

Status: Point in time view as at 24/05/2024.

Changes to legislation: There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Schedule 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 48

INFECTED BLOOD COMPENSATION AUTHORITY

PART 1

CONSTITUTION

Membership

- 1 (1) The IBCA is to consist of—
 - (a) a Chair (who is to be a non-executive member),
 - (b) at least 3, but not more than 6, other non-executive members,
 - (c) a chief executive, and
 - (d) at least 2, but not more than 5, other executive members.
- (2) The members are to be appointed in accordance with paragraphs 2 to 4.
- (3) A person exercising a power of appointment in accordance with those paragraphs must when doing so ensure, so far as practicable, that the number of non-executive members is at all times greater than the number of executive members.

Commencement Information

I1 Sch. 1 para. 1 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Appointment of non-executive members

- 2 (1) The Chair is to be appointed by the Secretary of State or the Minister for the Cabinet Office.
- (2) The other non-executive members are to be appointed by the Chair except for the first three who are to be appointed by the Secretary of State or the Minister for the Cabinet Office.
- (3) A person may not be appointed as a non-executive member if the person is a member of the IBCA's staff.

Commencement Information

I2 Sch. 1 para. 2 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

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Appointment of executive members

- 3 (1) The chief executive and the other executive members are to be appointed by the Chair.
- (2) The executive members are to be members of the IBCA’s staff.

Commencement Information

I3 Sch. 1 para. 3 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Appointments of members: eligibility

- 4 (1) The Secretary of State or the Minister for the Cabinet Office may by regulations make provision about criteria which must be met by persons in order to be appointed as members of the IBCA.
- (2) The regulations may make provision for a person to cease to be a member of the IBCA if the person no longer meets those criteria.

Commencement Information

I4 Sch. 1 para. 4 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Terms of membership

- 5 (1) A member of the IBCA holds and vacates office in accordance with the terms of the member’s appointment (subject to this Schedule).
- (2) A member may resign from office by giving notice to the appropriate person.
- (3) A member may be removed from office by notice given by the appropriate person on the grounds that the member—
- (a) has without reasonable excuse failed to discharge the member’s functions, or
 - (b) is, in the opinion of the appropriate person, unable or unfit to carry out the member’s functions.
- (4) A person ceases to be—
- (a) a non-executive member of the IBCA upon becoming a member of its staff;
 - (b) an executive member of the IBCA upon ceasing to be a member of its staff.
- (5) In this paragraph “appropriate person” means—
- (a) in the case of the Chair, the Secretary of State or the Minister for the Cabinet Office;
 - (b) in the case of any other member of the IBCA, the Chair.

Commencement Information

I5 Sch. 1 para. 5 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

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Non-executive members: payments

- 6 (1) The IBCA must pay, or make provision for the payment of, such remuneration, pensions, allowances or gratuities as the Secretary of State or the Minister for the Cabinet Office determines to or in respect of a person who is or has been—
- (a) the Chair, or
 - (b) a non-executive member appointed by the Secretary of State or the Minister for the Cabinet Office under paragraph 2(2).
- (2) The IBCA must pay, or make provision for the payment of, such remuneration, pensions, allowances or gratuities as the Chair determines to or in respect of a person who is or has been a non-executive member appointed by the Chair under paragraph 2(2).
- (3) Sub-paragraph (4) applies if—
- (a) a person ceases to be the Chair or a non-executive member appointed by the Secretary of State or the Minister for the Cabinet Office under paragraph 2(2), and
 - (b) the Secretary of State or the Minister for the Cabinet Office determines that the person should be compensated because of special circumstances.
- (4) Where this sub-paragraph applies, the IBCA must pay the person compensation of such amount as the Secretary of State or the Minister for the Cabinet Office may determine.
- (5) Sub-paragraph (6) applies if—
- (a) a person ceases to be a non-executive member appointed by the Chair under paragraph 2(2), and
 - (b) the Chair determines that the person should be compensated because of special circumstances.
- (6) Where this sub-paragraph applies, the IBCA must pay the person compensation of such amount as the Chair may determine.

