

2017 No. 219

SOCIAL SECURITY

**The Social Security (Infected Blood and Thalidomide)
Regulations (Northern Ireland) 2017**

Made - - - - 24th October 2017

Coming into operation - 30th October 2017

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 132(3) and (4), 132A(3) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), and section 165(4) and (6) of the Social Security Administration (Northern Ireland) Act 1992(b), Articles 14(1) and (4) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(c), and now vested in it(d) and Article 29(1) and paragraph 8 of Schedule 1 to the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997(e), sections 2(3)(b), 15(3) and (6)(b) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002 (f) and sections 17(1) and (3) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(g), makes the following Regulations.

Regulations 6 and 7 are made with the consent of the Department of Finance(h).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Social Security (Infected Blood and Thalidomide) Regulations (Northern Ireland) 2017 and come into operation on 30th October 2017.

(2) The Interpretation Act (Northern Ireland) 1954(i) shall apply to these Regulations as it applies to an Act of the Assembly.

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- (a) 1992 c. 7; section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)), section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)); section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and section 171(1) was amended by paragraph 5 of Schedule 4 to, the Tax Credits Act 2002 (c. 21)
- (b) 1992 c. 8; section 165 is applied to the provisions of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 by Article 28 of that Order
- (c) S.I. 1995/2705 (N.I. 15); Article 36(2)(a) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
- (d) See Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))
- (e) S.I. 1997/1183 (N.I. 12)
- (f) 2002 c. 14 (N.I.)
- (g) 2007 c. 2 (N.I.)
- (h) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); see also Article 6(b) of S.R. 1999 No. 481
- (i) 1954 c. 33(N.I.)

Amendments to the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(a) are amended in accordance with paragraphs (2) to (5).

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

(a) after the definition of “adoption leave”(b) insert—

““approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;”;

(b) after the definition of “the Independent Living Fund (2006)”(c) insert—

““the Infected Blood Payment Scheme for Northern Ireland” means the scheme of that name administered by the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009(d);”;

(c) in the definition of “qualifying person(e)”, after “the Caxton Foundation” insert “, the Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme”;

(d) after the definition of “Scottish basic rate”(f) 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)(g);”.

(3) In each of the following provisions, after “the Caxton Foundation” insert “the Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme”—

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

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

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

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

(a) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 Nos. 146, 205 and 431, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233, S.R. 1998 No. 326, S.R. 2004 Nos. 213 and 389, S.R. 2005 No. 550, S.R. 2007 No. 196, S.R. 2008 No. 428, S.R. 2010 No. 69, S.R. 2011 No. 357 and S.R. 2017 No. 205

(b) The definition of “adoption leave” was inserted by regulation 2(2)(a) of S.R. 2002 No. 363

(c) The definition of “the Independent Living Fund (2006)” was inserted by regulation 2(2)(b) of S.R. 2007 No. 382

(d) 2009 c.1(N.I.)

(e) The definition of “qualifying person” was inserted by regulation 5(2)(b) of S.R. 1992 No. 201 and amended by regulation 2(a) of S.R. 2004 No. 213, regulation 2(2)(b) of S.R. 2005 No. 550, regulation 2(3)(a) of S.R. 2010 No. 69 and regulation 7(2)(b) of S.R. 2011 No. 357 and regulation 2(2)(b) of S.R. 2017 No.205

(f) The definition of “Scottish basic rate” was inserted by regulation 2(2) of S.R. 2016 No. 147

(g) 1978 c.29

(h) Paragraph (4ZA) was inserted by regulation 2(2)(b) of S.R. 1998 No. 326. Sub-paragraph (a) was amended by regulation 2(3)(b) and (7)(a) of S.R. 2010 No. 69, regulation 7(5)(a) of S.R. 2011 No. 357 and regulation 2(3)(a) of S.R. 2017 No. 205

