
STATUTORY INSTRUMENTS

1999 No. 2677

The Social Security and Child Support (Decisions and Appeals), Vaccine Damage Payments and Jobseeker's Allowance (Amendment) Regulations 1999

PART II

AMENDMENT OF THE VACCINE DAMAGE PAYMENTS REGULATIONS 1979

Amendment of regulation 1

2. In regulation 1(2) (citation, commencement and interpretation) the definitions of "the President" and "tribunal" shall be omitted.

Amendment of regulation 4

3. In regulation 4(1) (obligations of disabled person), for the words "a tribunal" there shall be substituted the words "an appeal tribunal".

Substitution of Part IV

4. For Part IV (reconsideration) there shall be substituted the following Part—

"PART IV

DECISIONS REVERSING EARLIER DECISIONS

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 within six years of the date on which notification of that decision was given; 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.

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."

Changes to legislation:

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals), Vaccine Damage Payments and Jobseeker's Allowance (Amendment) Regulations 1999, PART II.