

EXPLANATORY MEMORANDUM TO
THE VACCINE DAMAGE PAYMENTS (AMENDMENT) REGULATIONS
2005

2005 No. 3070

1. This explanatory memorandum has been prepared by Department of Work and Pensions and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 These Regulations amend regulation 5 of the Vaccine Damage Payments Regulations 1979. They widen the definition of the family of serving members of Her Majesty's Forces to include civil partners of such members, and persons who live together with such members as husband and wife or as if they were civil partners, to bring them within the scope of the Vaccine Damage Payments Act 1979 where such family members have been vaccinated abroad.
3. **Matters of special interest to the Joint Committee on Statutory Instruments.**
 - 3.1 None.
4. **Legislative Background**
 - 4.1 It is one of the conditions of entitlement under the Vaccine Damage Payments Act 1979 that vaccinations are carried out in the United Kingdom or the Isle of Man. Where serving members of Her Majesty's Forces and their families live abroad and have been vaccinated outside the United Kingdom, they are treated, by virtue of regulation 5 of the Vaccine Damage Payments Regulations 1979, as being vaccinated in England.
 - 4.2 Regulation 5 is being amended to widen the definition of family members of serving members of Her Majesty's Forces.
5. **Extent**
 - 5.1 This instrument applies to all of the United Kingdom and to the Isle of Man.
 - 5.2 The legislature of the Isle of Man has been consulted and consent to this instrument.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Vaccine Damage Payments Act 1979 provides lump sum payments to ease the present and future burdens of those who have been disabled by vaccinations against specified diseases. Where serving members of Her Majesty's Forces and members of their families are vaccinated abroad, they are treated as being vaccinated in England and thereby meet that condition of entitlement under the Act. The current definition of family members in the Vaccine Damage Payments Regulations 1979 refers to the spouse and child or children of the serving member.

7.2 The Civil Partnership Act 2004 received Royal Assent on 18 November 2004. The purpose of the Civil Partnership Act 2004 is to enable same-sex couples to obtain legal recognition of their relationship by forming a civil partnership. The Civil Partnership Act 2004 also contains provisions enabling certain overseas same-sex relationships to be treated as civil partnerships. Civil partners will be subject to many of the same legal rights and responsibilities as spouses. Adding 'civil partner' into the definition of family members gives effect to this Act.

7.3 Other amendments are made to allow a person who lives together with the serving member as husband and wife, or as if they were civil partners, to be treated the same as a spouse or civil partner in the area of Vaccine Damage payments.

7.4 A consultation exercise was not undertaken for this instrument. This is because no substantive changes have been made to the Vaccine Damage Payments Regulations 1979. This instrument simply widens the definition of "family member" to include civil partners as a consequence of the Civil Partnership Act 2004 and to include opposite-sex partners living together as husband and wife and same-sex partners living together as if they were civil partners.

7.5 There is no requirement to refer this instrument to the Social Security Advisory Committee as the Vaccine Damage Payment Act 1979 is not listed in section 170(5) of the Social Security Administration Act 1992 as a "relevant enactment" for referral.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is no impact on the public sector.

9. Contact

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