(i) Paragraph (10) was added by regulation 10(b) of S.R. 1988 No. 431. Sub-paragraph (c) was amended by regulation 2(5)(b) of S.R. 2008 No. 428, regulation 2(3)(c) and (7)(b) of S.R. 2010 No. 69, regulation 7(5)(b) of S.R. 2011 No. 357 and regulation 2(3)(b) of S.R. 2017 No. 205

(j) Paragraph (3A) was inserted by regulation 3(2)(b) of S.R. 1998 No. 326. Sub-paragraph (a) was amended by regulation 2(2)(b) of S.R. 2004 No. 389, regulation 2(3) of S.R. 2005 No. 550, regulation 2(5)(c) of S.R. 2008 No. 428, regulation 2(3)(d) and (7)(c) of S.R. 2010 No. 69, regulation 7(6)(a) of S.R. 2011 No. 357 and regulation 2(3)(c) of S.R. 2017 No. 205

(k) Sub-paragraph (8)(b) was amended by regulation 2(5)(e) of S.R. 2008 No. 428, regulation 2(3)(e) and (7)(d) of S.R. 2010 No. 69, regulation 7(5)(c) of S.R. 2011 No. 357 and regulation 2(3)(d) of S.R. 2017 No. 205

- (e) paragraphs 21(2)(a) and 39(1)(b) and (7)(c) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings); and
 - (f) paragraphs 22(1)(d) and (7)(e) and 29(f) of Schedule 10 (capital to be disregarded).
- (4) In paragraph 18 of Schedule 3 after sub-paragraph (8)(c) add—
- “(d) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”.
- (5) In Schedule 10 after paragraph 65(g) add—
- “**66.** Any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”.

Amendments to the Jobseeker’s Allowance Regulations

3.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(h) are amended in accordance with paragraphs (2) to (5).

- (2) In regulation 1(2) (citation, commencement, interpretation and application)—
- (a) after the definition of “adoption leave”(i) insert—

““approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;”;
 - (b) after the definition of “the Independent Living Fund (2006)”(j) insert—

““the Infected Blood Payment Scheme for Northern Ireland” means the scheme of that name administered by the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;”;
 - (c) in the definition of “qualifying person”(a), after “the Caxton Foundation” insert “, the Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme”;

(a) Paragraph 21 was substituted by regulation 36(d) of S.R. 1988 No. 146 and sub-paragraph (2) was amended by regulation 5(d) of S.R. 1988 No. 205, regulation 4(3)(e) of S.R. 1990 No. 33, regulation 4(7)(a) of S.R. 1991 No. 204, regulation 2(5)(f) of S.R. 2008 No. 428, regulation 2(3)(f) of S.R. 2010 No. 69, regulation 7(5)(d) of S.R. 2011 No. 357 and regulation 2(3)(e) of S.R. 2017 No. 205

(b) Paragraph 39(1) was substituted by regulation 4(7)(b) of S.R. 1991 No. 204 and amended by regulation 5(7)(b)(i) of S.R. 1992 No. 201, regulation 5(3)(f) of S.R. 1993 No. 195, regulation 5(4)(b)(i) of S.R. 1993 No. 233, regulation 2(5)(f) of S.R. 2008 No. 428, regulation 2(3)(f) and (7)(e) of S.R. 2010 No. 69, regulation 7(5)(d) of S.R. 2011 No. 357 and regulation 2(3)(e) of S.R. 2017 No. 205

(c) Sub-paragraph (7) was added by regulation 5(7)(b)(vi) of S.R. 1992 No. 201 and amended by regulation 2(3) and (4) of S.R. 2004 No. 389, regulation 2(4) of S.R. 2005 No. 550 and regulation 2(3)(f) and (7)(e) of S.R. 2010 No. 69, regulation 7(6)(b) of S.R. 2011 No. 357 and regulation 2(3)(e) of S.R. 2017 No. 205