Commencement Information

I6 Sch. 1 para. 6 in force at Royal Assent, see **s. 81(1)(a)**

Staffing

- 7 (1) The IBCA may—
- (a) appoint employees, and
 - (b) make such other arrangements for the staffing of the IBCA as it determines.
- (2) The IBCA must pay its staff such remuneration as may be determined in accordance with this paragraph.
- (3) The IBCA must pay, or make provision for the payment of, such pensions, allowances, gratuities or compensation as may be determined in accordance with this paragraph to or in respect of any person who is or has been a member of staff of the IBCA.
- (4) Members of staff of the IBCA are to be appointed on such other terms as may be determined in accordance with this paragraph.

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- (5) A matter is determined in accordance with this paragraph if—
- (a) in the case of a matter which relates to an executive member, it is determined by the Chair;
 - (b) in the case of a matter which relates to any other member of staff, it is determined by the IBCA.
- (6) Before making a determination as to remuneration, pensions, allowances, gratuities or compensation for the purposes of sub-paragraph (2) or (3), the IBCA must obtain the approval of the Secretary of State or the Minister for the Cabinet Office as to its policy on that matter.

Commencement Information

I7 Sch. 1 para. 7 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Interim chief executive

- 8
- (1) The Secretary of State or the Minister for the Cabinet Office may appoint a person as an executive member to act as chief executive of the IBCA (“an interim chief executive”) until the appointment of the first chief executive by the Chair under paragraph 3(1).
 - (2) An interim chief executive may incur expenditure and do other things in the name of and on behalf of the IBCA until the appointment of the first chief executive by the Chair under paragraph 3(1).
 - (3) In exercising the power in sub-paragraph (2), an interim chief executive must act in accordance with any directions given by the Secretary of State or the Minister for the Cabinet Office.
 - (4) Paragraphs 3, 5 and 7 do not apply to an interim chief executive.

Commencement Information

I8 Sch. 1 para. 8 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Committees and sub-committees

- 9
- (1) The IBCA may appoint such committees and sub-committees as it considers appropriate.
 - (2) A committee or sub-committee may consist of or include persons who are neither members, nor members of staff, of the IBCA.
 - (3) The IBCA may pay such remuneration and allowances as it may determine to any person who—
 - (a) is a member of a committee or a sub-committee, but
 - (b) is not a member of staff of the IBCA,
 whether or not that person is a non-executive member of the IBCA.

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Commencement Information

19 Sch. 1 para. 9 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Procedure

- 10 (1) The IBCA may determine its own procedure and the procedure of any of its committees or sub-committees.
- (2) The validity of any proceedings of the IBCA, or any committee or sub-committee of the IBCA, is not affected by any vacancy among its members or by any defect in the appointment of such a member.

Commencement Information

110 Sch. 1 para. 10 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Exercise of functions

- 11 (1) The IBCA must have regard to the need to exercise its functions effectively, efficiently and economically.
- (2) The IBCA may delegate any of its functions to—
- (a) a member of the IBCA,
 - (b) a member of the IBCA's staff authorised for that purpose, or
 - (c) any committee or sub-committee.
- (3) A function may be delegated to the extent and on the terms that the IBCA determines.

Commencement Information

111 Sch. 1 para. 11 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Funding

- 12 (1) The Secretary of State or the Minister for the Cabinet Office must pay to the IBCA—
- (a) such sums as are required to meet payments made by the IBCA under the infected blood compensation scheme, and
 - (b) such other sums as the Secretary of State or the Minister for the Cabinet Office considers are reasonably sufficient to enable the IBCA to carry out its functions.
- (2) Payments under sub-paragraph (1)(b) may be made subject to conditions.
- (3) The Secretary of State or the Minister for the Cabinet Office may by regulations make provision about what the IBCA must do with any sums repaid to it by virtue of [section 50\(5\)](#) (which may include provision requiring the sums to be paid to the Secretary of State or the Minister for the Cabinet Office).

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Commencement Information

I12 Sch. 1 para. 12 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Annual report

- 13 (1) As soon as reasonably practicable after the end of each financial year the IBCA must prepare a report on the exercise of its functions during that financial year.
- (2) The IBCA must send the report to the Secretary of State or the Minister for the Cabinet Office.
- (3) The Secretary of State or the Minister for the Cabinet Office must lay the report before Parliament.

