



# Social Security Act 1998

## 1998 CHAPTER 14

### PART I

#### DECISIONS AND APPEALS

#### CHAPTER III

#### OTHER DECISIONS AND APPEALS

#### *Vaccine damage payments*

#### **45 Vaccine damage payments: decisions reversing earlier decisions**

After section 3 of the Vaccine Damage Payments Act there shall be inserted the following section—

#### **“3A Decisions reversing earlier decisions**

- (1) Subject to subsection (2) below, any decision of the Secretary of State under section 3 above or this section, and any decision of an appeal tribunal under section 4 below, may be reversed by a decision made by the Secretary of State—
  - (a) either within the prescribed period or in prescribed cases or circumstances; and
  - (b) either on an application made for the purpose or on his own initiative.
- (2) In making a decision under subsection (1) above, the Secretary of State need not consider any issue that is not raised by the application or, as the case may be, did not cause him to act on his own initiative.
- (3) Regulations may prescribe the procedure by which a decision may be made under this section.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Such notice as may be prescribed by regulations shall be given of a decision under this section.
- (5) Except as provided by section 5(4) below, no payment under section 1(1) above shall be recoverable by virtue of a decision under this section.
- (6) In this section and sections 4 and 8 below “appeal tribunal” means an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998.”

**46 Vaccine damage payments: appeals to appeal tribunals**

For section 4 of the Vaccine Damage Payments Act there shall be substituted the following section—

**“4 Appeals to appeal tribunals**

- (1) The claimant may appeal to an appeal tribunal against any decision of the Secretary of State under section 3 or 3A above.
- (2) Regulations may make—
  - (a) provision as to the manner in which, and the time within which, appeals are to be brought; and
  - (b) such provision with respect to proceedings before appeal tribunals as the Secretary of State considers appropriate.
- (3) The regulations may in particular make any provision of a kind mentioned in Schedule 5 to the Social Security Act 1998.
- (4) In deciding an appeal under this section, an appeal tribunal shall consider all the circumstances of the case (including any not obtaining at the time when the decision appealed against was made).”

**47 Vaccine damage payments: correction of errors etc**

After section 7 of the Vaccine Damage Payments Act there shall be inserted the following section—

**“7A Correction of errors and setting aside of decisions**

- (1) Regulations may make provision with respect to—
  - (a) the correction of accidental errors in any decision or record of a decision under section 3, 3A or 4 of this Act; and
  - (b) the setting aside of any such decision in a case where it appears just to set the decision aside on the ground that—
    - (i) a document relating to the proceedings in which the decision was given was not sent to, or was not received at an appropriate time by, a party to the proceedings or a party’s representative or was not received at an appropriate time by the body or person who gave the decision; or
    - (ii) a party to the proceedings or a party’s representative was not present at a hearing related to the proceedings.

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*Status: This is the original version (as it was originally enacted).*

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- (2) Nothing in subsection (1) shall be construed as derogating from any power to correct errors or set aside decisions which is exercisable apart from regulations made by virtue of that subsection.”