(d) Paragraph 22 was substituted by regulation 4(8)(a) of S.R. 1991 No. 204. Sub-paragraph (1) was amended by regulation 5(8)(a)(i) of S.R. 1992 No. 201, regulation 5(5)(a) of S.R. 1993 No. 233, regulation 3(1), (2)(b), (3) and (4)(b) of S.R. 2004 No. 213 and regulation 2(3)(f) of S.R. 2017 No. 205

(e) Sub-paragraph (7) was added by regulation 5(8)(a)(vi) of S.R. 1992 No. 201 and amended by regulation 3(4)(b) of S.R. 2004 No. 213, regulation 2(5)(a)(ii) of S.R. 2005 No. 550, regulation 2(3)(g) of S.R. 2010 No. 69, regulation 7(6)(c) of S.R. 2011 No. 357 and regulation 2(3)(f) of S.R. 2017 No. 205

(f) Paragraph 29 was added by regulation 25 of S.R. 1988 No. 318 and amended by regulation 4(4) of S.R. 1990 No. 33, regulation 5(8)(b) of S.R. 1992 No. 201, regulation 5(4) of S.R. 1993 No. 195, regulation 2(7) of S.R. 2007 No. 382, regulation 2(10) of S.R. 2008 No. 428, regulation 2 of S.R. 2010 No. 69 and regulation 7(5)(f) of S.R. 2011 No. 357

(g) Paragraph 65 was added by Article 9(4)(b) of S.R. 2017 No. 66

(h) S.R. 1996 No. 198; ; relevant amending Regulations are S.R. 1998 No. 326, S.R. 2004 Nos. 213 and 389, S.R. 2005 No. 550, S.R. 2007 No. 196, S.R. 2008 No. 428, S.R. 2010 No. 69, S.R. 2011 No. 357 and S.R. 2017 No. 2015

(i) The definition of “adoption leave” was inserted by regulation 3(2)(a) of S.R. 2002 No. 363

(j) The definition of “the Independent Living Fund (2006)” was inserted by Article 4(b) of S.R. 2007 No. 382

(d) after the definition of “Scottish basic rate”(b) 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 Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme”—

- (a) regulation 105(10A)(a)(c) (notional income);
- (b) regulation 110(10)(c)(d) (income treated as capital);
- (c) regulation 113(3A)(a)(e) (notional capital);
- (d) paragraph 17(8)(b)(f) of Schedule 2 (housing costs);
- (e) paragraphs 22(2)(g) and 41(1)(h) and (7)(i) of Schedule 6 (sums to be disregarded in the calculation of income other than earnings); and
- (f) paragraphs 27(1)(j) and 31(k) of Schedule 7 (capital to be disregarded).

(4) In paragraph 17 of Schedule 2 after sub-paragraph (8)(c) add—

“(d) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”.

(5) In Schedule 7 after paragraph 58(l) add—

“59. Any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”.

