
STATUTORY INSTRUMENTS

2017 No. 329

SOCIAL SECURITY

**The Social Security (Scottish Infected
Blood Support Scheme) Regulations 2017**

<i>Made</i>	- - - -	<i>8th March 2017</i>
<i>Laid before Parliament</i>		<i>13th March 2017</i>
<i>Coming into force</i>	- -	<i>3rd April 2017</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 123(1) (a) and (d), 136(3) and (5), 136A(3), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992⁽¹⁾, section 189(4) of the Social Security Administration Act 1992⁽²⁾, sections 12(1) and (4), 35(1) and 36(2) of the Jobseekers Act 1995⁽³⁾, sections 29 and 30(4) and paragraph 8 of Schedule 1 to the Social Security (Recovery of Benefits) Act 1997⁽⁴⁾, sections 15(3) and (6)(b) and 17(1) of the State Pension Credit Act 2002⁽⁵⁾ and sections 17(1) and (3), 24(1) and 25(3) of the Welfare Reform Act 2007⁽⁶⁾, makes the following Regulations.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Social Security Advisory Committee agreed that the proposals in respect of these Regulations should not be referred to it.

In respect of the provisions in these Regulations relating to housing benefit, in accordance with section 176(1) of the Social Security Administration Act 1992, the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

Citation and commencement

1. These Regulations may be cited as the Social Security (Scottish Infected Blood Support Scheme) Regulations 2017 and come into force on 3rd April 2017.

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- (1) 1992 c. 4. Section 136A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act 2002 (c. 16). Subsection (3) of section 175 is applied to provisions of the State Pension Credit Act 2002 (c. 16) by section 19(1) of that Act. See regulation 137(1) for the meaning of “prescribed”.
- (2) 1992 c. 5. Section 189 is applied to the provisions of the Social Security (Recovery of Benefits Act) 1997 (c. 27) by section 30 of that Act.
- (3) 1995 c. 18. See regulation 35(1) for the meaning of “prescribed” and “regulations”.
- (4) 1997 c. 27. Paragraph 8 of Schedule 1 applies to lump sum payments by virtue of section 1A(4)(b), which was inserted by section 54 of the Child Maintenance and Other Payments Act 2008 (c. 6). See regulation 29 for the meaning of “prescribed” and “regulations”.
- (5) 2002 c. 16. See regulation 17(1) for the meaning of “prescribed” and “regulations”.
- (6) 2007 c. 5. See regulation 24(1) for the meaning of “prescribed” and “regulations”.

Amendments to the Social Security (Recovery of Benefits) Regulations 1997

2. In regulation 2(2) of the Social Security (Recovery of Benefits) Regulations 1997(7) (exempted trusts and payments) after sub-paragraph (m) add—

- “(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).”.

Amendments to the Income Support (General) Regulations 1987

3.—(1) The Income Support (General) Regulations 1987(8) are amended as follows.

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

- (a) in the definition of “qualifying person”(9), after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”;

- (b) after the definition of “Scottish basic rate” 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 Scottish Infected Blood Support Scheme”—

- (a) regulation 42(4ZA)(a) (notional income)(10);
- (b) regulation 48(10)(c) (income treated as capital)(11);
- (c) regulation 51(3A)(a) (notional capital)(12);
- (d) paragraph 18(8)(b) of Schedule 3 (housing costs)(13);
- (e) paragraphs 21(2) and 39(1) and (7) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings)(14);
- (f) paragraphs 22(1) and (7) and 29 of Schedule 10 (capital to be disregarded)(15).

Amendments to the Jobseeker’s Allowance Regulations 1996

4.—(1) The Jobseeker’s Allowance Regulations 1996(16) are amended as follows.

(2) In regulation 1(3) (citation, commencement, interpretation and application)—

(7) [S.I. 1997/2205](#). Sub-paragraph (m) was inserted by [S.I. 2011/2425](#).

(8) [S.I. 1987/1967](#).

(9) The definition of “qualifying person” was inserted by [S.I. 1992/1101](#). Amended by [S.I. 2004/1141](#), [2005/3391](#), [2010/641](#) and [2011/2425](#).

(10) Paragraph (4ZA) was inserted by [S.I. 1998/2117](#). Sub-paragraph (a) was amended by [S.I. 2008/2767](#), [2010/641](#) and [2011/2425](#).

(11) Paragraph (10) was inserted by [S.I. 1988/2022](#). Sub-paragraph (c) was amended by [S.I. 1990/127](#), [1991/1175](#), [1992/1101](#), [1993/963](#), [1993/1249](#), [2008/2767](#), [2010/641](#) and [2011/2425](#).

(12) Paragraph (3A) was inserted by [S.I. 1998/2117](#). Sub-paragraph (a) was amended by [S.I. 2004/2308](#), [2005/3391](#), [2008/2767](#), [2010/641](#) and [2011/2425](#).

(13) Schedule 3 was substituted by [S.I. 1995/1613](#). Paragraph 18(8)(b) was amended by [S.I. 2008/2767](#), [2010/641](#) and [2011/2425](#).

