



Vaccine Damage Payments Act 1979

1979 CHAPTER 17

3 Determination of claims.

- (1) Any reference in this Act, other than section 7, to a claim is a reference to a claim for a payment under section 1(1) above which is made—
- (a) by or on behalf of the disabled person concerned or, as the case may be, by his personal representatives; and
 - (b) in the manner prescribed by regulations under this Act; and
 - [^{F1}(c) on or before whichever is the later of—
 - (i) the date on which the disabled person attains the age of 21, or where he has died, the date on which he would have attained the age of 21; and
 - (ii) the end of the period of six years beginning with the date of the vaccination to which the claim relates;]
- and, in relation to a claim, any reference to the claimant is a reference to the person by whom the claim was made and any reference to the disabled person is a reference to the person in respect of whose disablement a payment under subsection (1) above is claimed to be payable.
- (2) As soon as practicable after he has received a claim, the Secretary of State shall give notice in writing to the claimant of his determination whether he is satisfied that a payment is due under section 1(1) above to or for the benefit of the disabled person or to his personal representatives.
- (3) If the Secretary of State is not satisfied that a payment is due as mentioned in subsection (2) above, the notice in writing under that subsection shall state the grounds on which he is not so satisfied.
- (4) If, in the case of any claim, the Secretary of State—
- (a) is satisfied that the conditions of entitlement which are applicable in accordance with section 2 above are fulfilled, but
 - (b) is not satisfied that the disabled person is or, where he has died, was immediately before his death severely disabled as a result of vaccination against any of the diseases to which this Act applies,

Changes to legislation: Vaccine Damage Payments Act 1979, Section 3 is up to date with all changes known to be in force on or before 06 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

the notice in writing under subsection (2) above shall inform the claimant [^{F2}of the right of appeal conferred by section 4 below].

- (5) If in any case a person is severely disabled, the question whether his severe disablement results from vaccination against any of the diseases to which this Act applies shall be determined for the purposes of this Act on the balance of probability.

Textual Amendments

- F1** S. 3(1)(c) substituted (16.6.2002 with effect as mentioned in art. 1(2) of the amending S.I.) by [The Regulatory Reform \(Vaccine Damage Payments Act 1979\) Order 2002 \(S.I. 2002/1592\)](#), [art. 3](#) (with art. 4, Sch.)
- F2** Words in s. 3(4) substituted (18.10.1999 for certain purposes and otherwise *prosp.*) by [1998 c. 14, ss. 86\(1\), 87, Sch. 7 para. 5](#); [S.I. 1999/2860, art. 2, Sch. 1](#) (subject to transitional provisions in [Schs. 16-18](#))

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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\(5\)](#)