This Statutory Instrument has been made partly in consequence of defects in S.I. 2025/404 and S.I. 2025/1358 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2026 No. 872

PAYMENT SCHEME

The Infected Blood Compensation Scheme (Amendment) Regulations 2026

Made - - - -	*23rd July 2026*
Coming into force - -	*24th July 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 49(1), 50 and 79(1) of the Victims and Prisoners Act 2024(**a**).

In accordance with section 79(10) of the Victims and Prisoners Act 2024, a draft of this instrument was laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Infected Blood Compensation Scheme (Amendment) Regulations 2026.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendment of the Infected Blood Compensation Scheme Regulations 2025

2. The Infected Blood Compensation Scheme Regulations 2025(**b**) are amended in accordance with regulations 3 to 12.

Amendments relating to new severity level 2B

3.—(1) In regulation 2 (interpretation), in paragraph (4)—

(a) in sub-paragraph (b)—

(i) after paragraph (i) insert—

"(ia) "level 2B" means an infection described in the third row of the table in Schedule 1;";

(ii) in paragraph (ii), for "third" substitute "fourth";

(**a**) 2024 c. 21. See section 50(6) for the meaning of "specified".
(**b**) S.I. 2025/404, amended by S.I. 2025/1358.

(iii) in paragraph (iii), for "fourth" substitute "fifth";

(b) in sub-paragraph (c), for "fifth" substitute "sixth".

(2) In regulation 16 (injury (core) award)—

(a) after paragraph (2)(b)(i) insert—

"(ia) level 2B, £70,000;";

(b) in paragraph (3)—

(i) after sub-paragraph (a)(i) insert—

"(ia) level 2B, £85,000;";

(ii) in sub-paragraph (b)(ii)(aa), after "level 2" insert "or level 2B".

(3) In regulation 18 (autonomy (core) award), in paragraph (2)(b)(i), after "level 2" insert ", level 2B".

(4) In regulation 20 (additional financial loss (core) award)—

(a) in paragraph (4)(b)(i)(bb), after "level 2" insert "or level 2B";

(b) after paragraph (5) insert—

"(5A) Where P has an infection of Hepatitis B or Hepatitis C of severity level 2B (or both, but not HIV)—

(a) the annual amount for each qualifying interferon treatment year is £23,726;

(b) the annual amount for any other year is the amount that P would receive under paragraph (5) if the severity level of P's infection were level 2.";

(c) after paragraph (7)(a) insert—

"(aa) level 2B, the severity of P's infection for each deemed year is level 2B;";

(d) for paragraph (9) substitute—

"(9) In this regulation—

"each year of P's compensation period" means each year during the period which—

(a) begins with the first year of P's compensation period, and

(b) ends with—

(i) the year P attained, or is expected to attain, the age of their healthy life expectancy, or

(ii) if P dies before the date of P's infected core application, the year that P died;

"qualifying interferon treatment year" means—

(a) a year in which P began a course of interferon treatment for an infection of Hepatitis B or Hepatitis C (or both);

(b) a year immediately following a year which falls under paragraph (a).".

(5) In regulation 21 (care (core) award)—

(a) in paragraph (2)(b), after "level 2" insert ", 2B";

(b) after paragraph (3)(b)(i) insert—

"(ia) level 2B, the sum of—

(aa) £54,600, and

(bb) £17,568.54 × N, where "N" is the number of years in which P began a course of interferon treatment;";

(c) after paragraph (4)(b)(i) insert—

"(ia) level 2B, the sum of—

(aa) £40,950, and

(bb) £17,568.54 × N, where "N" is the number of years in which P began a course of interferon treatment;";

(d) after paragraph (6)(a) insert—

"(aa) level 2B—

(i) for the first N years of P's compensation period, where "N" is the number of years in which P began a course of interferon treatment, the amount is £17,568.54;

(ii) for each subsequent year of P's compensation period, the amount is £4,095;";

(e) in paragraph (9), in the definition of "the relevant period", after paragraph (a)(i) insert—

"(ia) level 2B, 10 + N years, where "N" is the number of years in which P began a course of interferon treatment;".

