
STATUTORY INSTRUMENTS

1979 No. 432

The Vaccine Damage Payments Regulations 1979

PART IV

[^{F1}DECISIONS REVERSING EARLIER DECISIONS

F1 Pt. IV substituted (18.10.1999) by [The Social Security and Child Support \(Decisions and Appeals\), Vaccine Damage Payments and Jobseeker's Allowance \(Amendment\) Regulations 1999 \(S.I. 1999/2677\)](#), regs. 1, 4

Decisions reversing earlier decisions made by the Secretary of State or appeal tribunals

11.—(1) The Secretary of State may make a decision under section 3A(1) of the Act which reverses a decision of his, made under section 3 of the Act, or of an appeal tribunal, made under section 4 of the Act—

- (a) pursuant to an application in the circumstances described in paragraph (2) below; or
- (b) except where paragraph (3) applies, on his own initiative.

(2) The circumstances referred to in paragraph (1)(a) above are—

- (a) the application is made in writing and contains an explanation as to why the applicant believes the decision in respect of which the application is made to be wrong; and
- (b) where the application is in respect of a decision of the Secretary of State, the application is made [^{F2}at any time after notification of that decision was given but before a decision of an appeal tribunal has been made]; or
- (c) where the application is in respect of a decision of an appeal tribunal, the application is made before whichever is the later of—
 - (i) the date two years after the date on which notification of that decision was given; or
 - (ii) the date six years after the date on which notification of the decision of the Secretary of State which was appealed was given.

(3) This paragraph applies where—

- (a) less than 21 days have elapsed since notice under regulation 12 below was given; or
- (b) more than six years have elapsed since the date on which notification of that decision was given except where it appears to the Secretary of State that a payment was made in consequence of a misrepresentation or failure to disclose any material fact.

(4) Where the Secretary of State has made a decision under section 3A(1) of the Act, he shall notify—

- (a) the disabled person (if he is alive) to whom the decision relates; and
- (b) if the disabled person is not a claimant, the claimant who made the claim in respect of that disabled person,

of that decision and the reasons for it.

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F2 Words in reg. 11(2)(b) substituted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **2(2)**

[^{F3} **Consideration of reversal before appeal**

11A.—(1) This regulation applies in a case where—

- (a) the claimant’s address is not in Northern Ireland;
- (b) the Secretary of State gives a person written notice of a decision; and
- (c) that notice includes a statement to the effect that there is a right of appeal to the First-tier Tribunal in relation to the decision only if the Secretary of State has considered an application for a reversal of the decision.

(2) In a case to which this regulation applies, a person has a right of appeal under section 4 of the Act in relation to the decision only if the Secretary of State has considered whether to reverse the decision under section 3A of the Act.

(3) The notice referred to in paragraph (1) must inform the person that, where the notice does not include a statement of the reasons for the decision, he may, within one month of the date of the notice, request that the Secretary of State provide him with written reasons.

(4) Where written reasons are requested under paragraph (3), the Secretary of State must provide them within 14 days of receipt of the request or as soon as practicable afterwards.

(5) Where, as the result of paragraph (2), there is no right of appeal against a decision, the Secretary of State may treat any purported appeal as an application for a reversal of the decision under section 3A of the Act.]

F3 [Reg. 11A](#) inserted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **2(3)**

Procedure by which a decision may be made under section 3A of the Act on the Secretary of State’s own initiative

12. Where the Secretary of State on his own initiative proposes to make a decision under section 3A of the Act reversing a decision (“the original decision”) of his or of an appeal tribunal he shall give notice in writing of his proposal to—

- (a) the disabled person (if he is alive) to whom the original decision relates; and
- (b) the claimant in relation to the original decision where he is not the disabled person.]

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