

INFECTED BLOOD AND THALIDOMIDE REGULATIONS

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INTRODUCTION

- 1 This memo provides guidance on the Social Security (Infected Blood and Thalidomide) Regulations 2017 ([SI 2017/870](#)) which come into force on 23.10.17¹.

1 The Social Security (Infected Blood and Thalidomide) Regulations 2017

BACKGROUND

- 2 In the UK five payment schemes have provided financial support to people infected with HIV and/or hepatitis C as a result of contaminated NHS 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 The Thalidomide Health Grant is administered on behalf of the DH by the Thalidomide Trust (TT) 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. Payments from the TT are already disregarded under existing UC regulations¹.

1 UC Regs, reg 75(4)

NEW INFECTED BLOOD SCHEMES

- 4 Following a review of the existing infected blood payment schemes, DH has decided that these services will be consolidated and administered by single schemes. The NHS Business Services Authority will become the new scheme administrator for England, the new Welsh Infected Blood Support Scheme will be administered by Velindre NHS Trust through the NHS Wales Shared Services Partnership, and The Regional Business Services Organisation will be the scheme administrator for Northern Ireland.
- 5 The Scottish Infected Blood Support Scheme replaced the schemes in paragraph 2 from 1.4.17 ([SI 2017/329](#)) in Scotland.
- 6 The new Infected Blood Schemes (IBS) specified in paragraph 4 will also replace those schemes from 2.10.17 for England, Wales and Northern Ireland. No payments will be made from these new schemes until 23.10.17.
- 7 On 22.6.17 the Minister for Disabled People approved payments made by the new IBS for the purposes of the UC Regulations. These regulations ensure that any payments made by the IBS are treated in the same way as those schemes currently covering the rest of the UK.

UC

- 8 In UC, any payment of capital or income made from a scheme approved or established by the Secretary of State to provide compensation in respect of persons who have been infected by contaminated blood products¹ is fully disregarded². From 23.10.17 any payment of income or capital made directly from IBS will be fully disregarded for UC purposes.

1 UC Regs, reg 76(1), 2 reg 76(2)

- 9 If the payment is made to a parent, partner, son or daughter of a diagnosed or infected person by an infected person or from their estate, it will be disregarded if it would be disregarded in the assessment of SPC¹ (see DMG Chapter 84).

1 UC Regs reg 76(3)

ANNOTATIONS

H2051, H5123, H5140

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 1S25, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in [Memo DMG 03/13](#) - Obtaining legal advice and guidance on the Law.

DMA Leeds: October 2017

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