STATUTORY INSTRUMENTS

2021 No. 508

PUBLIC HEALTH

The Vaccine Damage Payments (Specified Disease) (Amendment) Order 2021

Made - - - -	*26th April 2021*
Laid before Parliament	*27th April 2021*
Coming into force - -	*25th May 2021*

The Secretary of State in exercise of the powers conferred by sections 1(2)(i) and 2(2) of the Vaccine Damage Payments Act 1979(**a**), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Vaccine Damage Payments (Specified Disease) (Amendment) Order 2021 and comes into force on 25th May 2021.

(2) In this Order-

"the Act" means the Vaccine Damage Payments Act 1979;

"the 2015 Order" means the Vaccine Damage Payments (Specified Disease) Order 2015(**b**).

Amendments to the 2015 Order

2.—(1) Article 3 (Modification of conditions of entitlement) of the 2015 Order is amended as follows.

(2) For paragraph (b), substitute—

"(b) in relation to vaccination against influenza, other than influenza caused by a pandemic influenza virus, in sub-paragraph (ii) of section 2(1)(a)—

(i) in relation to a vaccination carried out at a time when the person to whom it was given was under the age of eighteen, for "5th July 1948" substitute "1st September 2013"; and

(ii) in relation to a vaccination carried out at a time when the person to whom it was given was aged eighteen or over, for "5th July 1948" substitute "24th May 2015".".

(3) In paragraph (c), omit "or influenza, other than influenza caused by a pandemic influenza virus".

(4) After paragraph (c), insert—

(**a**) 1979 c. 17.
(**b**) S.I. 2015/47.

"(d) The condition of entitlement in section 2(1)(b) of the Act (age or time at which vaccination was carried out) is omitted in relation to vaccination against influenza, other than influenza caused by a pandemic influenza virus.".

Nadhim Zahawi
Parliamentary Under-Secretary of State,
Department of Health and Social Care

26th April 2021

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Vaccine Damage Payments (Specified Disease) Order 2015 ("the 2015 Order") which added influenza (other than influenza caused by a pandemic influenza virus) to the list of diseases to which the Vaccine Damage Payments Act 1979 ("the Act") applies.

It modifies the conditions of entitlement in section 2(1)(b) of the Act, so that a person who was aged eighteen or over at the time the vaccination was carried out may now be entitled to a payment in respect of damage resulting from a vaccination against influenza, other than influenza caused by a pandemic influenza virus. It also modifies the condition of entitlement in section 2(1)(a)(ii) of the Act for those persons, so that the vaccination must have been carried out on or after 24th May 2015. This reflects the fact that claims under the Act must be brought within 6 years.

It maintains the existing modification of the condition of entitlement made by the 2015 Order in relation to a vaccinated person who was aged under eighteen at the time of the vaccination, namely that it must have been carried out on or after 1st September 2013.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from legislation.gov.uk. An explanatory memorandum has been published alongside this instrument at www.legislation.gov.uk.

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