Amendments to the Social Security (Recovery of Benefits) Regulations

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

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- (a) The definition of “qualifying person” was amended by regulation 2(a) of S.R. 2004 No. 213, regulation 4(2)(b) of S.R. 2005 No. 550, regulation 4(3)(a) of S.R. 2010 No. 69 and regulation 10(2)(b) of S.R. 2011 No. 357 and regulation 3(2)(b) of S.R. 2017 No.205
 - (b) The definition of “Scottish basic rate” was inserted by regulation 3(2) of S.R. 2016 No. 147
 - (c) Paragraph (10A) was inserted by regulation 2(1)(b) of S.R. 1998 No. 326. Sub-paragraph (a) was amended by regulation 4(5)(a) of S.R. 2008 No. 428, regulation 4(3)(b) and (8)(a) of S.R. 2010 No. 69, and regulation 10(7)(a) of S.R. 2011 No. 357 and regulation 3(3)(a) of S.R. 2017 No.205
 - (d) Sub-paragraph (c) was amended by regulation 4(5)(b) of S.R. 2008 No. 428, regulation 4(3)(c) and (8)(b) of S.R. 2010 No. 69 and regulation 10(7)(b) of S.R. 2011 No. 357 and regulation 3(3)(b) of S.R. 2017 No.205
 - (e) Paragraph (3A) was inserted by regulation 3(1)(b) of S.R. 1998 No. 326. Sub-paragraph (a) was amended by regulation 2(1) and (2)(c) of S.R. 2004 No. 389, regulation 4(3) of S.R. 2005 No. 550, regulation 4(5)(c) of S.R. 2008 No. 428, regulation 4(3)(c) and (8)(b) of S.R. 2010 No. 69, regulation 10(7)(b) of S.R. 2011 No. 357 and regulation 3(3)(c) of S.R. 2017 No.205
 - (f) Head (b) was amended by regulation 4(5)(e) of S.R. 2008 No. 428, regulation 4(3)(e) and (8)(d) of S.R. 2010 No. 69 and regulation 10(7)(c) of S.R. 2011 No. 357 and regulation 3(3)(d) of S.R. 2017 No.205
 - (g) Paragraph (2) was amended by regulation 4(5)(f) of S.R. 2008 No. 428, regulation 4(3)(f) of S.R. 2010 No. 69 and regulation 10(7)(d) of S.R. 2011 No. 357 and regulation 3(3)(e) of S.R. 2017 No.205
 - (h) Sub-paragraph (1) was amended by regulation 4(5)(f) of S.R. 2008 No. 428, regulation 4(8)(e) of S.R. 2010 No. 69 and regulation 10(7)(d) of S.R. 2011 No. 357 and regulation 3(3)(e) of S.R. 2017 No.205
 - (i) Paragraph (7) was added by regulation 2(5) of S.R. 2004 No. 389 and amended by regulation 4(4) of S.R. 2005 No. 550, regulation 4(12)(b) of S.R. 2010 No. 69, regulation 10(8)(b) of S.R. 2011 No. 357 and regulation 3(3)(e) of S.R. 2017 No.205
 - (j) Paragraph 27(1) was amended by regulation 3(5) and 6(b) of S.R. 2004 No. 213, regulation 4(5)(a) of S.R. 2005 No. 550, regulation 4(5)(g) of S.R. 2008 No. 428, regulation 4(3)(g) and (8)(f) of S.R. 2004 No. 213, regulation 10(8)(c) of S.R. 2011 No. 357 and regulation 3(3)(f) of S.R. 2017 No.205
 - (k) Regulation 31 substituted by regulation 4(5)(g) of S.R. 2008 No. 428 and amended by regulation 4 of S.R. 2010 No. 69 and regulation 10(7)(c) of S.R. 2011 No. 357
 - (l) Paragraph 58 was omitted by regulation 4(4)(c) of SR 2004 No. 143
 - (m) S.R. 1997 No.429 sub-paragraph (m) was added by regulation 11 of S.R. 2011 No. 357

- “(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(a));
- (o) any payment made from a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;
- (p) any payment from the Infected Blood Payment Scheme for Northern Ireland administered by the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;
- (q) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”.

Amendments to the State Pension Credit Regulations

5.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(b) are amended in accordance with paragraphs (2) to (5).

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

(a) after the definition of “adoption leave”(c) insert—

““approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;”;

(b) after the definition of “the Independent Living Fund (2006)”(d) insert—

““the Infected Blood Payment Scheme for Northern Ireland” means the scheme of that name administered by the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;”;

(c) in the definition of “qualifying person”(e), after “the Caxton Foundation” insert “, the Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme”;

(d) after that definition “residential care home”(f) 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 Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme ”—

(a) paragraph 14(8)(b)(g) of Schedule 2 (housing costs);

(b) paragraphs 15(1)(a) and (7)(b) of Schedule 5 (income from capital).