(6) In regulation 31 (care (severe health condition) award), in paragraph (9), in the definition of "first year of core care", after paragraph (b)(i) insert—

"(ia) severity level 2B, the year which is 9 + N years before P's final year of core care, where "N" is the number of years in which P began a course of interferon treatment;".

(7) In regulation 34 (excess past care costs), after paragraph (2)(c)(ii) insert—

"(iii) P has or had an infection of Hepatitis B or C of severity level 2B (or both, but not HIV).".

(8) In regulation 40 (care (excess deemed costs) award)—

(a) after paragraph (1)(b) insert—

"(c) where P was not deceased on the date of the application, in accordance with paragraph (4A).";

(b) in paragraph (2)(a), after "level 2" insert ", 2B,";

(c) after paragraph (4) insert—

"(4A) The amount is N × £5,856.18, where "N" is the number of years in which P began a course of interferon treatment.".

(9) In regulation 50 (affected injury award), in the opening words of paragraph (2) after "level 2" insert "or level 2B".

(10) In Schedule 1 (infection severity levels for Hepatitis B and Hepatitis C), after the second row of the table (excluding the header row) insert—

"Level 2B: Hepatitis B and / or Hepatitis C	An infection of severity level 2 where the person has received interferon treatment for their Hepatitis B or Hepatitis C infection (or both)".

Amendments relating to determining the "past amount" and "future amount" of certain awards

4.—(1) In regulation 7 (determining the "past amount" and "future amount" of certain awards)—

(a) after paragraph (1) insert—

"(1A) In relation to an award mentioned in paragraph (1)(a), (b), (j) or (k)—

(a) the "past amount" is the greater of—

(i) the annual past amount;

(ii) the averaged past amount;

(b) the "future amount" is—

(i) where the past amount is the annual past amount, the annual future amount;

(ii) otherwise, the averaged future amount.

(1B) In relation to an award mentioned in paragraph (1)(c) to (i)—

(a) the "past amount" is the averaged past amount;

(b) the "future amount" is the averaged future amount.";

(b) in paragraph (2)—

(i) at the beginning, insert "Subject to paragraph (4A),";

(ii) for "past amount" substitute "averaged past amount";

(iii) omit "*x* ×";

(c) in paragraph (3)—

(i) at the beginning, insert "Subject to paragraph (4A),";

(ii) for "future amount" substitute "averaged future amount";

(d) omit paragraph (4)(b);

(e) after paragraph (4) insert—

"(4A) For the purposes of calculating the "past amount" and "future amount" of a care (core) award which includes an amount under regulation 21(3)(b)(ia), (4)(b)(ia) or (6)(aa)—

(a) paragraph (4)(a) is to be read as if at the end there were inserted ", other than any amount under regulation 21(3)(b)(ia)(bb), (4)(b)(ia)(bb) or (6)(aa)(i)";

(b) the "averaged past amount" of the award is A + B, where "A" is the amount calculated in accordance with paragraph (2) and "B" is any amount under regulation 21(3)(b)(ia)(bb), (4)(b)(ia)(bb) or (6)(aa)(i).";

(f) omit paragraph (5);

(g) at the end insert—

"(6) Subject to paragraphs (7) to (11)—

(a) the "annual past amount" of an award is C + (D × 0.25), where—

(i) "C" is the sum of the annual amounts calculated for the purpose of the award for each year in the period beginning with P's first year of infection and ending with 2024, and

(ii) "D" is the annual amount calculated for the purpose of the award for 2025;

(b) the "annual future amount" of an award is E + (D × 0.75), where—

(i) "E" is the sum of the annual amounts calculated for the purpose of the award for each year in the period beginning with 2026 and ending with the year

in which P attained, or is expected to attain, the age of their healthy life expectancy, and

(ii) "D" is the annual amount calculated for the purpose of the award for 2025.

(7) In relation to the financial loss (PAYE earnings) award, the "annual amount" is—

(a) for a year of the reduced earnings period (within the meaning of regulation 37(2)), F - G, where—

(i) "F" is the annual amount for that year determined in accordance with regulation 37(3), and

(ii) "G" is the amount of the additional financial loss (core) award for that year;

(b) for a year of the reduced pension period (within the meaning of regulation 37(2)), H - I, where—

(i) "H" is the annual amount for that year determined in accordance with regulation 37(4), and

(ii) "I" is the amount of the additional financial loss (core) award for that year.

