force on 1st April 2009.

(2) These Regulations apply in relation to England only.

(3) In these Regulations—

“JCVI” means the Joint Committee on Vaccination and Immunisation<sup>(2)</sup>;

“national vaccination programme” means a scheme which aims to vaccinate all individuals in England who meet specified criteria to protect them against a particular infection or infections, with a view to preventing the occurrence of that infection or those infections;

“Primary Care Trust” means a Primary Care Trust continued in existence by subsection (1) of section 18 of the National Health Service Act 2006<sup>(3)</sup> or established under subsection (2) of that section; and

“vaccination” means vaccination or immunisation and vaccinate shall be construed accordingly.

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- (1) 1984 c.22; sections 45C, 45F and 45P were inserted by section 129 of the Health and Social Care Act 2008 (c.14).
- (2) The JCVI is a non-departmental public body first established in 1963 by the Secretary of State. It is a statutory expert Standing Advisory Committee constituted in England and Wales under the National Health Service Act 1977 (c.49) (now consolidated as the National Health Service Act 2006 c.41) and the National Health Service (Standing Advisory Committees) Order 1981 (S.I. 1981/597) as the Standing Advisory Committee on Vaccination and Immunisation.
- (3) 2006 c.41.

**Obligation on the Secretary of State to ensure implementation of JCVI recommendations**

2.—(1) This regulation applies where the JCVI makes a recommendation which meets the conditions set out in paragraph (2).

(2) Those conditions are that the recommendation must—

- (a) relate to new provision for vaccination under a national vaccination programme or to changes to existing provision under such a programme;
- (b) be made by the JCVI (and not therefore a sub-committee of the JCVI);
- (c) be in response to a question referred to the JCVI by the Secretary of State;
- (d) be based on an assessment which demonstrates cost-effectiveness; and
- (e) not relate to vaccination in respect of travel or occupational health.

(3) The Secretary of State must make arrangements to ensure, so far as is reasonably practicable, that the recommendation of the JCVI is implemented.

(4) Paragraph (3) ceases to apply in relation to a recommendation where the JCVI withdraws that recommendation.

Signed by authority of the Secretary of State for Health.

15th January 2009

*Dawn Primarolo*  
Minister of State,  
Department of Health

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations place an obligation on the Secretary of State to make arrangements to ensure that qualifying recommendations of the Joint Committee for Vaccination and Immunisation with regard to provision of national vaccination programmes are implemented.

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