(a) 1978 c. 29

(b) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2004 No. 213, S.R. 2005 No. 550, S.R. 2007 No. 196, S.R. 2008 No. 428, S.R. 2010 No. 69, S.R. 2011 No. 357 and S.R. 2017 No. 205

(c) The definition of “adoption leave” was inserted by regulation 2(2)(a) of S.R. 2003 No. 421

(d) The definition of “the Independent Living Fund (2006)” was inserted by Article 5(b) of S.R. 2007 No. 382

(e) The definition of “qualifying person” was amended by regulation 2(a) of S.R. 2004 No. 213, regulation 6(2)(b) of S.R. 2005 No. 550, regulation 6(3)(a) of S.R. 2010 No. 69, regulation 14(2)(b) of S.R. 2011 No. 357 and regulation 4(2)(b) of S.R. 2017 No. 205

(f) The definition of “residential care home” was substituted by regulation 23(2)(b) of S.R. 2003 No. 191

(g) Sub-paragraph (8)(b) was amended by regulation 5(3)(c) of S.R. 2008 No. 428, regulation 6(3)(b) of S.R. 2010 No. 69, regulation 14(5) of S.R. 2011 No. 357 and regulation 4(3)(a) of S.R. 2017 No. 205

(4) In Schedule 2, after paragraph 14(8)(c) add—

“(d) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”.

(5) In Part I of Schedule 5, after paragraph 23D(c) add —

“**23E.** Any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”.

Amendments to the Housing Benefit Regulations

6.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**d**) are amended in accordance with paragraphs (2) to (5).

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

(a) after the definition of “appropriate office” insert—

““approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;”;

(b) after the definition of “the Independent Living Fund (2006)”(**e**) insert—

““the Infected Blood Payment Scheme for Northern Ireland” means the scheme of that name administered by the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;”;

(c) in the definition of “qualifying person”(**f**), after “the Caxton Foundation” insert “, the Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme”;

(d) after the definition of “Scottish basic rate”(**g**) 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 Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme”—

(a) regulation 39(7)(a)(**h**) (notional income);

(b) regulation 43(6)(**i**) (income treated as capital);

(a) Sub-paragraph (1) was amended by regulation 3(1) and 2(c) of S.R. 2004 No. 213, regulation 6(3)(a)(i) of S.R. 2005 No. 550, regulation 5(4) of S.R. 2008 No. 428, regulation 6(3)(c) and (7) of S.R. 2010 No. 69, regulation 14(6)(a) of S.R. 2011 No. 357 and regulation 4(3)(b) of S.R. 2017 No. 205

(b) Sub-paragraph (7) was amended by regulation 3(3) and 4(c) of S.R. 2004 No. 213, regulation 6(3)(a)(ii) of S.R. 2005 No. 550, regulation 6(3)(c) and (7) of S.R. 2010 No. 69, regulation 14(6)(a) of S.R. 2011 No. 357 and regulation 4(3)(b) of S.R. 2017 No. 205

(c) Paragraph 23D was inserted by Article 19(3)(b) of S.R. 2017 No. 66

(d) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2007 No. 196, S.R. 2008 No. 428, S.R. 2010 No. 69, S.R. 2011 No. 357 and S.R. 2017 No. 205

(e) The definition of “the Independent Living Fund (2006)” was inserted by Article 7(2)(b) of S.R. 2007 No. 382

(f) The definition of “qualifying person” was amended by regulation 8(3)(a) of S.R. 2010 No. 69, regulation 19(2)(a) of S.R. 2011 No. 357 and regulation 6(2)(b) of S.R. 2017 No. 205

(g) Definition of “Scottish basic rate” inserted by regulation 4(2) of S.R. 2016 No. 147

(h) Sub-paragraph (a) was amended by regulation 6(3)(a) of S.R. 2008 No. 428, regulation 8(3)(b) and (5)(a) of S.R. 2010 No. 69, regulation 19(5)(a) of S.R. 2011 No. 357 and regulation 6(3)(a) of S.R. 2017 No. 205

