



# Victims and Prisoners Act 2024

## 2024 CHAPTER 21

### PART 3

#### INFECTED BLOOD COMPENSATION

#### **48 Infected Blood Compensation Authority**

- (1) A body corporate called the Infected Blood Compensation Authority is established.
- (2) In this Part that body is referred to as “the IBCA”.
- (3) [Schedule 1](#) contains further provision about the IBCA.

#### **49 Infected blood compensation scheme**

- (1) The Secretary of State or the Minister for the Cabinet Office must by regulations within three months of the passing of this Act establish a scheme (the “infected blood compensation scheme”) for making payments to eligible persons.
- (2) “Eligible persons” means such persons within subsection (3) as the regulations provide are to be eligible persons.
- (3) The persons within this subsection are persons who—
  - (a) have been infected as a result of being treated with blood, blood products or tissue,
  - (b) have been infected as a result of another person being treated with blood, blood products or tissue, or
  - (c) have been affected by another person being infected as described in [paragraph \(a\)](#) or [\(b\)](#).
- (4) The regulations may define an eligible person by reference to matters including (but not limited to)—
  - (a) the kind of infection;
  - (b) the duration or effect of an infection;
  - (c) when the treatment occurred;

- (d) where the treatment was given;
  - (e) who gave the treatment;
  - (f) whether a person was treated with blood, blood products or tissue;
  - (g) in the case of a person within subsection (3)(b), how the person was infected and their connection with the person who was treated;
  - (h) in the case of a person within subsection (3)(c), how the person has been affected and their connection with the person who has been infected.
- (5) The regulations must provide for payments under the scheme to be made by, and the scheme to be otherwise administered by, the IBCA.

## **50 Payments**

- (1) The amount of a payment under the infected blood compensation scheme is to be determined in accordance with regulations under section 49.
- (2) The regulations may make provision for the amount payable to eligible persons—
- (a) to be a specified amount;
  - (b) to be an amount within a specified range;
  - (c) not to exceed a specified amount.
- (3) The regulations may make provision—
- (a) for payments to be made as a lump sum or periodically;
  - (b) for payments to be held on trust;
  - (c) for interest to be payable on payments;
  - (d) for the amount of any periodic payment to be increased to take account of changes in the value of money.
- (4) The regulations may make provision for payments to be made subject to conditions.
- (5) The regulations may make provision for payments under the scheme to be repaid to the IBCA (in whole or in part) in specified circumstances.
- (6) In this section “specified” means specified in the regulations.

## **51 Applications and procedure**

Regulations under section 49 may deal with the procedure for the making and deciding of applications for payments under the infected blood compensation scheme and, in particular, may—

- (a) impose time limits for making an application or taking other steps;
- (b) make provision about evidence.

## **52 Reviews and appeals**

- (1) Regulations under section 49—
- (a) may make provision for the IBCA to review decisions taken under the infected blood compensation scheme;
  - (b) must confer a right of appeal to the First-tier Tribunal against a decision taken under the scheme.

- (2) If the regulations make provision under subsection (1)(a), they may provide for the right of appeal to be exercisable only if the IBCA has reviewed the decision.

### **53 Information: infected blood compensation scheme**

- (1) The IBCA may provide information to another person, and a person may provide information to the IBCA, for the purposes of any matter connected with the administration of the infected blood compensation scheme.
- (2) The IBCA may by notice in writing require a person to provide information to the IBCA for the purposes of any matter connected with the administration of the infected blood compensation scheme.
- (3) If a person fails to comply with a notice under subsection (2), the IBCA may apply to the appropriate court for an order requiring the person to comply with the notice.
- (4) The information referred to in this section may comprise or include personal data.
- (5) This section does not limit the circumstances in which information may be disclosed apart from this section.
- (6) Except as provided by subsection (7), a disclosure of information authorised by or required under this section does not breach—
- (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (7) This section does not authorise or require the processing of information if the processing would contravene the data protection legislation (but in determining whether it would do so, take into account the powers conferred and duties imposed by this section).
- (8) In this section—
- “the appropriate court” means—
    - (a) in England and Wales and Northern Ireland, the High Court;
    - (b) in Scotland, the Court of Session;
  - “personal data”, “processing” and “the data protection legislation” have the meanings given by section 3 of the Data Protection Act 2018.

### **54 Duty to co-operate with the IBCA**

- (1) Each relevant person must co-operate with the IBCA on any matter connected with the making of payments to persons in connection with those persons, or other persons, being treated with infected blood, infected blood products or infected tissue.
- (2) The relevant persons are—
- (a) the Secretary of State;
  - (b) the Minister for the Cabinet Office;
  - (c) a Special Health Authority established under section 28 of the National Health Service Act 2006;
  - (d) the Welsh Ministers;
  - (e) a National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006;

