

2023 No. 118

SOCIAL SECURITY

**The Social Security (Infected Blood Capital Disregard)
(Amendment) Regulations (Northern Ireland) 2023**

Made - - - - *9th August 2023*

Coming into operation *30th August 2023*

The Department for Communities(a), makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 132(3) and (4)(b), 132A(3) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b), Articles 14(1) and (4)(b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(c), and now vested in it(d), sections 15(3) and (6)(b) and 19(1), (2)(a) and (3) of the State Pension Credit Act (Northern Ireland) 2002(e), sections 17(1) and (3)(b) and 25(2)(a) of the Welfare Reform Act (Northern Ireland) 2007(f) and Article 48(1) and (2)(a) of, and paragraph 4(1)(a) and (3)(a) of Schedule 1 to, the Welfare Reform (Northern Ireland) Order 2015(g).

The powers are exercisable by the Department for Communities by virtue of Article 2 to the Welfare Reform (Northern Ireland) Order 2015 (Cessation of Transitory Provision) Order 2020(h).

Regulation 2(1)(d) and (e) is made with the consent of the Department of Finance(i).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Infected Blood Capital Disregard) (Amendment) Regulations (Northern Ireland) 2023 and come into operation on 30th August 2023.

(2) The Interpretation Act (Northern Ireland) 1954(j) shall apply to these Regulations as it applies to an Act of the Assembly.

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- (a) See section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(b) 1992 c. 7; section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(c) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
(d) See Article 8(b) of S.R. 1999 No. 481
(e) 2002 c. 14 (N.I.)
(f) 2007 c. 2 (N.I.)
(g) S.I. 2015/2006 (N.I. 1)
(h) S.I. 2020/927
(i) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); see also Article 6(b) of S.R. 1999 No. 481 and section 1(4) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(j) 1954 c. 33 (N.I.)

Disregard for payment from estate

- 2.—(1) After each of the following provisions insert the provision in paragraph (2)—
- (a) paragraph 22(5) of Schedule 10 to the Income Support (General) Regulations (Northern Ireland) 1987(a) (capital to be disregarded);
 - (b) paragraph 27(5) of Schedule 7 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(b) (capital to be disregarded);
 - (c) paragraph 15(5) of Schedule 5 to the State Pension Credit Regulations (Northern Ireland) 2003(c) (Part 1 - capital disregarded for the purpose of calculating income);
 - (d) paragraph 25(5) of Schedule 7 to the Housing Benefit Regulations (Northern Ireland) 2006(d) (capital to be disregarded);
 - (e) paragraph 16(5) of Schedule 7 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(e) (Part 1 - capital to be disregarded generally);
 - (f) paragraph 27(5) of Schedule 9 to the Employment and Support Allowance Regulations (Northern Ireland) 2008(f) (capital to be disregarded).
- (2) The provision to be inserted after each of the provisions in paragraph (1) is—
- “(5A) Any payment out of the estate of a person, which derives from a payment to meet the recommendation of the Infected Blood Inquiry in its interim report published on 29th July 2022(g) made under or by the Scottish Infected Blood Support Scheme or an approved blood scheme to the estate of the person, where the payment is made to the person’s son, daughter, step-son or step-daughter.”.

Amendment of the Universal Credit Regulations

3. In regulation 76 of the Universal Credit Regulations (Northern Ireland) 2016(h) (special schemes for compensation etc.), for paragraph (3) substitute—

“(3) In relation to a claim for universal credit made by a person other than the diagnosed or infected person referred to in paragraph (1)(a)(i), a payment received from the scheme or trust or which derives from a payment received from the scheme or trust, is to be disregarded if it would be disregarded in relation to an award of state pension credit by virtue of paragraph 13 or 15 of Schedule 5 to the State Pension Credit Regulations (Northern Ireland) 2003.”.

Sealed with the Official Seal of the Department for Communities on 9th August 2023
(L.S.)

David Tarr
A senior officer of the Department for Communities

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- (a) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1992 No. 201, S.R. 2000 No. 241, S.R. 2005 No. 536, S.R. 2010 No. 69, S.R. 2020 No. 108, S.R. 2021 No. 345 and S.R. 2023 No. 97
 - (b) S.R. 1996 No. 198; relevant amending Regulations are S.R. 2005 No. 536, S.R. 2010 No. 69, S.R. 2020 No. 108, S.R. 2021 No. 345 and S.R. 2023 No. 97
 - (c) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2005 No. 536, S.R. 2010 No. 69, S.R. 2020 No. 108, S.R. 2021 No. 345 and S.R. 2023 No. 97
 - (d) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2010 No. 69, S.R. 2020 No. 108, S.R. 2021 No. 345 and S.R. 2023 No. 97
 - (e) S.R. 2006 No. 406; relevant amending Regulations are S.R. 2010 No. 69, S.R. 2020 No. 108, S.R. 2021 No. 345 and S.R. 2023 No. 97
 - (f) S.R. 2008 No. 280; relevant amending Regulations are S.R. 2010 No. 69, S.R. 2020 No. 108, S.R. 2021 No. 345 and S.R. 2023 No. 97
 - (g) see <https://www.infectedbloodinquiry.org.uk/reports/first-interim-report>. A hard copy may be obtained from the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA
 - (h) S.R. 2016 No. 216

The Department of Finance hereby consents to regulation 2(1)(d) and (e) of the foregoing regulations.

Sealed with the Official Seal of the Department of Finance on 9th August 2023
(L.S.)

Patrick Neeson
A senior officer of the Department of Finance

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.

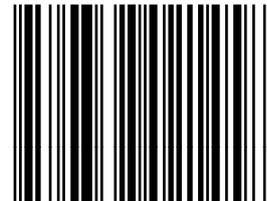
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