(8) In relation to the additional financial loss (further core) award—

(a) the "annual past amount" is J - K, where—

(i) "J" is the sum of the annual past amounts of all current financial loss awards (within the meaning of regulation 43(10)), and

(ii) "K" is the sum of the annual past amounts of all previous financial loss awards (within the meaning of regulation 43(10));

(b) the "annual future amount" is L - M, where—

(i) "L" is the sum of the annual future amounts of all current financial loss awards (within the meaning of regulation 43(10)), and

(ii) "M" is the sum of the annual future amounts of all previous financial loss awards (within the meaning of regulation 43(10)).

(9) In relation to the financial loss (self-employment earnings) award—

(a) the "annual past amount" is N - O, where—

(i) "N" is the sum of the annual amounts in relation to each tax year of the period beginning with P's first tax year of infection and ending with the 2024 tax year, determined in accordance with regulation 38(3), and

(ii) "O" is the annual past amount of the additional financial loss (core) award calculated in accordance with paragraph (6);

(b) the "annual future amount" is Q - R, where—

(i) "Q" is the sum of the annual amounts in relation to each tax year of the period beginning with the 2025 tax year and ending with the year in which P attained, or is expected to attain, the age of their healthy life expectancy, and

(ii) "R" is the annual future amount for the additional financial loss (core) award calculated in accordance with paragraph (6).

(10) In paragraph (9)(a)(i), "first tax year of infection", in relation to P, means—

(a) where P has a single infection—

(i) the tax year in which P contracted the infection, or

(ii) if it is not possible to establish the tax year in which the infection was contracted, the earliest tax year in which P could have contracted the infection;

(b) where P has a co-infection—

(i) the earliest tax year in which P contracted one or more infections, or

(ii) if it is not possible to establish the tax year in which the first infection was contracted, the earliest tax year in which P could have contracted one or more infections.

(11) In relation to the financial loss (severe health condition) award—

(a) the "annual past amount" is S + U, where—

(i) "S" is the annual past amount, calculated in accordance with paragraph (6)(a), of such of the award as comes under regulation 32(1)(a), and

(ii) "U" is the averaged past amount, calculated in accordance with paragraph (2), of such of the award as comes under regulation 32(1)(b);

(b) the "annual future amount" is V + W, where—

(i) "V" is the annual future amount, calculated in accordance with paragraph (6)(b), of such of the award as comes under regulation 32(1)(a), and

(ii) "W" is the averaged future amount, calculated in accordance with paragraph (3), of such of the award as comes under regulation 32(1)(b).".

(2) In regulation 34 (excess past care costs), in paragraph (2)(c) omit paragraph (ii).

(3) In regulation 40 (care (excess deemed costs) award)—

(a) omit paragraph (1)(b);

(b) omit paragraph (5).

(4) Schedule 1 sets out consequential amendments relating to "past" and "future" amounts of certain awards.

Amendments relating to the autonomy (core) award

5.—(1) Regulation 18 (autonomy (core) award) is amended as follows.

(2) In paragraph (1), after sub-paragraph (c) insert—

"(d) impact on a person relating to having been infected during childhood.".

(3) After paragraph (1) insert—

"(1A) Subject to paragraphs (4) and (5), the amount of the autonomy (core) award is—

(a) where P was infected as a child, A + B, where—

(i) "A" is the basic autonomy amount, and

(ii) "B" is the childhood infection amount;

(b) where P was not infected as a child, the basic autonomy amount.".

(4) In paragraph (2), for "Subject to paragraphs (4) and (5), the amount of the autonomy (core) award" substitute "The basic autonomy amount".

(5) For paragraph (3) substitute—

"(3) Where P has a co-infection, the basic autonomy amount is £70,000.".

(6) After paragraph (3) insert—

"(3A) The childhood infection amount is, where on the day before the day on which P turned 18 P had a single infection of—

(a) Hepatitis C of severity level 1, £5,000;

(b) Hepatitis B or C, and the severity level of the infection was—

(i) level 2, 2B or level 3, £20,000;

(ii) level 4, £25,000;

(c) Hepatitis B of severity level 5, £25,000;

(d) HIV, £30,000.

