
EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations amends—

- the Income Support (General) Regulations (Northern Ireland) 1987,
- the Jobseeker’s Allowance Regulations (Northern Ireland) 1996,
- the State Pension Credit Regulations (Northern Ireland) 2003,
- the Housing Benefit Regulations (Northern Ireland) 2006,
- the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006, and
- the Employment and Support Allowance Regulations (Northern Ireland) 2008.

A new paragraph is inserted after each of the provisions cited in regulation 2(1) of these Regulations, which will enable certain payments from an estate to be disregarded. The disregard applies to payments derived from a payment made from an approved blood scheme, or the Scottish Infected Blood Support scheme, which is to meet the recommendation of the Infected Blood Inquiry in its interim report published on 29th July 2022. That report recommended that an interim payment should be made to all those infected from contaminated blood or blood products and all bereaved partners registered on UK infected blood support schemes and those who register before the inception of any future scheme. Where an infected person or their bereaved partner registered with such a scheme but died before the interim payment could be made, it will be paid to their estate. A payment derived from an interim payment paid from the estate will be disregarded if it is made to a deceased person’s son, daughter, step-son or step-daughter.

Regulation 3 of these Regulations substitutes a new paragraph (3) into regulation 76 of the Universal Credit Regulations (Northern Ireland) 2016. The substituted paragraph clarifies that, in relation to a claim to Universal Credit from a person other than a person diagnosed with variant Creutzfeldt-Jacob disease or infected from contaminated blood or blood products, a payment from a scheme established or approved by the Secretary of State, or from a trust established with funds provided by the Secretary of State to provide compensation for having been so diagnosed or infected, or a payment which derives from such a payment, is disregarded in any of the circumstances in which it would be disregarded in relation to an award of State Pension Credit.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Infected Blood Capital Disregard) (Amendment) Regulations (Northern Ireland) 2023.