A draft Order laid before Parliament under section 4(2) of the Regulatory Reform Act 2001 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2002 No.

REGULATORY REFORM
PUBLIC HEALTH

The Regulatory Reform (Vaccine Damage Payments Act 1979) Order 2002

Made - - - -	*2002*
Coming into force - -	*2002*

Whereas—

(a) the Secretary of State is of the opinion that this Order does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to exercise;

(b) the Secretary of State has consulted such organisations as appeared to him to be representative of interests substantially affected by the proposals, the Law Commission, the National Assembly for Wales and such other persons as he considered appropriate;

(c) following that consultation, the Secretary of State considered it appropriate to proceed with the making of this Order;

(d) a document containing the Secretary of State's proposals was laid before Parliament as required by section 6 of the Regulatory Reform Act 2001(**1**) and the period for Parliamentary consideration under section 8 of that Act has expired;

(e) the Secretary of State has had regard to the representations made during this period, in particular to the Fifteenth Report of the Delegated Powers and Regulatory Reform Committee(**2**) and the Ninth Report of the Deregulation and Regulatory Reform Committee(**3**);

(f) a draft of this Order was laid before Parliament with a statement giving details of such representations and Reports and of the changes to the Secretary of State's proposals in the light of them;

(g) the draft was approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 1, 4(3) and 15(3) of the Regulatory Reform Act 2001, hereby makes the following Order:

(**1**) 2001 c. 6.
(**2**) Fifteenth Report on 8th March 2002, HL 92, ISBN 0 104 78810 1.
(**3**) Ninth Report on 22nd March 2002, HC 708, ISBN 0 215 00255 5.

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Regulatory Reform (Vaccine Damage Payments Act 1979) Order 2002 and shall come into force on the day after the day on which it is made.

(2) The amendments made to the Act by articles 2 and 3 of this Order shall apply to claims for payments under section 1(1) of the Act which are made on or after the day on which this Order comes into force.

(3) This Order extends to Northern Ireland and the Isle of Man.

(4) In this Order "the Act" means the Vaccine Damage Payments Act 1979(**4**).

Meaning of "severely disabled"

2. In section 1(4) of the Act (meaning of "severely disabled")(**5**), for "80 per cent." there shall be substituted "60 per cent.".

Time limit for claims

3. In section 3 of the Act (determination of claims), for subsection (1)(c) there shall be substituted —

"(c) on or before whichever is the later of—

(i) the date on which the disabled person attains the age of 21, or where he has died, the date on which he would have attained the age of 21; and

(ii) the end of the period of six years beginning with the date of the vaccination to which the claim relates;".

Transitional claims

4. The provisions in the Schedule to this Order shall have effect and are designated as subordinate provisions for the purposes of section 4(3) of the Regulatory Reform Act 2001.

Consequential amendment

5. In section 7B(1) of the Act (finality of decisions) (**6**), after "Subject to the provisions of this Act" there shall be inserted "and article 4 of, and the Schedule to, the Regulatory Reform (Vaccine Damage Payments Act 1979) Order 2002 (modifications of this Act in relation to transitional claims)".

(**4**) 1979 c. 17.
(**5**) Section 1(4) was amended by paragraph 53 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 (c. 6) and by paragraph 21 of Schedule 2 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9).
(**6**) Section 7B was inserted by paragraph 8 of Schedule 7 to the Social Security Act 1998 (c. 14).

Signed by authority of the Secretary of State for Work and Pensions.

Parliamentary Under-Secretary of State,
2002 Department for Work and Pensions