(3B) The childhood infection amount is, where on the day before the day on which P turned 18 P had a co-infection, £35,000.".

(7) In paragraph (4)(a) for "paragraph (2) or (3)" substitute "paragraph (1A) to (3A)".

(8) After paragraph (5)—

"(6) In this regulation, "child" means a person aged 17 or under.".

Amendments relating to unethical research practices

6.—(1) In regulation 26 (meaning of "unethical research practices")—

(a) omit paragraphs (2) and (3);

(b) at the end, insert—

"(4) An eligible infected person was also subject to unethical research practices if—

(a) they received, in the course of NHS treatment or armed forces treatment overseas, treatment for a bleeding disorder before 1986, and

(b) they were not subject to unethical research practices in accordance with paragraph (1).

(5) In paragraph (4), "armed forces treatment overseas" and "NHS treatment" have the meanings given in regulation 3(10).".

(2) In regulation 27 (amount of unethical research practices award)—

(a) in paragraph (1), for "£15,000" substitute "£60,000";

(b) omit paragraph (2);

(c) after paragraph (1), insert—

"(3) Where the eligible infected person ("P") was subject to unethical research practices in accordance with regulation 26(4), the amount of an unethical research practices award in relation to that person is—

(a) where P was subject to unethical research practices while aged 17 or under, £45,000;

(b) where P was not subject to unethical research practices while aged 17 or under, £30,000.".

Amendments relating to severe health conditions

7.—(1) In regulation 28 (severe health conditions)—

(a) after paragraph (1)(b)(vi), insert—

"(vii) has a qualifying chronic Hepatitis-associated condition if they are to be treated as such in accordance with paragraph 8 of Schedule 2.";

(b) in paragraph (3)—

(i) in the words before sub-paragraph (a), after "condition" insert "period";

(ii) after sub-paragraph (a)(i), insert—

"(ia) in relation to a qualifying chronic Hepatitis-associated condition, 1st January 2017;".

(2) In regulation 31 (care (severe health condition) award), in paragraph (3)—

(a) omit the "or" after sub-paragraph (b);

(b) after sub-paragraph (c), insert ", or

(d) a qualifying chronic Hepatitis-associated condition.".

(3) In regulation 32 (financial loss (severe health condition) award)—

(a) in paragraph (5), for "Hepatitis-associated condition resulting in long-term severe disability" substitute "specified condition";

(b) in paragraph (6)(a), for "Hepatitis-associated condition resulting in long-term severe disability" substitute "specified condition";

(c) in paragraph (8), for "Hepatitis-associated condition resulting in long-term severe disability" substitute "specified condition";

(d) after paragraph (8), insert—

"(9) In this regulation, "specified condition" means—

(a) a Hepatitis-associated condition resulting in long-term severe disability;

(b) a qualifying chronic Hepatitis-associated condition.".

(4) In Schedule 2 (severe health conditions), after paragraph 7 insert—

"Qualifying chronic Hepatitis-associated conditions

8.—(1) A person ("P") is to be treated as having a qualifying chronic Hepatitis-associated condition if—

(a) P is an IBSS-registered infected person to whom a relevant payment category applies;

(b) P is not an IBSS-registered infected person and sub-paragraph (2), (4) or (5) applies to P.

(2) This sub-paragraph applies to P if it appears to the IBCA that, if P had been assessed by the England Infected Blood Support Scheme on 31st March 2025 on the basis of P's infection on the relevant date—

(a) P would have been eligible for registration with the England Infected Blood Support Scheme, and

(b) the Hepatitis C stage 1 and SCM payment category would have applied to P.

(3) For the purposes of sub-paragraph (2)(a), any eligibility requirement relating to the place where a person became infected is to be disregarded.

(4) This sub-paragraph applies to P if sub-paragraph (2) would apply to P but for the fact that P contracted Hepatitis C on or after 1st September 1991.

(5) This sub-paragraph applies to P if P has a Hepatitis B infection where—

(a) the severity of the infection, and

(b) the conditions associated with the infection,

are such that, if P had a Hepatitis C infection of the same severity and with the same associated conditions, sub-paragraph (2) would apply to P.

