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STATUTORY INSTRUMENTS

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**2017 No. 329**

**SOCIAL SECURITY**

**The Social Security (Scottish Infected  
Blood Support Scheme) Regulations 2017**

<i>Made</i>	- - - -	<i>8th March 2017</i>
<i>Laid before Parliament</i>		<i>13th March 2017</i>
<i>Coming into force</i>	- -	<i>3rd April 2017</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 123(1) (a) and (d), 136(3) and (5), 136A(3), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup>, section 189(4) of the Social Security Administration Act 1992<sup>(2)</sup>, sections 12(1) and (4), 35(1) and 36(2) of the Jobseekers Act 1995<sup>(3)</sup>, sections 29 and 30(4) and paragraph 8 of Schedule 1 to the Social Security (Recovery of Benefits) Act 1997<sup>(4)</sup>, sections 15(3) and (6)(b) and 17(1) of the State Pension Credit Act 2002<sup>(5)</sup> and sections 17(1) and (3), 24(1) and 25(3) of the Welfare Reform Act 2007<sup>(6)</sup>, makes the following Regulations.

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

In respect of the provisions in these Regulations relating to housing benefit, in accordance with section 176(1) of the Social Security Administration Act 1992, the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

**Citation and commencement**

**1.** These Regulations may be cited as the Social Security (Scottish Infected Blood Support Scheme) Regulations 2017 and come into force on 3rd April 2017.

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- (1) 1992 c. 4. Section 136A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act 2002 (c. 16). Subsection (3) of section 175 is applied to provisions of the State Pension Credit Act 2002 (c. 16) by section 19(1) of that Act. See regulation 137(1) for the meaning of “prescribed”.
- (2) 1992 c. 5. Section 189 is applied to the provisions of the Social Security (Recovery of Benefits Act) 1997 (c. 27) by section 30 of that Act.
- (3) 1995 c. 18. See regulation 35(1) for the meaning of “prescribed” and “regulations”.
- (4) 1997 c. 27. Paragraph 8 of Schedule 1 applies to lump sum payments by virtue of section 1A(4)(b), which was inserted by section 54 of the Child Maintenance and Other Payments Act 2008 (c. 6). See regulation 29 for the meaning of “prescribed” and “regulations”.
- (5) 2002 c. 16. See regulation 17(1) for the meaning of “prescribed” and “regulations”.
- (6) 2007 c. 5. See regulation 24(1) for the meaning of “prescribed” and “regulations”.

### **Amendments to the Social Security (Recovery of Benefits) Regulations 1997**

2. In regulation 2(2) of the Social Security (Recovery of Benefits) Regulations 1997(7) (exempted trusts and payments) after sub-paragraph (m) add—

- “(n) any payment made from the Scottish Infected Blood Support Scheme administered by the Common Services Agency (constituted by section 10 of the National Health Service (Scotland) Act 1978).”.

### **Amendments to the Income Support (General) Regulations 1987**

3.—(1) The Income Support (General) Regulations 1987(8) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “qualifying person”(9), after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”;

(b) after the definition of “Scottish basic rate” insert—

““Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted by section 10 of the National Health Service (Scotland) Act 1978);”.

(3) In each of the following provisions, after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”—

(a) regulation 42(4ZA)(a) (notional income)(10);

(b) regulation 48(10)(c) (income treated as capital)(11);

(c) regulation 51(3A)(a) (notional capital)(12);

(d) paragraph 18(8)(b) of Schedule 3 (housing costs)(13);

(e) paragraphs 21(2) and 39(1) and (7) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings)(14);

(f) paragraphs 22(1) and (7) and 29 of Schedule 10 (capital to be disregarded)(15).

### **Amendments to the Jobseeker’s Allowance Regulations 1996**

4.—(1) The Jobseeker’s Allowance Regulations 1996(16) are amended as follows.

(2) In regulation 1(3) (citation, commencement, interpretation and application)—

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(7) S.I. 1997/2205. Sub-paragraph (m) was inserted by S.I. 2011/2425.

