

EXPLANATORY MEMORANDUM TO
THE VACCINE DAMAGE PAYMENTS (SPECIFIED DISEASE) ORDER 2008
2008 No. 2103

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. **Description**

The Vaccine Damage Payments Act 1979 provides for payments to be made to people who are severely disabled as a result of vaccination against diseases specified in the Act. This Order adds human papillomavirus as a disease to which the Vaccine Damage Payments Act 1979 applies. The Order also has the effect that the protection of that Act extends to persons who were vaccinated against human papillomavirus at a time when they were 18 years or older.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None.

4. **Legislative Background**

4.1 The Vaccine Damage Payments Act 1979 requires the Secretary of State to make a payment (subject to conditions in the Act which include making a claim after a vaccinated person's second birthday but before their twenty first birthday, or within six years of the date on which the vaccination was given) if he is satisfied that a person is, or was immediately before his death, severely disabled as a result of vaccination against any of the diseases to which the Act applies. A list of specified diseases to which the Act applies can be found in paragraph 7.2 of this Explanatory Memorandum.

4.2 The Vaccine Damage Payments Act also enables the Secretary of State to add diseases to the list of specified diseases in the Act by order made by statutory instrument. This Order adds human papillomavirus to the list of specified diseases to which the Act applies, as this disease is being introduced to the routine childhood immunisation programme throughout the United Kingdom from 1 September 2008.

4.3 This Order also provides that, in relation to vaccination against human papillomavirus, it is not a condition that the person to whom the vaccination was given was under 18 at the time or was vaccinated at the time of an outbreak of the disease.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom and to the Isle of Man.

5.2 Officials on behalf of the legislature of the Isle of Man have been consulted and consented 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 severely disabled by vaccinations against specified diseases.

7.2 The specified diseases to which the Act applies are the same as those that are vaccinated against as part of the routine childhood immunisation programmes that are administered by the United Kingdom Government and the Devolved Administrations. These are:

- Diphtheria
- Tetanus
- Pertussis (Whooping Cough)
- Poliomyelitis
- Measles
- Mumps
- Rubella (German measles)
- Tuberculosis (TB)
- Smallpox (up to August 1971)
- Haemophilus influenza type b infection (HIB)
- Meningococcal Group C (Meningitis C)
- Pneumococcal infection

(Mumps, Haemophilus influenza type b infection, Meningococcal Group C and pneumococcal infection have previously been added to the list of diseases in the Vaccine Damage Payments Act 1979, by separate Orders.)

7.3 Changes to the routine childhood immunisation programme have been announced and human papillomavirus vaccine is being introduced to the programme from 1 September 2008 to vaccinate against the human papillomavirus.

- 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 scheme. This instrument simply adds another disease to those already listed in the Act or subsequently specified, which are those diseases vaccinated against under the routine childhood immunisation programme.
- 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.
- 7.6 The instrument will appear in updates of the Blue Volumes which can be found on the Department for Work and Pensions website at the attached link [<http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/>] at no cost to the public.

8. Impact

- 8.1 A full impact assessment has not been published for this instrument as it has no impact on the private and voluntary sectors.
- 8.2 It is not expected that the addition of human papillomavirus as specified above will result in a significant increase in people making claims for Vaccine Damage Payments. There is therefore negligible impact on the public sector.

9. Contact

Nada Balasingham at the Department for Work and Pensions Tel: 0207 962 8779 or e-mail: Nada.Balasingham@dwp.gsi.gov.uk can answer any queries regarding the instrument.