

*This Statutory Instrument has been made in consequence of a defect in [S.I. 2013/376](#) and is being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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**2023 No. 894**

# SOCIAL SECURITY

## The Social Security (Infected Blood Capital Disregard) (Amendment) Regulations 2023

<i>Made</i>	- - - -	<i>8th August 2023</i>
<i>Laid before Parliament</i>		<i>9th August 2023</i>
<i>Coming into force</i>	- -	<i>30th August 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 123(1)(a) and (d), 136(3) and (5)(b), 136A(3) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(1), sections 12(1) and (4)(b) and 36(2) of the Jobseekers Act 1995(2), section 15(3) and (6)(b) of the State Pension Credit Act 2002(3), sections 17(1) and (3)(b) and 25(2) and (3) of the Welfare Reform Act 2007(4) and section 42(1) and (2) of, and paragraph 4(1)(a) and (3)(a) of Schedule 1 to, the Welfare Reform Act 2012(5).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(6), the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

In respect of the provisions in regulation 2(d) and (e), in accordance with section 176(1)(a) of the Social Security Administration Act 1992(7), the Secretary of State has consulted with organisations appearing to the Secretary of State to be representative of the authorities concerned.

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- (1) 1992 c. 4. See section 137(1) of this Act for the definition of “prescribed”. Section 175(1) is amended by paragraph 29(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 175(1) and (3) is applied in relation to the powers conferred by section 15(3) and (6) of the State Pension Credit Act 2002 (c. 16) by section 19(1) of that Act.
- (2) 1995 c. 18. See section 35(1) of this Act for the definition of “prescribed” and “regulations”.
- (3) 2002 c. 16. See section 17(1) of this Act for the definition of “prescribed” and “regulations”.
- (4) 2007 c. 5. See section 24(1) of this Act for the definition of “prescribed” and “regulations”.
- (5) 2012 c. 5.
- (6) 1992 c. 5.
- (7) Section 176(1)(a) was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c. 14) and was repealed, to the extent that it related to council tax benefit, by Part 1 of Schedule 14 to, the Welfare Reform Act 2012 with effect from 1st April 2013 and subject to savings and transitional provisions in articles 9 and 10 of [S.I. 2013/358](#).

### **Citation, commencement and extent**

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

(2) These Regulations extend to England and Wales and Scotland.

### **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 1987<sup>(8)</sup> (capital to be disregarded);
- (b) paragraph 27(5) of Schedule 8 to the Jobseeker’s Allowance Regulations 1996<sup>(9)</sup> (capital to be disregarded);
- (c) paragraph 15(5) of Schedule 5 to the State Pension Credit Regulations 2002<sup>(10)</sup> (Part 1 - capital disregarded for the purpose of calculating income);
- (d) paragraph 24(5) of Schedule 6 to the Housing Benefit Regulations 2006<sup>(11)</sup> (capital to be disregarded);
- (e) paragraph 16(5) of Schedule 6 to the Housing Benefit (persons who have attained the qualifying age for state pension credit) Regulations 2006<sup>(12)</sup> (Part 1 - capital to be disregarded generally);
- (f) paragraph 27(5) of Schedule 9 to the Employment and Support Allowance Regulations 2008<sup>(13)</sup> (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<sup>(14)</sup> 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 2013**

3. For regulation 76(3) of the Universal Credit Regulations 2013<sup>(15)</sup> (special schemes for compensation etc.) 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 2002.”.

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(8) S.I. 1987/1967, to which there are amendments not relevant to these Regulations.

(9) S.I. 1996/207, to which there are amendments not relevant to these Regulations.

(10) S.I. 2002/1792, to which there are amendments not relevant to these Regulations.

(11) S.I. 2006/213, to which there are amendments not relevant to these Regulations.

(12) S.I. 2006/214, to which there are amendments not relevant to these Regulations.

(13) S.I. 2008/794, to which there are amendments not relevant to these Regulations.

(14) 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.

(15) S.I. 2013/376, to which there are amendments not relevant to these Regulations.

Signed by authority of the Secretary of State for Work and Pensions

8th August 2023

*Tom Pursglove*  
Minister of State  
Department for Work and Pensions

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 of these Regulations amends—

- the Income Support (General) Regulations 1987 (S.I. 1987/1967),
- the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207),
- the State Pension Credit Regulations 2002 (S.I. 2002/1792),
- the Housing Benefit Regulations 2006 (S.I. 2006/213),
- the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214), and
- the Employment and Support Allowance Regulations 2008 (S.I. 2008/794).

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 2013 (S.I. 2013/376). 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.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.