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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 219**

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

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

**8.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(1) 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”(2), 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”(3) 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 107(5)(a)(4) (notional income – income due to be paid or income paid to or in respect of a third party);

(b) regulation 112(8)(5) (income treated as capital);

(c) regulation 115(5)(a)(6) (notional capital);

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(1) [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](#)

(2) 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](#)

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

(4) 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](#)

(5) 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](#)

(6) 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) in paragraph 19(8)(b)(7) of Schedule 6 (housing costs);
  - (e) paragraphs 21(2)(8) and 40(1)(9) and (7)(10) of Schedule 8 (sums to be disregarded in the calculation of income other than earnings); and
  - (f) paragraphs 27(1)(11) and (7)(12) and 31(13) 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(14) 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.”.

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- (7) 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](#)
  - (8) 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](#)
  - (9) 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](#)
  - (10) 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](#)
  - (11) 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](#)
  - (12) 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](#)
  - (13) 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](#)
  - (14) Paragraph 56 was added by Article 25(5) of [S.R. 2017 No. 66](#)