(6) In sub-paragraph (1), "relevant payment category" means—

(a) where P is registered under the England Infected Blood Support Scheme, Hepatitis C stage 1 and SCM;

(b) where P is registered under the Scottish Infected Blood Support Scheme, Chronic HCV (severely affected by their Hepatitis C infection);

(c) where P is registered under the Infected Blood Payment Scheme for Northern Ireland, Hepatitis C stage 1 (enhanced);

(d) where P is registered under the Wales Infected Blood Support Scheme, Hepatitis C stage 1 + enhanced support.".

Amendment relating to the financial loss (PAYE earnings) award

8. In regulation 37 (financial loss (PAYE earnings)) award, in paragraph (9), in Step 2, for "P's actual gross PAYE" substitute "P's actual PAYE earnings".

Amendments relating to a new financial loss (potential earning capacity) award

9.—(1) In regulation 2 (interpretation), after paragraph (2)(n) insert—

"(na) "financial loss (potential earning capacity) award" means an award determined in accordance with regulation 38A;".

(2) In regulation 35 (exceptional loss award: general)—

(a) in paragraph (1)—

(i) in sub-paragraph (a) omit "has";

(ii) at the beginning of each of sub-paragraphs (a)(i), (ii), (iii) and (iv) insert "has";

(iii) after sub-paragraph (a)(ii) insert—

"(iia) is eligible for the financial loss (potential earning capacity) award,";

(b) in paragraph (2)(a), for sub-paragraphs (i) and (ii) substitute—

"(i) an amount by way of a financial loss (reduced earnings) award, or

(ii) an amount by way of a financial loss (potential earning capacity) award;".

(3) In regulation 36 (amount of an exceptional loss award), in paragraph (1)(a)(i), for sub-paragraphs (aa) and (bb) substitute—

"(aa) the financial loss (reduced earnings) award, or

(bb) the financial loss (potential earning capacity) award (see regulation 38A);".

(4) After regulation 38 (financial loss (self-employment earnings) award) insert—

"Financial loss (potential earning capacity) award

38A.—(1) An eligible infected person ("P") is eligible for the financial loss (potential earning capacity) award where—

(a) on the relevant date, P has an infection of—

(i) HIV, or

(ii) Hepatitis B or C of severity level 2, 2B, 3 or 4, and

(b) paragraph (2) or (3) applies to P.

(2) This paragraph applies to P if P began a qualifying period of employment in a higher earning job—

(a) within the period of 10 years ending with the date on which P contracted an infection mentioned in paragraph (1)(a), and

(b) before P attained the age of 66.

(3) This paragraph applies to P if P received a qualifying offer of employment for a higher earning job—

(a) within the period of—

(i) where P did not begin the job because of a qualifying reason, 10 years ending with the date on which P contracted an infection mentioned in paragraph (1)(a);

(ii) otherwise, one year ending with the date on which P contracted an infection mentioned in paragraph (1)(a), and

(b) before P attained the age of 66.

(4) The amount of the financial loss (potential loss of earnings) award is £60,000.

(5) In paragraph (1)(a)—

(a) a reference to a person having an infection of HIV includes a reference to a person having a co-infection of HIV and Hepatitis B or Hepatitis C (or both);

(b) a reference to a person having an infection of Hepatitis B or Hepatitis C includes a reference to a person having a co-infection of Hepatitis B and Hepatitis C (but not of HIV).

(6) For the purposes of paragraphs (2) and (3)—

(a) "qualifying period of employment" means a period of employment of at least a year;

(b) "qualifying offer of employment" means an offer of employment for a period of at least a year;

(c) "qualifying reason"—

(i) means a reason which did not arise through any wrongdoing of P, and

(ii) includes reasons such as—

(aa) P's pregnancy;

(bb) P's ill health or injury;

(cc) the need for P to provide care to another;

(dd) P undertaking training or education;

(d) "higher earning job" means a job which falls into a job description for which the median gross pay is at least £38,504 in the "Full-Time" worksheet of the Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14.7a, 2023 revised edition(**a**);

(**a**) The table is published by the Office for National Statistics and is available online at https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashetable14.