(i) Paragraph (6) was amended by regulation 6(3)(b) of S.R. 2008 No. 428, regulation 8(3)(c) and (5)(b) of S.R. 2010 No. 69, regulation 19(5)(b) of S.R. 2011 No. 357 and regulation 6(3)(b) of S.R. 2017 No. 205

- (c) regulation 46(4)(a)(a) (notional capital);
 - (d) regulation 72(9)(b)(b) (non-dependant deductions);
 - (e) paragraphs 37(1)(c) and (7)(d) of Schedule 6 (sums to be disregarded in the calculation of income); and
 - (f) paragraphs 25(1)(e) and (7)(f) and 35(g) of Schedule 7 (capital to be disregarded).
- (4) In regulation 72 after paragraph (9)(c) insert—
- “(d) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”.
- (5) In Schedule 7 after paragraph 59(h) add—
- “60. Any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”.

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

7.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(i) are amended in accordance with paragraphs (2) to (5).

- (2) In regulation 2(1) (interpretation)—
- (a) after the definition of “appropriate office” insert—
 - ““approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;”;
 - (b) after the definition of “the Independent Living Fund (2006)”(j) insert—
 - ““the Infected Blood Payment Scheme for Northern Ireland” means the scheme of that name administered by the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;”;
 - (c) in the definition of “qualifying person”(k), after the “Caxton Foundation” insert “, the Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme”;

(a) Sub-paragraph (a) was amended by regulation 6(3)(c) of S.R. 2008 No. 428, regulation 8(3)(d) and (5)(c) of S.R. 2010 No. 69, regulation 19(6)(a) of S.R. 2011 No. 357 and regulation 6(3)(c) of S.R. 2017 No. 205

(b) Sub-paragraph (b) was amended by regulation 6(3)(d) of S.R. 2008 No. 428, regulation 8(3)(e) and (5)(d) of S.R. 2010 No. 69, regulation 19(5)(c) of S.R. 2011 No. 357 and regulation 6(3)(d) of S.R. 2017 No. 205

(c) Paragraph 37(1) was amended by regulation 6(3)(f) of S.R. 2008 No. 428, regulation 8(3)(g) and (5)(f) of S.R. 2010 No. 69, regulation 19(5)(d) of S.R. 2011 No. 357 and regulation 6(3)(f) of S.R. 2017 No. 205

(d) Paragraph 37(7) was amended by regulation 8(3)(g) of S.R. 2010 No. 69, regulation 19(6)(c) of S.R. 2011 No. 357 and regulation 6(3)(f) of S.R. 2017 No. 205

(e) Paragraph 25(1) was amended by regulation 6(3)(g) of S.R. 2008 No. 428, regulation 8(3)(h) and (5)(g) of S.R. 2010 No. 69, regulation 19(6)(d) of S.R. 2011 No. 357 and regulation 6(3)(g) of S.R. 2017 No. 205

(f) Paragraph 25(7) was amended by regulation 6(3)(g) of S.R. 2008 No. 428, regulation 8(3)(h) of S.R. 2010 No. 69, regulation 19(6)(d) of S.R. 2011 No. 357 and regulation 6(3)(g) of S.R. 2017 No. 205

(g) Paragraph 35 was amended by regulation 19(5)(d) of S.R. 2011 No. 357

(h) Paragraph 59 was added by Article 21(3)(b) of S.R. 2017 No. 66

(i) S.R. 2006 No. 406; relevant amending Regulations are S.R. 2007 No. 196, S.R. 2008 No 428, S.R. 2010 No. 69, S.R 2011 No. 357 and S.R. 2017 No. 205

(j) The definition of “the Independent Living Fund (2006)” was inserted by Article 8(b) of S.R. 2007 No. 382

(k) The definition of “qualifying person” was amended by regulation 9(3)(a) of S.R. 2010 No. 69, regulation 20(2)(b) of S.R. 2011 No. 357 and regulation 7(2)(b) of S.R. 2017 No. 205

(d) after the definition of “Scottish basic rate”(a) 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 Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme”—

(a) regulation 53(10)(b)(b) (non-dependant deductions);

(b) paragraph 16(1)(a)(c) of Schedule 7 (capital to be disregarded).

