
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 ^{M1};
- (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 ^{M2} or the Criminal Injuries Compensation (Northern Ireland) Order 2002 ^{M3};

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

- (a) employment and support allowance under—
 - (i) Part 1 of the Welfare Reform Act 2007 ^{M4} as it has effect apart from the amendments made by Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 ^{M5} (to remove references to an income-related allowance);
 - (ii) Part 1 of the Welfare Reform Act (Northern Ireland) 2007 ^{M6} 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 ^{M7} (to remove references to an income related allowance);
- (b) housing benefit under—
 - (i) Part 7 of the Social Security Contributions and Benefits Act 1992 ^{M8}, or
 - (ii) Part 7 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 ^{M9};
- (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 ^{M10} 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 ^{M11} 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 ^{M12}, or
 - (ii) section 1 of the State Pension Credit Act (Northern Ireland) 2002 ^{M13};
- (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.

Commencement Information

I1 Reg. 26 in force at 29.5.2020, see reg. 1(3)

Marginal Citations

M1 S.I. 1972/1265 (N.I. 14). Article 99 was substituted by S.I. 1991/194 (N.I. 1).
M2 1995 c. 53.
M3 S.I. 2002/796 (N.I. 1).
M4 2007 c. 5.
M5 2012 c. 5.
M6 2007 c. 2 (N.I.).
M7 S.I. 2015/2006 (N.I. 1).
M8 1992 c. 4.
M9 1992 c. 7.
M10 1995 c. 18.
M11 S.I. 1995/2705 (N.I. 15).
M12 2002 c.16.
M13 2002 c.14 (N.I.).

Changes to legislation:

There are currently no known outstanding effects for the The Victims' Payments Regulations 2020, Section 26.