(e) where a job falls into multiple descriptions in the Table, the job is treated as falling into the most specific description into which the job falls, ignoring any descriptions for which there is no median gross pay value in the Table.".

Amendments relating to the affected injury award

10.—(1) Regulation 50 (affected injury award) is amended as follows.

(2) After paragraph (1) insert—

"(1A) The amount of the affected injury award is A + B, where—

(a) "A" is the basic affected injury amount, and

(b) "B" is the affected injury uplift.".

(3) In paragraph (2), for "the amount of the affected injury award" substitute "the basic affected injury amount".

(4) In paragraph (3), for "The amount of the affected injury award" substitute "The basic affected injury amount".

(5) In paragraph (4)—

(a) omit sub-paragraph (b);

(b) in sub-paragraph (c), omit ", and Q is aged 17 or under during the first year of infection";

(c) in sub-paragraph (d)—

(i) in paragraph (i), omit ", and P is aged 18 or over during the first year of infection";

(ii) omit paragraph (ii).

(6) After paragraph (4) insert—

"(4A) The affected injury uplift is £17,000 where—

(a) on the relevant date, P has a single infection of Hepatitis B or Hepatitis C of severity level 2 or 2B, and

(b) Q is an affected SSP recipient as a bereaved partner of P.

(4B) The affected injury uplift is £10,000 where—

(a) Q is a child or a sibling of P,

(b) Q is aged 17 or under during the first year of infection, and

(c) while Q is aged 17 or under, P—

(i) has a single infection of Hepatitis B or Hepatitis C of severity level 2 or 2B, and

(ii) does not have an infection mentioned in paragraph (3).

(4C) The affected injury uplift is £11,000 where—

(a) Q is a sibling of P,

(b) Q is aged 17 or under during the first year of infection, and

(c) while Q is aged 17 or under, P has an infection mentioned in paragraph (3).

(4D) The affected injury uplift is £20,200 where—

(a) Q is a child of P,

(b) Q is aged 17 or under during the first year of infection, and

(c) while Q is aged 17 or under, P has an infection mentioned in paragraph (3).

(4E) Where, on the relevant date, P has an infection mentioned in paragraph (3), the affected injury uplift is—

(a) £76,100, where Q is a parent of P and P died—

(i) at the age of 17 or under, and

(ii) before 14th April 2026(**a**);

(b) £43,400, where—

(i) Q is a parent of P,

(ii) P is aged 17 or under during the first year of infection, and

(iii) P is not dead or did not die in circumstances described in sub-paragraph (a);

(c) £43,000, where Q is a partner of P and—

(i) P died before 14th April 2026, or

(ii) Q is an affected SSP recipient as a bereaved partner of P.

(4F) Where none of paragraphs (4A) to (4E) applies in relation to Q, the affected injury uplift is £0.".

Amendments relating to payment of support scheme payments by the IBCA

11.—(1) Part 5 (payment of support scheme payments by the IBCA) is amended as follows.

(2) In regulation 59 (IBCA support scheme payment: general), in paragraph (2) for "the relevant person" substitute "E".

(3) In regulation 60 (amount, and payment, of an IBCA support scheme payment)—

(a) in paragraph (2)(a), for "£670" substitute "£695";

(b) in paragraph (7), for "2026" substitute "2027".

(4) In regulation 61 (the support scheme winter fuel payment), for "£670" substitute "£695".

(5) In regulation 62 (the IBSS amount: IBSS-registered infected persons)—

(a) in column 3 of the table—

(i) for "£55,518" substitute "£57,628";

(ii) for "£47,952" substitute "£49,774";

(iii) for "£35,327" substitute "£36,669";

(iv) for "£23,294" substitute "£24,179";

(v) for "£11,648" substitute "£12,091";

(b) in the entry for "Hepatitis C stage 1 and SCM", in column 2, after "Infected" insert "Support".

Amendment relating to making and recovering IBCS payments

12. In regulation 78, for the heading substitute "Payment of an IBCS payment where an eligible person dies or opts out of periodic payments".

(**a**) The Government response to consultation on changes to the infected blood compensation scheme was published on 14th April 2026.