Commencement Information

I13 Sch. 1 para. 13 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Accounts and audit

- 14 (1) The IBCA must—
- (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare a statement of accounts in respect of each financial year in the form specified by the Secretary of State or the Minister for the Cabinet Office.
- (2) The IBCA must send a copy of each statement of accounts to the Secretary of State or the Minister for the Cabinet Office, and the Comptroller and Auditor General, as soon as practicable after the end of the financial year to which the statement relates.
- (3) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement of accounts, and
 - (b) send a copy of each report and certified statement to the Secretary of State or the Minister for the Cabinet Office.
- (4) The Secretary of State or the Minister for the Cabinet Office must lay before Parliament a copy of each such report and certified statement.

Commencement Information

I14 Sch. 1 para. 14 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Meaning of “financial year”

- 15 In this Schedule “financial year” means—
- (a) the period beginning with the date on which the IBCA is established and ending with 31 March following that date, and
 - (b) each successive period of 12 months.

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Commencement Information

I15 Sch. 1 para. 15 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Provision of information

16 The IBCA must provide to the Secretary of State or the Minister for the Cabinet Office such information relating to the IBCA's functions as they may request.

Commencement Information

I16 Sch. 1 para. 16 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Status

- 17 (1) The IBCA is not to be regarded—
- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The IBCA's property is not to be regarded as property of, or property held on behalf of, the Crown.
- (3) Service as a member, or a member of staff, of the IBCA is not service in the civil service of the State.

Commencement Information

I17 Sch. 1 para. 17 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Seal and evidence

- 18 (1) The application of the IBCA's seal must be authenticated by a signature of—
- (a) a member of the IBCA, or
 - (b) another person authorised for that purpose by the IBCA.
- (2) A document purporting to be duly executed under the IBCA's seal or signed on its behalf—
- (a) is to be received in evidence, and
 - (b) is to be taken to be executed or signed in that way, unless the contrary is shown.
- (3) But this paragraph does not apply in relation to any document which is, or is to be, signed in accordance with the law of Scotland.

Commencement Information

I18 Sch. 1 para. 18 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

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Supplementary powers

- 19 The IBCA may do anything it thinks appropriate for the purposes of, or in connection with, its functions.

Commencement Information

I19 Sch. 1 para. 19 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

PART 2

TRANSFER SCHEMES

Power to make transfer schemes

- 20 (1) The Secretary of State or the Minister for the Cabinet Office may make one or more schemes (“transfer schemes”) for the purpose of transferring to the IBCA such property, rights and liabilities of a relevant person as the Secretary of State or Minister considers appropriate for the purposes of enabling the IBCA to carry out its functions under or by virtue of this Act.
- (2) In this paragraph “relevant person” means—
- (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;
 - (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 \(N.I.\)](#)).
- (3) A transfer scheme may not be made—
- (a) in relation to a relevant person within sub-paragraph (2)(d), (e) or (f), unless the Welsh Ministers consent;
 - (b) in relation to a relevant person within sub-paragraph (2)(g) or (h), unless the Scottish Ministers consent;
 - (c) in relation to a relevant person within sub-paragraph (2)(i) or (j), unless the Department of Health in Northern Ireland consents.
- (4) The things that may be transferred under a transfer scheme include—
- (a) property, rights and liabilities that could not otherwise be transferred;

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- (b) property acquired, and rights and liabilities arising, after the making of the scheme;
 - (c) criminal liabilities.
- (5) A transfer scheme may make supplementary, incidental, transitional or consequential provision and may, in particular—
- (a) create rights, or impose liabilities, in relation to property or rights transferred;
 - (b) make provision about the continuing effect of things done by a relevant person in respect of anything transferred;
 - (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of, or in relation to, a relevant person in respect of anything transferred;
 - (d) make provision for references to an interim compensation authority in an instrument or other document in respect of anything transferred to be treated as references to the IBCA;
 - (e) make provision for the shared ownership or use of property;
 - (f) make provision which is the same as or similar to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246);
 - (g) make other supplemental, incidental, transitional or consequential provision.
- (6) A transfer scheme may provide for—
- (a) modifications by agreement;
 - (b) modifications to have effect from the date when the original scheme came into effect.
- (7) For the purposes of this paragraph—
- (a) references to rights and liabilities include rights and liabilities relating to a contract of employment;
 - (b) references to the transfer of property include the grant of a lease.
- (8) For the purposes of sub-paragraph (7)—
- (a) an individual who holds employment in the civil service is to be treated as employed by virtue of a contract of employment, and
 - (b) the terms of the individual's employment in the civil service of the State are to be regarded as constituting the terms of the contract of employment.