(8) S.I. 1987/1967.

(9) The definition of “qualifying person” was inserted by S.I. 1992/1101. Amended by S.I. 2004/1141, 2005/3391, 2010/641 and 2011/2425.

(10) Paragraph (4ZA) was inserted by S.I. 1998/2117. Sub-paragraph (a) was amended by S.I. 2008/2767, 2010/641 and 2011/2425.

(11) Paragraph (10) was inserted by S.I. 1988/2022. Sub-paragraph (c) was amended by S.I. 1990/127, 1991/1175, 1992/1101, 1993/963, 1993/1249, 2008/2767, 2010/641 and 2011/2425.

(12) Paragraph (3A) was inserted by S.I. 1998/2117. Sub-paragraph (a) was amended by S.I. 2004/2308, 2005/3391, 2008/2767, 2010/641 and 2011/2425.

(13) Schedule 3 was substituted by S.I. 1995/1613. Paragraph 18(8)(b) was amended by S.I. 2008/2767, 2010/641 and 2011/2425.

(14) Paragraph 21 was substituted by S.I. 1988/663. Sub-paragraph (2) was amended by S.I. 1988/999, 1990/127, 1991/1175, 1992/1101, 1993/963, 1993/1249, 2008/2767, 2010/641, 2011/2425. Paragraph 39 was substituted by S.I. 1991/1175. Sub-paragraph (1) was amended by S.I. 1992/1101, 1993/963, 1993/1249, 2008/2767, 2010/641 and 2011/2425. Sub-paragraph (7) was inserted by 1992/1101 and amended by S.I. 2004/2308, 2005/3391, 2010/641 and 2011/2425.

(15) Paragraph 22 was inserted by S.I. 1991/1175. Sub-paragraph (1) was amended by S.I. 1992/1101, 1993/1249, 2004/1141, 2005/3391, 2008/2767, 2010/641 and 2011/2425. Sub-paragraph (7) was inserted by S.I. 1992/1101 and amended by S.I. 2004/1141, 2005/3391, 2010/641 and 2011/2425. Paragraph 29 was inserted by S.I. 1988/1445 and amended by S.I. 1990/127, 1992/1101, 1993/963, 2007/2538, 2008/2767, 2010/641 and 2011/2425.

(16) S.I. 1996/207.

- (a) in the definition of “qualifying person”(17), after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”;
- (b) after the definition of “Scottish basic rate” insert—
  - ““Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted by section 10 of the National Health Service (Scotland) Act 1978);”.
- (3) In each of the following provisions, after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”—
  - (a) regulation 105(10A)(a) (notional income)(18);
  - (b) regulation 110(10)(c) (income treated as capital)(19);
  - (c) regulation 113(3A)(a) (notional capital)(20);
  - (d) paragraph 17(8)(b) of Schedule 2 (housing costs)(21);
  - (e) paragraphs 22(2) and 41(1) and (7) of Schedule 7 (sums to be disregarded in the calculation of income other than earnings)(22);
  - (f) paragraphs 27(1) and 31 of Schedule 8 (capital to be disregarded)(23).

#### **Amendments to the State Pension Credit Regulations 2002**

- 5.—(1) The State Pension Credit Regulations 2002(24) are amended as follows.
- (2) In regulation 1(2) (citation, commencement and interpretation)—
  - (a) in the definition of “qualifying person”(25), after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”;
  - (b) after that definition insert—
    - ““Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted by section 10 of the National Health Service (Scotland) Act 1978);”.
- (3) In each of the following provisions, after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”—
  - (a) paragraph 14(8)(b) of Schedule 2 (housing costs)(26);
  - (b) paragraphs 15(1) and (7) of Schedule 5 (income from capital)(27).

#### **Amendments to the Housing Benefit Regulations 2006**

- 6.—(1) The Housing Benefit Regulations 2006(28) are amended as follows.

