
STATUTORY INSTRUMENTS

2020 No. 103

The Victims' Payments Regulations 2020

PART 5

Payments

Disregard of payments and lump sums for certain purposes

- 26.**—(1) A payment of victims' payments or a lump sum is to be disregarded—
- (a) from the calculation of a person's income or capital when determining entitlement to a relevant social security benefit;
 - (b) for the purposes of an assessment of a person's ability to pay under regulations made under Article 36(6) or 99(5) (cost of providing residential accommodation) of the Health and Personal Social Services (Northern Ireland) Order 1972(1);
 - (c) for the purposes of determining whether a person should repay (either fully or in part) an award of criminal injuries compensation where the application for that award was determined before these Regulations come into force.

- (2) In paragraph (1)—

“criminal injuries compensation” means compensation under a scheme established under the Criminal Injuries Compensation Act 1995(2) or the Criminal Injuries Compensation (Northern Ireland) Order 2002(3);

“relevant social security benefit” means any of the following—

- (a) employment and support allowance under—
 - (i) Part 1 of the Welfare Reform Act 2007(4) as it has effect apart from the amendments made by Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012(5) (to remove references to an income-related allowance);
 - (ii) Part 1 of the Welfare Reform Act (Northern Ireland) 2007(6) as it has effect apart from the amendments made by Schedule 3, and Part 5 of Schedule 12, to the Welfare Reform Order (Northern Ireland) 2015(7) (to remove references to an income related allowance);
- (b) housing benefit under—
 - (i) Part 7 of the Social Security Contributions and Benefits Act 1992(8), or

(1) S.I. 1972/1265 (N.I. 14). Article 99 was substituted by S.I. 1991/194 (N.I. 1).
(2) 1995 c. 53.
(3) S.I. 2002/796 (N.I. 1).
(4) 2007 c. 5.
(5) 2012 c. 5.
(6) 2007 c. 2 (N.I.).
(7) S.I. 2015/2006 (N.I. 1).
(8) 1992 c. 4.

- (ii) Part 7 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽⁹⁾;
- (c) income support under—
 - (i) Part 7 of the Social Security Contributions and Benefits Act 1992, or
 - (ii) Part 7 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (d) jobseeker’s allowance under—
 - (i) the Jobseekers Act 1995⁽¹⁰⁾ as it has effect apart from the amendments made by Part 1 of Schedule 14 to the Welfare Reform Act 2012 (to remove references to an income-based allowance);
 - (ii) the Jobseekers (Northern Ireland) Order 1995⁽¹¹⁾ as it has effect apart from the amendments made by Part 1 of Schedule 12 to the Welfare Reform Order (Northern Ireland) 2015 (to remove references to an income-based allowance);
- (e) state pension credit under—
 - (i) section 1 of the State Pension Credit Act 2002⁽¹²⁾, or
 - (ii) section 1 of the State Pension Credit Act (Northern Ireland) 2002⁽¹³⁾;
- (f) universal credit under—
 - (i) Part 1 of the Welfare Reform Act 2012, or
 - (ii) Part 2 of the Welfare Reform (Northern Ireland) Order 2015.

⁽⁹⁾ 1992 c. 7.

⁽¹⁰⁾ 1995 c. 18.

⁽¹¹⁾ S.I. 1995/2705 (N.I. 15).

⁽¹²⁾ 2002 c.16.

⁽¹³⁾ 2002 c.14 (N.I.).