EXPLANATORY MEMORANDUM TO

THE VACCINE DAMAGE PAYMENTS (SPECIFIED DISEASE) ORDER 2006

2006 No. 2066

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This order adds pneumococcal infection as a disease to which the Vaccine Damage Payments Act 1979 applies.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 Section 1 of the Vaccine Damage Payments Act 1979 requires the Secretary of State to be satisfied that a person is, or was immediately before his death, severely disabled as a result of vaccination against any of the diseases to which the Act applies. A list of diseases is contained in Section 1(2) of the Act.

4.2 Section 1(2)(i) provides that the Secretary of State may specify any other disease for the purposes of the Act by order made by statutory instrument. The order adds pneumococcal infection to the list of specified diseases to which this Act applies as this disease is being introduced to the Department of Health (DH) routine Childhood Immunisation Programme from 4 September 2006.

5. Extent

5.1 This instrument applies to all of the United Kingdom and to the Isle of Man.

5.2 Officials on behalf of the legislature of the Isle of Man have been consulted and consented to this instrument.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Vaccine Damage Payments Act 1979 provides lump sum payments to ease the present and future burdens of those who have been severely disabled by vaccinations against specified diseases.

7.2 The specified diseases to which the Act applies are the same as those that are vaccinated against as part of DH's routine Childhood Immunisation Programme. These are:

- Diptheria
- Tetanus
- Pertussis (Whooping Cough)
- Poliomyelitis
- Measles
- Mumps
- Rubella (German measles)
- Tuberculosis (TB)
- Smallpox (up to August 1971)
- Haemophilus influenzae type b infection (HIB)
- Meningococcal Group C (Meningitis C)

(Mumps, Haemophilus influenzae type b infection, and Meningococcal Group C have previously been added to the diseases to which the Vaccine Damage Payments Act 1979 applies, by separate Orders.)

7.3 Changes to the DH routine Childhood Immunisation Programme have recently been announced and pneumococcal vaccine is being introduced to the programme from 4 September 2006.

7.4 A consultation exercise was not undertaken for this instrument. This is because no substantive changes have been made to the Vaccine Damage Payments scheme. This instrument simply adds another disease to those already listed in the Act or subsequently specified, which are those diseases vaccinated against under the routine Childhood Immunisation Programme.

7.5 There is no requirement to refer this instrument to the Social Security Advisory Committee as the Vaccine Damage Payments Act 1979 is not listed in section 170(5) of the Social Security Administration Act 1992 as a "relevant enactment" for referral.

7.6 The instrument will appear in updates of the Blue Volumes which can be found on the DWP website at http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/sis.asp at no cost to the public.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 It is not expected that the addition of pneumococcal infection will result in a significant increase in people making claims for Vaccine Damage Payments. Claimants are asked to provide details of all vaccinations given to their child and medical advisers have regard as to whether there may be a causal link between the claimed adverse event and any of the vaccinations given. As a

number of vaccinations are already given in close proximity, often on the same day, it is not always possible to state which vaccine has caused the adverse reaction. The inclusion of pneumococcal infection merely adds another vaccination to those already given under the routine Childhood Immunisation Programme. There is therefore, negligible impact on the public sector.

9. Contact

Mick Allen at the Department for Work and Pensions Tel: 01772 238206 or e-mail: Mick.Allen@dwp.gsi.gov.uk can answer any queries regarding the instrument.