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- (17) Amended by S.I. 2004/1141, 2005/3391, 2010/641 and 2011/2425.
  - (18) Paragraph (10A) was inserted by S.I. 1998/2117. Sub-paragraph (a) was amended by 2008/2767, 2010/641 and 2011/2425.
  - (19) Amended by S.I. 2008/2767, 2010/641 and 2011/2425.
  - (20) Paragraph (3A) was inserted by S.I. 1998/2117. Sub-paragraph (a) was amended by 2004/2308, 2005/3391, 2008/2767, 2010/641 and 2011/2425.
  - (21) Amended by S.I. 2008/2767, 2010/641 and 2011/2425.
  - (22) Paragraph 22(2) was amended by S.I. 2008/2767, 2010/641 and 2011/2425. Paragraph 41(1) was amended by S.I. 2008/2767, 2010/641 and 2011/2425. Paragraph 41(7) was inserted by S.I. 2004/2308 and amended by 2005/3391, 2010/641 and 2011/2425.
  - (23) Paragraph 27(1) was amended by S.I. 2004/1141, 2005/3391, 2008/2767, 2010/641 and 2011/2425. Paragraph 31 was amended by S.I. 2008/2767, 2010/641 and 2011/2425.
  - (24) S.I. 2002/1792.
  - (25) Amended by S.I. 2004/1141, 2005/3391, 2010/641 and 2011/2425.
  - (26) Amended by S.I. 2008/2767, 2010/641 and 2011/2425.
  - (27) Paragraph 15(1) was amended by S.I. 2004/1141, 2005/3391, 2008/2767, 2010/641 and 2011/2425. Paragraph 15(7) was amended by S.I. 2004/1141, 2005/3391, 2010/641 and 2011/2425.
  - (28) S.I. 2006/213.

- (2) In regulation 2(1) (interpretation)—
- (a) in the definition of “qualifying person”(29), after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”;
  - (b) after the definition of “Scottish basic rate” insert—
    - ““Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted by section 10 of the National Health Service (Scotland) Act 1978);”.
- (3) In each of the following provisions, after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”—
- (a) regulation 42(7)(a) (notional income)(30);
  - (b) regulation 46(6) (income treated as capital)(31);
  - (c) regulation 49(4)(a) (notional capital)(32);
  - (d) regulation 74(9)(b) (non-dependant deductions)(33);
  - (e) regulation 86(4)(a)(ii) (evidence and information)(34);
  - (f) paragraphs 35(1) and (7) of Schedule 5 (sums to be disregarded in the calculation of income)(35);
  - (g) paragraphs 24(1) and (7) and 34 of Schedule 6 (capital to be disregarded)(36).

#### **Amendments to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

7.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(37) are amended as follows.

- (2) In regulation 2(1) (interpretation)—
- (a) in the definition of “qualifying person”(38), after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”;
  - (b) after the definition of “Scottish basic rate” insert—
    - ““Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted by section 10 of the National Health Service (Scotland) Act 1978);”.
- (3) In each of the following provisions, after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”—
- (a) regulation 55(10)(b) (non-dependant deductions)(39);
  - (b) regulation 67(4)(a)(ii) (evidence and information)(40);

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(29) Amended by S.I. 2010/641 and 2011/2425.

(30) Amended by S.I. 2008/2767, 2010/641 and 2011/2425.

(31) Amended by S.I. 2008/2767, 2010/641 and 2011/2425.

(32) Amended by S.I. 2008/2767, 2010/641 and 2011/2425.

(33) Regulation 74 was substituted by S.I. 2007/2868. Paragraph (9)(b) was amended by S.I. 2008/2767, 2010/641 and 2011/2425.

(34) Amended by S.I. 2010/641 and 2011/2425.

(35) Paragraph 35(1) was amended by S.I. 2008/2767, 2010/641 and 2011/2425. Paragraph 35(7) was amended by S.I. 2008/3157, 2010/641 and 2011/2425.

(36) Paragraph 24(1) was amended by S.I. 2008/2767, 2010/641 and 2011/2425. Paragraph 24(7) was amended by S.I. 2010/641 and 2011/2425. Paragraph 34 was amended by S.I. 2007/2538, 2008/2767, 2010/641 and 2011/2425.

