
STATUTORY RULES OF NORTHERN IRELAND

2024 No. 174

SOCIAL SECURITY

**The Social Security (Infected Blood Capital Disregard)
(Amendment) Regulations (Northern Ireland) 2024**

Made - - - - 20th September 2024

Coming into operation 10th October 2024

The Department for Communities⁽¹⁾, 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⁽²⁾, Articles 14(1) and (4)(b) of the Jobseekers (Northern Ireland) Order 1995⁽³⁾, and now vested in it⁽⁴⁾, sections 15(3) and (6)(b) and 19(1) and (3) of the State Pension Credit Act (Northern Ireland) 2002⁽⁵⁾ and sections 17(1) and (3) (b) of the Welfare Reform Act (Northern Ireland) 2007⁽⁶⁾.

Regulation 2(1)(d) and (e) is made with the consent of the Department of Finance⁽⁷⁾.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Infected Blood Capital Disregard) (Amendment) Regulations (Northern Ireland) 2024 and come into operation on 10th October 2024.

(2) The Interpretation Act (Northern Ireland) 1954⁽⁸⁾ shall apply to these Regulations as it applies to an Act of the Assembly.

Disregard for payment from estate

2.—(1) After each of the following provisions insert the provision in paragraph (2)—

(1) See section 1(7) of the Departments Act (Northern Ireland) 2016 c. 5 (N.I.)
(2) 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)
(3) S.I. 1995/2705 (N.I. 15)
(4) See Article 8(b) of S.R. 1999 No. 481
(5) 2002 c. 14 (N.I.)
(6) 2007 c. 2 (N.I.)
(7) 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.)
(8) 1954 c. (N.I.)33

- (a) paragraph 22(5A) of Schedule 10 to the Income Support (General) Regulations (Northern Ireland) 1987(9) (capital to be disregarded);
 - (b) paragraph 27(5A) of Schedule 7 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(10) (capital to be disregarded);
 - (c) paragraph 15(5A) of Schedule 5 to the State Pension Credit Regulations (Northern Ireland) 2003(11) (capital disregarded for the purpose of calculating income);
 - (d) paragraph 25(5A) of Schedule 7 to the Housing Benefit Regulations (Northern Ireland) 2006(12) (capital to be disregarded);
 - (e) paragraph 16(5A) of Schedule 7 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(13) (capital to be disregarded generally);
 - (f) paragraph 27(5A) of Schedule 9 to the Employment and Support Allowance Regulations (Northern Ireland) 2008(14) (capital to be disregarded).
- (2) The provision to be inserted after each of the provisions in paragraph (1) is—
- “(5B) Any payment out of the estate of a person, which derives from a payment made under or by the Scottish Infected Blood Support Scheme or an approved blood scheme to the estate of the person as a result of that person having been infected from contaminated blood products.”.

Sealed with the Official Seal of the Department for Communities on 20th September 2024

(L.S.)

David Tarr
A senior officer of the Department for
Communities

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 20th September 2024

(L.S.)

Patrick Neeson
A senior officer of the Department of Finance

(9) S.R. 1987 No. 459; paragraph 22(5A) was inserted by regulation 2 of S.R. 2023 No. 118
(10) S.R. 1996 No. 198; paragraph 27(5A) was inserted by regulation 2 of S.R. 2023 No. 118
(11) S.R. 2003 No. 28; paragraph 15(5A) was inserted by regulation 2 of S.R. 2023 No. 118
(12) S.R. 2006 No. 405; paragraph 25(5A) was inserted by regulation 2 of S.R. 2023 No. 118
(13) S.R. 2006 No. 406; paragraph 16(5A) was inserted by regulation 2 of S.R. 2023 No. 118
(14) S.R. 2008 No. 280; paragraph 27(5A) was inserted by regulation 2 of S.R. 2023 No. 118

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 sub-paragraph is inserted after each of the provisions cited in regulation 2(1) of these Regulations, which will enable certain payments from an estate of a deceased infected person to be disregarded. A payment paid from such an estate derived from a payment made from an approved blood scheme, or the Scottish Infected Blood Support Scheme to the estate of the person for having been infected from contaminated blood products will be disregarded.

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.