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- (f) a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006;
  - (g) the Scottish Ministers;
  - (h) a person who has at any time been appointed by the Scottish Ministers under subsection (4)(d) of section 28 of the Smoking, Health and Social Care (Scotland) Act 2005 ([asp 13](#)) to manage a scheme made under that section;
  - (i) the Department of Health in Northern Ireland;
  - (j) the Regional Business Services Organisation established by section 14 of the [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1 \(N.I.\)\)](#);
  - (k) any other persons specified as relevant persons in regulations made by the Secretary of State or the Minister for the Cabinet Office for the purposes of this section.
- (3) Regulations under subsection (2)(k)—
- (a) may not specify a Welsh body as a relevant person unless the Welsh Ministers consent;
  - (b) may not specify a Scottish body as a relevant person unless the Scottish Ministers consent;
  - (c) may not specify a Northern Ireland body as a relevant person unless the Department of Health in Northern Ireland consents.
- (4) In subsection (3)—
- “Welsh body” means—
    - (a) a devolved Welsh authority as defined in section 157A of the Government of Wales Act 2006;
    - (b) a person providing services to a person within paragraph (a);
  - “Scottish body” means—
    - (a) a person who is a part of the Scottish Administration;
    - (b) a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998);
    - (c) a person providing services to a person within paragraph (a) or (b);
  - “Northern Ireland body” means—
    - (a) a Northern Ireland department;
    - (b) a public authority whose functions are exercisable only or mainly in or as regards Northern Ireland and relate only or mainly to transferred matters (within the meaning of the Northern Ireland Act 1998);
    - (c) a person providing services to a person within paragraph (a) or (b).

## **55 Provision of support and assistance**

- (1) The Secretary of State or the Minister for the Cabinet Office may make such arrangements as they consider appropriate for the provision of support and assistance to applicants (or potential applicants) for compensation under the infected blood compensation scheme.
- (2) The arrangements may be for the provision of support and assistance by the IBCA or any other person.

## **56 Payments to personal representatives of qualifying infected persons**

- (1) The Secretary of State or the Minister for the Cabinet Office must make arrangements for the personal representatives of a qualifying infected person (in their capacity as such) to receive a payment of £100,000.
- (2) A “qualifying infected person” is a deceased person—
  - (a) who was registered as an infected person under an infected blood support scheme, or with a relevant organisation, before 17 April 2024, or
  - (b) whose death was registered as the death of an infected person under an infected blood support scheme, or with a relevant organisation, before 17 April 2024,and to or in respect of whom no payment has been made under the Infected Blood Interim Compensation Payment Scheme.
- (3) An “infected blood support scheme” means—
  - (a) the England Infected Blood Support Scheme established under section 2 of, and paragraph 7C of Schedule 1 to, the National Health Service Act 2006,
  - (b) the Wales Infected Blood Support Scheme established under sections 1 to 3 of the National Health Service (Wales) Act 2006,
  - (c) the Scottish Infected Blood Support Scheme established partly under section 28 of the Smoking, Health and Social Care (Scotland) Act 2005 ([asp 13](#)), and
  - (d) the Infected Blood Payment Scheme for Northern Ireland established under section 3 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 ([c. 1 \(N.I.\)](#)).
- (4) A “relevant organisation” means—
  - (a) the Caxton Foundation (charity number 1142529),
  - (b) the Eileen Trust (charity number 1028027),
  - (c) the Macfarlane Trust (charity number 298863),
  - (d) the Macfarlane (Special Payments) Trust established on 29 January 1990,
  - (e) the Macfarlane (Special Payments) (No. 2) Trust established on 3 May 1991,
  - (f) MFET Limited (company number 07121661), and
  - (g) the Skipton Fund Limited (company number 5084964).
- (5) A payment is made in respect of a deceased person under the Infected Blood Interim Compensation Payment Scheme if a payment under that scheme is made to the person’s personal representatives (in their capacity as such) or the person’s bereaved partner.
- (6) The Infected Blood Interim Compensation Payment Scheme means the scheme of that name administered by the persons who administer the infected blood support schemes (whether or not in conjunction with other persons).
- (7) The arrangements under subsection (1)—
  - (a) must include provision about the procedure for making payments to the personal representatives of qualifying infected persons;
  - (b) may include arrangements for one or more other persons (which may in particular include relevant persons) to administer the making of payments, in accordance with that procedure, on behalf of the Secretary of State or the Minister for the Cabinet Office.

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- (8) The arrangements under subsection (1) may be made, in whole or in part, by exercising powers conferred on the Secretary of State or the Minister for the Cabinet Office apart from this section.
- (9) In this section—  
“personal representatives”, in relation to a deceased person, means the persons responsible for administering the deceased person’s estate;  
“relevant person” has the same meaning as in [section 54](#).
- (10) The Secretary of State or the Minister for the Cabinet Office may by regulations repeal or amend subsections (1) to (9).

## **57 Information: payments to personal representatives**

- (1) A person may provide information to—  
(a) the Secretary of State or the Minister for the Cabinet Office, or  
(b) a person administering the making of payments under [section 56](#) by virtue of [section 56\(7\)\(b\)](#),  
for the purposes of any matter connected with the making of payments to personal representatives under that section.
- (2) The information referred to in subsection (1) may comprise or include personal data.
- (3) Subsection (1) does not limit the circumstances in which information may be disclosed apart from that subsection.
- (4) Except as provided by subsection (5), a disclosure of information authorised by this section does not breach—  
(a) any obligation of confidence owed by the person making the disclosure, or  
(b) any other restriction on the disclosure of information (however imposed).
- (5) Subsection (1) does not authorise the processing of information if the processing would contravene the data protection legislation (but in determining whether it would do so, take into account the power conferred by that subsection).
- (6) In this section “personal data”, “processing” and “the data protection legislation” have the meanings given by section 3 of the Data Protection Act 2018.