(37) S.I. 2006/214.

(38) Relevant amending instruments are S.I. 2010/641 and 2011/2425.

(39) Regulation 55 was substituted by S.I. 2007/2869. Paragraph (10)(b) was amended by S.I. 2008/2767, 2010/641 and 2011/2425.

(40) Amended by S.I. 2008/1042, 2010/641 and 2011/2425.

- (c) paragraph 16(1)(a) of Schedule 6 (capital to be disregarded)(41).

### **Amendments to the Employment and Support Allowance Regulations 2008**

**8.**—(1) The Employment and Support Allowance Regulations 2008(42) are amended as follows.

(2) In regulation 2(1)—

- (a) in the definition of “qualifying person”(43), after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”;

- (b) after the definition of “Scottish basic rate” insert—

““Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted by section 10 of the National Health Service (Scotland) Act 1978);”.

(3) In each of the following provisions, after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”—

- (a) regulation 107(5)(a) (notional income – income due to be paid or income paid to or in respect of a third party)(44);
- (b) regulation 112(8) (income treated as capital)(45);
- (c) regulation 115(5)(a) (notional capital)(46);
- (d) paragraph 19(8)(b) of Schedule 6 (housing costs)(47);
- (e) paragraphs 22(2) and 41(1) and (7) of Schedule 8 (sums to be disregarded in the calculation of income other than earnings)(48);
- (f) paragraphs 27(1) and (7) and 31 of Schedule 9 (capital to be disregarded)(49).

### **Amendments to the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008**

**9.** In regulation 7(2) of the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008(50) (exempted trusts and payments) after sub-paragraph (j) add—

- “(k) any payment made from the Scottish Infected Blood Support Scheme administered by the Common Services Agency (constituted by section 10 of the National Health Service (Scotland) Act 1978).”.

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(41) Amended by S.I. 2010/641 and 2011/2425.

(42) S.I. 2008/794.

(43) Amended by S.I. 2010/641 and 2011/2425.

(44) Amended by S.I. 2008/2428, 2010/641 and 2011/2425.

(45) Amended by S.I. 2008/2428, 2010/641 and 2011/2425.

(46) Amended by S.I. 2008/2428, 2010/641 and 2011/2425.

(47) Amended by S.I. 2008/2428, 2010/641 and 2011/2425.

(48) Paragraph 22(2) was amended by S.I. 2008/2428, 2010/641 and 2011/2425. Paragraph 41(1) was amended by S.I. 2008/2428, 2010/641 and 2011/2425. Paragraph 41(7) was amended by S.I. 2010/641 and 2011/2425.

(49) Paragraph 27(1) was amended by S.I. 2008/2428, 2010/641 and 2011/2425. Paragraph 27(7) was amended by S.I. 2010/641 and 2011/2425. Paragraph 31 was amended by S.I. 2008/2428, 2010/641 and 2011/2425.

(50) S.I. 2008/1596. Sub-paragraph (j) was inserted by S.I. 2011/2425.

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

8th March 2017

*Penny Mordaunt*  
Minister of State  
Department for Work and Pensions

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## EXPLANATORY NOTE

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

These Regulations provide that payments from the Scottish Infected Blood Support Scheme are to be disregarded for certain social security purposes. The Scottish Infected Blood Support Scheme is an ex gratia payment scheme administered by the Common Services Agency for the Scottish Health Service for the benefit of people suffering from hepatitis C and/or human immunodeficiency virus and other people eligible for payment in accordance with the scheme's provisions.

Regulations 2 and 9 amend the Social Security (Recovery of Benefits) Regulations 1997 ([S.I. 1997/2205](#)) and the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008 ([S.I. 2008/1596](#)) to exempt payments made by the Scottish Infected Blood Support Scheme from the compensation recovery schemes established under the Social Security (Recovery of Benefits) Act 1997 (c. 27).

Regulations 3 to 8 amend the following Regulations to provide that payments made by the Scottish Infected Blood Support Scheme are not taken into account in the calculation of income or capital:

- 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](#)).