

## INFECTED BLOOD SUPPORT SCHEMES AND THALIDOMIDE REGULATIONS

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### INTRODUCTION

- 1 This memo provides guidance on the Social Security (Infected Blood and Thalidomide) Regulations (Northern Ireland) 2017 ([SR 2017/219](#)) which come into operation on 30.10.17.

### BACKGROUND

- 2 In the United Kingdom five payment schemes have provided financial support to people infected with HIV and/or hepatitis C as a result of contaminated National Health Service blood or blood products. These schemes are run by: The Eileen Trust, The Macfarlane Trust, MFET Ltd, The Skipton Fund and The Caxton Foundation.
- 3 Payments from these schemes are fully disregarded in certain circumstances for the purposes of calculating awards of income-related legacy benefits. Entitlement to contributory benefits is not affected by such payments.
- 4 The Thalidomide Health Grant is administered on behalf of the Department of Health by the Thalidomide Trust for the purpose of giving relief and assistance to disabled people whose disabilities were caused by their mothers having taken the drug known as Thalidomide during pregnancy.

## **NEW INFECTED BLOOD SCHEMES AND THALIDOMIDE TRUST PAYMENTS**

- 5 The Scottish Infected Blood Support Scheme (SIBSS) replaced the schemes in paragraph 2 from 1.4.17 in Scotland.
- 6 Equivalent Infected Blood Schemes for England, Wales and Northern Ireland will now replace those schemes from 2.10.17. No payments will be made from these new schemes until 01.11.17.
- 7 These regulations ensure that payments made:
  1. under or by certain schemes or trusts established for the purpose of providing compensation to those who have been infected from contaminated blood products, or
  2. under or by certain trusts established for the purpose of giving relief and assistance to disabled people whose disabilities were caused by the fact that during pregnancy their mother had taken the drug known as Thalidomide **and**
  3. approved by the Secretary of State for such purposes

are disregarded for the purposes of calculating awards of income-related legacy benefits in certain circumstances. The Infected Blood Schemes specified in paragraphs 5 and 6 together with payments from the Thalidomide Trust in paragraph 4 have been approved by the Secretary of State for these purposes.

- 8 In addition, a person who receives a payment from an Infected Blood Scheme is added to the definition of a qualifying person<sup>1</sup> (see DMG 28471, 29465, 51363, 52466 and 84490).

*1 IS (Gen) Regs(NI), reg 2(1), JSA Regs(NI), reg 1(2), ESA Regs(NI), reg 2(1), SPC Regs(NI), reg 1(2).*

## **EFFECT ON INCOME**

- 9 Fully disregard<sup>1</sup>
  1. any income from Infected Blood Schemes in Income Support, income-based Jobseeker's Allowance and income-related Employment and Support Allowance **and**
  2. any income from capital that was received from Infected Blood Schemes in Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance and State Pension Credit.

*1 IS (Gen) Regs(NI), Sch 9, para 39(1), JSA Regs(NI), Sch 6, para 41(1), ESA Regs(NI), Sch 8, para 40(1), SPC Regs(NI), Sch 5, para 15(1)*

**Note:** Payments from Infected Blood Schemes are not a prescribed income for State Pension Credit.

10 Payments from Infected Blood Schemes are also disregarded for the following purposes:

1. Income in Kind<sup>1</sup>
2. Payments to a Third Party in respect of a claimant or their partner<sup>2</sup>
3. Non-dependants gross weekly income for the purposes of calculating deductions for allowable housing costs<sup>3</sup>

*1 IS (Gen) Regs(NI), Sch 9, para 21(2), JSA Regs(NI), Sch 6, para 22(2), ESA Regs(NI), Sch 8, para 22(2); 2 IS (Gen) Regs(NI), reg 42(4ZA)(a), JSA Regs(NI), reg 105(10A)(a), ESA Regs(NI), reg 107(5)(a); 3 IS (Gen) Regs(NI), Sch 3, para 18(8)(b), JSA Regs(NI), Sch 2, para 17(8)(b), ESA Regs(NI), Sch 6, para 19(8)(b), SPC Regs(NI), Sch 2, para 14(8)(b)*

11 Payment(s) from the Thalidomide Trust are also disregarded for 10 3. above<sup>1</sup>.

*1 IS (Gen) Regs(NI), Sch 3, para 18(8)(d), JSA Regs(NI), Sch 2, para 17(8)(d), ESA Regs(NI), Sch 6, para 19(8)(d), SPC Regs(NI), Sch 2, para 14(8)(d)*

### **EFFECT ON CAPITAL**

12 For

1. Income Support, Jobseeker's Allowance & Employment Support Allowance, any one off payment of capital<sup>1</sup> **or**
2. State Pension Credit, any one off payment of capital<sup>2</sup>

made from Infected Blood Schemes and Thalidomide Trust is disregarded indefinitely.

*1 IS (Gen) Regs(NI), reg 48(10)(c), Sch 10, para 22(1), (7) & 66; JSA Regs(NI), reg 110(10)(c), Sch 7, para 27(1) & 59; ESA Regs(NI), reg 112(8), Sch 9, para 27(1) & (7) & 57; 2 SPC Regs(NI), Sch 5, para 15(1) & (7) & 23E;*

13 For Income Support, Jobseeker's Allowance and Employment Support Allowance, any payment in kind<sup>1</sup> made from Infected Blood Schemes is disregarded indefinitely.

*1 IS (Gen) Regs(NI), Sch 10, para 29; JSA Regs(NI), Sch 7, para 31; ESA Regs(NI), Sch 9, para 31;*

### **Notional capital**

14 For Income Support, Jobseeker's Allowance & Employment Support Allowance, capital paid

1. to a third party for the claimant or their partner **or**
2. to the claimant or their partner for a third party

is **not** to be treated as notional capital where the payment is made under Infected Blood Scheme<sup>1</sup>.

See DMG Chapters 29, 51 and 84 for more details.

## **ANNOTATIONS**

Please annotate the number of this memo (DMG Memo Vol 4/140, 5/107, 8/88, 9/39, 13/70 & 14/64) against DMG paragraphs:

23775, 28350, 28419, 28450, 28468, 28471, 28477, 28479, 28515, 28670, 28681, 29418, 29450, 29861, 29862, 44611, 51210, 51299, 51341, 51360, 51363, 51384, 51418, 51598, 51606, 52418, 52451, 52729, 52861, 52862, 78524, 84475, 85370

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