(14) Paragraph 21 was substituted by [S.I. 1988/663](#). Sub-paragraph (2) was amended by [S.I. 1988/999](#), [1990/127](#), [1991/1175](#), [1992/1101](#), [1993/963](#), [1993/1249](#), [2008/2767](#), [2010/641](#), [2011/2425](#). Paragraph 39 was substituted by [S.I. 1991/1175](#). Sub-paragraph (1) was amended by [S.I. 1992/1101](#), [1993/963](#), [1993/1249](#), [2008/2767](#), [2010/641](#) and [2011/2425](#). Sub-paragraph (7) was inserted by [1992/1101](#) and amended by [S.I. 2004/2308](#), [2005/3391](#), [2010/641](#) and [2011/2425](#).

(15) Paragraph 22 was inserted by [S.I. 1991/1175](#). Sub-paragraph (1) was amended by [S.I. 1992/1101](#), [1993/1249](#), [2004/1141](#), [2005/3391](#), [2008/2767](#), [2010/641](#) and [2011/2425](#). Sub-paragraph (7) was inserted by [S.I. 1992/1101](#) and amended by [S.I. 2004/1141](#), [2005/3391](#), [2010/641](#) and [2011/2425](#). Paragraph 29 was inserted by [S.I. 1988/1445](#) and amended by [S.I. 1990/127](#), [1992/1101](#), [1993/963](#), [2007/2538](#), [2008/2767](#), [2010/641](#) and [2011/2425](#).

(16) [S.I. 1996/207](#).

- (a) in the definition of “qualifying person”(17), after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”;
- (b) after the definition of “Scottish basic rate” 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 Scottish Infected Blood Support Scheme”—
 - (a) regulation 105(10A)(a) (notional income)(18);
 - (b) regulation 110(10)(c) (income treated as capital)(19);
 - (c) regulation 113(3A)(a) (notional capital)(20);
 - (d) paragraph 17(8)(b) of Schedule 2 (housing costs)(21);
 - (e) paragraphs 22(2) and 41(1) and (7) of Schedule 7 (sums to be disregarded in the calculation of income other than earnings)(22);
 - (f) paragraphs 27(1) and 31 of Schedule 8 (capital to be disregarded)(23).

Amendments to the State Pension Credit Regulations 2002

- 5.—(1) The State Pension Credit Regulations 2002(24) are amended as follows.
- (2) In regulation 1(2) (citation, commencement and interpretation)—
 - (a) in the definition of “qualifying person”(25), after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme”;
 - (b) after that definition 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 Scottish Infected Blood Support Scheme”—
 - (a) paragraph 14(8)(b) of Schedule 2 (housing costs)(26);
 - (b) paragraphs 15(1) and (7) of Schedule 5 (income from capital)(27).

Amendments to the Housing Benefit Regulations 2006

- 6.—(1) The Housing Benefit Regulations 2006(28) are amended as follows.

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- (17) Amended by [S.I. 2004/1141](#), [2005/3391](#), [2010/641](#) and [2011/2425](#).
 - (18) Paragraph (10A) was inserted by [S.I. 1998/2117](#). Sub-paragraph (a) was amended by [2008/2767](#), [2010/641](#) and [2011/2425](#).
 - (19) Amended by [S.I. 2008/2767](#), [2010/641](#) and [2011/2425](#).
 - (20) Paragraph (3A) was inserted by [S.I. 1998/2117](#). Sub-paragraph (a) was amended by [2004/2308](#), [2005/3391](#), [2008/2767](#), [2010/641](#) and [2011/2425](#).
 - (21) Amended by [S.I. 2008/2767](#), [2010/641](#) and [2011/2425](#).
 - (22) Paragraph 22(2) was amended by [S.I. 2008/2767](#), [2010/641](#) and [2011/2425](#). Paragraph 41(1) was amended by [S.I. 2008/2767](#), [2010/641](#) and [2011/2425](#). Paragraph 41(7) was inserted by [S.I. 2004/2308](#) and amended by [2005/3391](#), [2010/641](#) and [2011/2425](#).
 - (23) Paragraph 27(1) was amended by [S.I. 2004/1141](#), [2005/3391](#), [2008/2767](#), [2010/641](#) and [2011/2425](#). Paragraph 31 was amended by [S.I. 2008/2767](#), [2010/641](#) and [2011/2425](#).
 - (24) [S.I. 2002/1792](#).
 - (25) Amended by [S.I. 2004/1141](#), [2005/3391](#), [2010/641](#) and [2011/2425](#).
 - (26) Amended by [S.I. 2008/2767](#), [2010/641](#) and [2011/2425](#).
 - (27) Paragraph 15(1) was amended by [S.I. 2004/1141](#), [2005/3391](#), [2008/2767](#), [2010/641](#) and [2011/2425](#). Paragraph 15(7) was amended by [S.I. 2004/1141](#), [2005/3391](#), [2010/641](#) and [2011/2425](#).
 - (28) [S.I. 2006/213](#).