
STATUTORY INSTRUMENTS

2020 No. 103

The Victims' Payments Regulations 2020

PART 3

Entitlement to victims' payments

Transfer of entitlement on death

9.—(1) On the death of a person entitled to victims' payments, a nominated person is entitled to such payments for the period of 10 years beginning with the date of death.

(2) A person entitled to victims' payments ("a beneficiary") may nominate one person for the purpose of this regulation.

(3) A person may be nominated for the purpose of this regulation by a beneficiary if the person—

(a) is the spouse, civil partner or cohabiting partner of the person so entitled, or

(b) is, or used to be, regularly and substantially engaged in caring for the beneficiary.

(4) For the purpose of these Regulations, a person is to be treated as regularly and substantially engaged in caring for a beneficiary if—

(a) the person satisfies the conditions for entitlement to a carer's allowance or would do so but for the fact that their earnings have exceeded the limit prescribed for the purposes of that allowance, or

(b) a panel appointed for this purpose by the President of the Board considers it is equitable, in all the circumstances, to treat the person as having regularly and substantially engaged in caring for the beneficiary.

(5) But a person is not to be treated as regularly and substantially engaged in caring for a beneficiary if the person derives earned income from those caring responsibilities.

(6) Paragraph (4)(a) applies whether or not the person has made a claim for a carer's allowance.

(7) In this regulation, "carer's allowance" means a carer's allowance under section 70 of the Social Security Contributions and Benefits Act 1992(1) or section 70 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(2).

(1) 1992 c. 4; amended by S.I. 2002/1457, 2011/2426, 2013/388, 2015/1754.

(2) 1992 c. 7; relevant amending instruments are: S.R. 1994 No. 370, S.R. 2002 No. 321, S.R. 2011 No. 356, S.R. 2016 No. 228.