(4) In regulation 53 after paragraph (10)(c) add—

“(d) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”.

(5) In Part I of Schedule 7 after paragraph 28D(d) add—

“**28E.** Any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”.

Amendments to the Employment and Support Allowance Regulations

8.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(e) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1)—

(a) after the definition of “aircraft worker” insert—

““approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;”;

(b) after the definition of “the Independent Living Fund (2006)” insert—

““the Infected Blood Payment Scheme for Northern Ireland” means the scheme of that name administered by the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;”;

(c) in the definition of “qualifying person”(f), after “the Caxton Foundation” insert “, the Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme”;

(d) after the definition of “Scottish basic rate”(g) 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);”.

(a) The definition of “Scottish basic rate” inserted by regulation 5(2) of S.R. 2016 No. 147

(b) Sub-paragraph (b) was amended by regulation 7(3)(b) of S.R. 2008 No. 428, regulation 9(3)(b) and (5)(a) of S.R. 2010 No. 69, regulation 20(6) of S.R. 2011 No. 357 and regulation 7(3)(a) of S.R. 2017 No. 205

(c) Sub-paragraph (1)(a) was amended by regulation 9(3)(d) and (5)(c) of S.R. 2010 No. 69, regulation 20(7)(b) of S.R. 2011 No. 357 and regulation 7(3)(c) of S.R. 2017 No. 205

(d) Paragraph 28D was added by Article 22(4) of S.R. 2017 No. 66

(e) S.R. 2008 No. 280; relevant amending Regulations are S.R. 2010 No. 69; S.R. 2011 No. 357 and S.R. 2017 No. 205

(f) The definition of “qualifying person” was amended by regulation 10(3)(a) of S.R. 2010 No. 69, regulation 21(2)(b) of S.R. 2011 No. 357 and regulation 8(2)(b) of S.R. 2017 No. 205

(g) Definition of “Scottish basic rate” was inserted by regulation 6(2) of SR 2016 No.147

(3) In each of the following provisions, after “the Caxton Foundation” insert “, the Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme”—

- (a) regulation 107(5)(a)(a) (notional income – income due to be paid or income paid to or in respect of a third party);
- (b) regulation 112(8)(b) (income treated as capital);
- (c) regulation 115(5)(a)(c) (notional capital);
- (d) in paragraph 19(8)(b)(d) of Schedule 6 (housing costs);
- (e) paragraphs 21(2)(e) and 40(1)(f) and (7)(g) of Schedule 8 (sums to be disregarded in the calculation of income other than earnings); and
- (f) paragraphs 27(1)(h) and (7)(i) and 31(j) of Schedule 9 (capital to be disregarded).

(4) In Schedule 6 after paragraph 19(8)(c) add—

“(d) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”.

(5) In Schedule 9 after paragraph 56(k) add—

“57. Any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”.

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

9.—(1) In regulation 7(2) of the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations (Northern Ireland) 2008(I) (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;

(l) any payment made from a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;

