

# WELFARE REFORM ACT 2007

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### PART 4: Miscellaneous

#### Vaccine Damage Payments Act 1979

##### *Section 57: Appeals to appeal tribunal in Northern Ireland*

267. This section provides for appeals tribunals in Northern Ireland to hear vaccine damage payments cases in Northern Ireland.
268. Section 3A(6) of the Vaccine Damage Payments Act 1979 defines an appeal tribunal for the purposes of an appeal under that Act to mean appeal tribunals constituted under Chapter 1 of Part 1 of the Social Security Act 1998. Sections 4 to 7 of the Social Security Act 1998 establish and provide the constitution for appeal tribunals. These provisions do not extend to Northern Ireland, in relation to which parallel provisions were made by the [Social Security \(Northern Ireland\) Order 1998 \(SI. 1998/1506 \(N.I. 10\)\)](#).
269. Tribunals established under the Northern Ireland Order were not brought within the scope of the definition in section 3A(6) of the Vaccine Damage Payments Act 1979. The consequence of this omission is that appeal tribunals constituted under the Northern Ireland legislation cannot hear appeals under the Vaccine Damage Payments Act 1979, although the legislation does permit the hearing of Northern Ireland cases by a Great Britain tribunal.
270. *Subsection (2)* of section 57 provides that appeals under the Vaccine Damage Payments Act 1979 are to be made to “an appropriate tribunal”. It defines an appropriate tribunal as one constituted under the Social Security (Northern Ireland) Order 1998, where the claimant’s address is in Northern Ireland. In all other cases the appropriate tribunal will be continue to be an appeal tribunal constituted under the Social Security Act 1998.
271. *Subsection (3)* provides for making procedural rules for Northern Ireland tribunals in relation to such appeals.
272. *Subsection (4)* enables the Department for Social Development in Northern Ireland to make provision by regulations in relation to the correction of a Northern Ireland appeal tribunal’s errors and, where it appears reasonable, the setting aside of the tribunal decisions.
273. *Subsection (5)* provides that the Department for Social Development in Northern Ireland is to pay travel and related costs to those required to attend before a Northern Ireland appeal tribunal and, where appropriate, to those who accompany the disabled person to such an appeal tribunal.