

# 08-24 Disregard for Capital Payments from an Estate of Infected Blood Compensation Payments

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## Introduction

1. This memo gives guidance on the Social Security (Infected Blood Capital Disregard) (Amendment) Regulations 2024<sup>1</sup> [SS (IB Dis) (Amdt) Regs 2024], SI 2024/964. These changes take effect from 10.10.2024

1 [SS \(IB Dis\) \(Amdt\) Regs 2024](#)

## Background

2. These regulations<sup>1</sup> create a new disregard to allow certain payments from an estate of a deceased infected person to be disregarded.

1 [SS \(IB Dis\) \(Amdt\) Regs 2024](#)

3. The disregard applies to payments derived from a payment made from an approved blood scheme, or the Scottish Infected Blood Support Scheme to the estate of the person for having been infected.

## Capital disregard

4. These regulations<sup>1</sup> provide that for

1. IS<sup>2</sup>

2. JSA(IB)<sup>3</sup>

3. ESA(IR)<sup>4</sup>

#### 4. SPC<sup>5</sup>

any payment out of the estate of a person, which derives from a payment made under or by

1. an approved blood scheme or
2. the Scottish Infected Blood Support Scheme

to the estate of the person as a result of that person having been infected from contaminated blood products is disregarded indefinitely.

1 [SS \(IB Dis\) \(Amdt\) Regs 2024](#), reg 2; 2 [IS \(Gen\) Regs 1987](#), Sch 10, para 22(5A);

3 [JSA Regs 1996](#), Sch 8, para 27(5A); 4 [ESA Regs 2008](#), Sch 9, para 27(5A);

5 [SPC Regs 2002](#), Sch 5, para 15(5A)

#### **Example**

Stephen is claiming ESA(IR). Stephen receives a payment of £20,000 from the estate of his late uncle. This money was originally paid directly to the estate of Stephen's uncle from an approved blood scheme as a result of being infected from contaminated blood products. As the payment from the estate of Stephen's uncle was derived from a payment made under an approved blood scheme, the DM decides that this payment can be disregarded indefinitely.

#### **Annotations**

Please annotate the number of this memo (08-24) against the following DMG paragraphs: [29446](#), [52447](#), [84475](#)

#### **Contacts**

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo [4/19](#) Requesting case guidance from DMA Leeds for all benefits.

DMA (Leeds): October 2024