-
- (a) Paragraph (5)(a) was amended by regulation 10(3)(b) and (5)(a) of S.R. 2010 No. 69, regulation 21(8)(a) of S.R. 2011 No. 357 and regulation 8(3)(a) of S.R. 2017 No. 205
 - (b) Paragraph (8) was amended by regulation 10(3)(c) and (5)(b) of S.R. 2010 No. 69, regulation 21(8)(b) of S.R. 2011 No. 357 and regulation 8(3)(b) of S.R. 2017 No. 205
 - (c) Paragraph (5)(a) was amended by regulation 10(3)(d) and (5)(c) of S.R. 2010 No. 69, regulation 21(9)(a) of S.R. 2011 No. 357 and regulation 8(3)(c) of S.R. 2017 No. 205
 - (d) Sub-paragraph (8)(b) was amended by regulation 10(3)(e) and (5)(d) of S.R. 2010 No. 69, regulation 21(8)(c) of S.R. 2011 No. 357 and regulation 8(3)(d) of S.R. 2017 No. 205
 - (e) Sub-paragraph (2) was amended by regulation 10(3)(f) of S.R. 2010 No. 69, regulation 21(8)(d) of S.R. 2011 No. 357 and regulation 8(3)(e) of S.R. 2017 No. 205
 - (f) Sub-paragraph (1) was amended by regulation 10(3)(e) and (5)(d) of S.R. 2010 No. 69, regulation 21(8)(d) of S.R. 2011 No. 357 and regulation 8(3)(e) of S.R. 2017 No. 205
 - (g) Sub-paragraph (7) was amended by regulation 10(3)(f) of S.R. 2010 No. 69, regulation 21(9)(b) of S.R. 2011 No. 357 and regulation 8(3)(e) of S.R. 2017 No. 205
 - (h) Sub-paragraph (1) was amended by regulation 10(3)(g) and (5)(f) of S.R. 2010 No. 69, regulation 21(9)(c) of S.R. 2011 No. 357 and regulation 8(3)(f) of S.R. 2017 No. 205
 - (i) Sub-paragraph (7) was amended by regulation 10(3)(g) of S.R. 2010 No. 69, regulation 21(9)(c) of S.R. 2011 No. 357 and regulation 8(3)(e) of S.R. 2017 No. 205
 - (j) Paragraph 31 was amended by regulation 10(3)(g) of S.R. 2010 No. 69 and regulation 21(8) of S.R. 2011 No. 357
 - (k) Paragraph 56 was added by Article 25(5) of S.R. 2017 No. 66
 - (l) S.R. 2008 No. 355 sub-paragraph (j) was added by regulation 22 of S.R. 2011 No. 357

- (m) any payment from the Infected Blood Payment Scheme for Northern Ireland administered by the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;
- (n) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother's pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”.

Sealed with the Official Seal of the Department for Communities on 24th October 2017

(L.S.)

Anne McCleary
A senior officer of the Department for Communities

The Department of Finance hereby consents to regulations 6 and 7 of the foregoing regulations.

Sealed with the Official Seal of the Department of Finance on 24th October 2017

(L.S.)

Emer Morelli
A senior officer of the Department of Finance

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that payments made:

- under or by certain schemes or trusts established for the purpose of providing compensation to those who have been infected from contaminated blood products,
- under the Infected Blood Payment Scheme for Northern Ireland;
- under the Scottish Infected Blood Support Scheme, , or
- 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 their pregnancy their mother had taken the drug known as Thalidomide,

are to be ignored for certain social security purposes.

Regulations 4 and 9 amend the Social Security (Recovery of Benefits) Regulations 1997 (S.R. 1997 No. 1183) and the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008 (S.R. 2008 No. 355) to exempt such payments from the compensation recovery schemes established under the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997.

Regulations 2, 3 and 5 to 8 amend the following Regulations to provide that payments made by such schemes are not taken into account in the calculation of income or capital:

- the Income Support (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 459),
- the Jobseeker's Allowance Regulations (Northern Ireland) 1996 (S.R. 1996 No.198),
- the State Pension Credit Regulations (Northern Ireland) 2003 (S.R. 2003 No. 28),
- the Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405),
- the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 406), and
- the Employment and Support Allowance Regulations (Northern Ireland) 2008 (S.R. 2008 No. 280).

Regulations 6 and 7 also provide that evidence may be required from claimants in respect of payments from the Scottish Infected Blood Support Scheme in accordance with the evidence and information provisions of the Housing Benefit Regulations (Northern Ireland) 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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£6.00

NI201710241012 10/2017 19585

<http://www.legislation.gov.uk/id/nisr/2017/219>

ISBN 978-0-33-800866-4



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