Commencement Information

I20 Sch. 1 para. 20 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Tax treatment of transfer schemes

- 21 (1) The Treasury may by regulations make provision varying the way in which a relevant tax has effect in relation to—
- (a) anything transferred under a scheme under paragraph 20, or
 - (b) anything done for the purposes of, or in relation to, a transfer under such a scheme.

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- (2) The provision which may be made under sub-paragraph (1)(a) includes in particular provision for—
- (a) a tax provision not to apply, or to apply with modifications, in relation to anything transferred;
 - (b) anything transferred to be treated in a specified way for the purposes of a tax provision;
 - (c) the Secretary of State or the Minister for the Cabinet Office to be required or permitted to determine, or specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything transferred.
- (3) The provision which may be made under sub-paragraph (1)(b) includes in particular provision for—
- (a) a tax provision not to apply, or to apply with modifications, in relation to anything done for the purposes of or in relation to the transfer;
 - (b) anything done for the purposes of, or in relation to, the transfer to have or not have a specified consequence or be treated in a specified way;
 - (c) the Secretary of State or the Minister for the Cabinet Office to be required or permitted to determine, or specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything done for the purposes of, or in relation to, the transfer.
- (4) In this paragraph references to the transfer of property include the grant of a lease.
- (5) In this paragraph—
- “relevant tax” means income tax, corporation tax, capital gains tax, value added tax, stamp duty or stamp duty reserve tax;
- “tax provision” means any legislation about a relevant tax.

Commencement Information

I21 Sch. 1 para. 21 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

PART 3

AMENDMENTS

Public Records Act 1958 (c. 51)

- 22 In Part 2 of the Table in paragraph 3 of Schedule 1 to the Public Records Act 1958 (establishments and organisations whose records are public records), at the appropriate place insert—

“The Infected Blood Compensation Authority.”

Commencement Information

I22 Sch. 1 para. 22 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

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Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 23 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960—
- (a) in paragraph 1 (bodies in England and Wales to which the Act applies), at the end insert—
 - “(r) the Infected Blood Compensation Authority.”;
 - (b) in paragraph 2 (bodies in Scotland to which the Act applies), at the end insert—
 - “(g) the Infected Blood Compensation Authority.”

Commencement Information

I23 Sch. 1 para. 23 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Parliamentary Commissioner Act 1967 (c. 13)

- 24 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), at the appropriate place insert—
“The Infected Blood Compensation Authority.”

Commencement Information

I24 Sch. 1 para. 24 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

House of Commons Disqualification Act 1975 (c. 24)

- 25 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies all members of which are disqualified), at the appropriate place insert—
“The Infected Blood Compensation Authority.”

Commencement Information

I25 Sch. 1 para. 25 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 26 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies all members of which are disqualified), at the appropriate place insert—
“The Infected Blood Compensation Authority.”

Commencement Information

I26 Sch. 1 para. 26 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Freedom of Information Act 2000 (c. 36)

- 27 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies), at the appropriate place insert—
“The Infected Blood Compensation Authority.”

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Commencement Information

I27 Sch. 1 para. 27 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

Equality Act 2010 (c. 15)

- 28 In Part 1 of Schedule 19 to the Equality Act 2010 (authorities subject to the public sector equality duty), under the heading “Health, social care and social security”, at the appropriate place insert—
- “The Infected Blood Compensation Authority.”

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Commencement Information

I28 Sch. 1 para. 28 in force at Royal Assent, see [s. 81\(1\)\(a\)](#)

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