



Vaccine Damage Payments Act 1979

1979 CHAPTER 17

2 Conditions of entitlement.

- (1) Subject to the provisions of this section, the conditions of entitlement referred to in section 1(1)(b) above are—
 - (a) that the vaccination in question was carried out—
 - (i) in the United Kingdom or the Isle of Man, and
 - (ii) on or after 5th July 1948, and
 - (iii) in the case of vaccination against smallpox, before 1st August 1971;
 - (b) except in the case of vaccination against poliomyelitis or rubella, that the vaccination was carried out either at a time when the person to whom it was given was under the age of eighteen or at the time of an outbreak within the United Kingdom or the Isle of Man of the disease against which the vaccination was given; and
 - (c) that the disabled person was over the age of two on the date when the claim was made or, if he died before that date, that he died after 9th May 1978 and was over the age of two when he died.
- (2) An order under section 1(2)(i) above specifying a disease for the purposes of this Act may provide that, in relation to vaccination against that disease, the conditions of entitlement specified in subsection (1) above shall have effect subject to such modifications as may be specified in the order.
- (3) In a case where this Act has effect by virtue of section 1(3) above, the reference in subsection (1)(b) above to the person to whom a vaccination was given is a reference to the person to whom it was actually given and not to the disabled person.
- (4) With respect to claims made after such date as may be specified in the order and relating to vaccination against such disease as may be so specified, the Secretary of State may by order made by statutory instrument—
 - (a) provide that, in such circumstances as may be specified in the order, one or more of the conditions of entitlement appropriate to vaccination against that disease need not be fulfilled; or

Changes to legislation: Vaccine Damage Payments Act 1979, Section 2 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) add to the conditions of entitlement which are appropriate to vaccination against that disease, either generally or in such circumstances as may be specified in the order.
- (5) Regulations under this Act shall specify the cases in which vaccinations given outside the United Kingdom and the Isle of Man to persons defined in the regulations as serving members of Her Majesty's forces or members of their families are to be treated for the purposes of this Act as carried out in England.
- (6) The Secretary of State shall not make an order containing any provision made by virtue of paragraph (b) of subsection (4) above unless a draft of the order has been laid before Parliament and approved by a resolution of each House; and a statutory instrument by which any other order is made under that subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

- C1** S. 2(1) modified (28.2.2015) by [The Vaccine Damage Payments \(Specified Disease\) Order 2015 \(S.I. 2015/47\)](#), arts. 1(1), **3** (as amended (25.5.2021) by [The Vaccine Damage Payments \(Specified Disease\) \(Amendment\) Order 2021 \(S.I. 2021/508\)](#), arts. 1(1), **2**)
- C2** S. 2(1) modified (29.4.2016) by [The Vaccine Damage Payments \(Specified Disease\) Order 2016 \(S.I. 2016/454\)](#), arts. 1(1), **3**
- C3** S. 2(1)(b) modified (30.5.2001) by [S.I. 2001/1652](#), **art. 3**
- C4** S. 2(1)(b) modified (31.12.2020) by [The Vaccine Damage Payments \(Specified Disease\) Order 2020 \(S.I. 2020/1411\)](#), arts. 1(1), **3**
- C5** S. 2(5) explained by [S.I. 1979/432](#), **reg. 5(2)**

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Changes and effects yet to be applied to :

- s. 2(6) words substituted by [2007 c. 5 s. 56\(3\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(5A)(5B) substituted for s. 2(5) by [2007 c. 5 s. 56\(2\)](#)
- s. 4(1A) inserted by [2007 c. 5 s. 57\(2\)](#)
- s. 4(3A)(3B) inserted by [2007 c. 5 s. 57\(3\)](#)
- s. 7A(1A) inserted by [2007 c. 5 s. 57\(4\)](#)
- s. 8(4) inserted by [2007 c. 5 Sch. 7 para. 1\(7\)](#)
- s. 9A inserted by [2007 c. 5 Sch. 7 para. 1\(8\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 1(8) repealed (3.11.2008) without ever being in force by S.I. 2008/2833, arts. 1(1), 9(1), Sch. 3 para. 228(o) (with Sch. 4))
- s. 12(3A) inserted by [2007 c. 5 s. 57\(5\)](#)