Louise Haigh
First Secretary of State
Cabinet Office

23rd July 2026

SCHEDULE

Regulation 4(4)

Consequential amendments relating to the "past amount" and "future amount" of certain awards

1.—(1) In regulation 2 (interpretation), in paragraph (2)—

(a) in sub-paragraph (x) for "regulation 7(3)" substitute "regulation 7(1A)(b) or (1B)(b)";

(b) in sub-paragraph (y) for "regulation 7(2)" substitute "regulation 7(1A)(a) or (1B)(a)".

(2) In regulation 15 (amount of an infected core payment), in paragraph (2)(e)(i) for "regulation 7(2)" substitute "regulation 7(1A)(a) and (1B)(a)".

(3) In regulation 22 (support scheme top-up (core) award), in paragraph (2)(a)(i) for "regulation 7(3)" substitute "regulation 7(1A)(b) and (1B)(b)".

(4) In regulation 24 (amount of an infected supplemental payment), in paragraph (5)(a)(i) for "regulation 7(3)" substitute "regulation 7(1A)(b) and (1B)(b)".

(5) In regulation 43 (amount of a further infected core payment)—

(a) in paragraph (1)(v)(aa) for "regulation 7(2)" substitute "regulation 7(1A)(a) and (1B)(a)";

(b) in paragraph (7)(a)(i) for "regulation 7(3)" substitute "regulation 7(1A)(b) and (1B)(b)".

(6) In regulation 46 (amount of a further infected supplemental payment), in paragraph (5)(a)(i) for "regulation 7(3)" substitute "regulation 7(1A)(b) and (1B)(b)".

(7) In regulation 79 (Payment of future financial loss and care awards where an SSP recipient dies), in paragraph (1A)(a) for "regulation 7(3)" substitute "regulation 7(1A)(b) and (1B)(b)".

(8) In regulation 79A (payment of future financial loss and care awards where an eligible SSP recipient opts out of support scheme payments), in paragraph (2)(a)(i) for "regulation 7(3)" substitute "regulation 7(1A)(b) and (1B)(b)".

EXPLANATORY NOTE

(This note is not part of the Regulations)

The infected blood compensation scheme ("the IBCS") was established by the Infected Blood Compensation Scheme Regulations 2024 (S.I. 2024/872). The IBCS was subsequently expanded by the Infected Blood Compensation Scheme Regulations 2025 (S.I. 2025/404) ("the 2025 Regulations") which revoked and replaced the Infected Blood Compensation Scheme Regulations 2024.

These Regulations amend the 2025 Regulations.

Regulation 3 introduces a new Hepatitis severity level, level 2B. Where relevant, amendments are made to provide for the amounts of awards in respect of an infected person who has an infection of, or including, Hepatitis of this severity level.

Regulation 4 amends regulation 7 of the 2025 Regulations (determining the "past amount" and "future amount" of certain awards). Firstly, the amendments provide for a new method of calculating the "past amount" and "future amount" of certain financial loss awards (referred to as the "annual" past or future amount, whereas the existing method of calculation is referred to as the "averaged" past or future amount). The past amount of one of these financial loss awards for an infected person will be whichever is greater of the annual and averaged past amount. Secondly, the amendments remove the aspect of the formula in paragraph (2) which multiply the past amount in certain circumstances. Thirdly, the amendments provide that where a person receives an amount in respect of interferon treatment as part of the care (core) award, that amount will be counted as part of the past amount. Regulation 4 and the Schedule to these Regulations make amendments consequential to the amendments to regulation 7 of the 2025 Regulations.

Regulation 5 amends regulation 18 of the 2025 Regulations (autonomy (core) award) to provide for an uplift in cases where the infected person was infected as a child.

Regulation 6 makes amendments relating to the unethical research practices award. It replaces the existing regulation 26(2) with a new provision covering NHS and armed forces treatment for a bleeding disorder before 1986. The award amounts in regulation 27 are also amended.

Regulation 7 introduces a new severe health condition: qualifying chronic Hepatitis-associated conditions, which is based on certain categories under the infected blood support schemes.

Regulation 8 corrects an error in regulation 37 of the 2025 Regulations.

Regulation 9 inserts regulation 38A, providing for a new financial loss (potential earning capacity) award for an infected person who began employment in, or received an offer for a higher earning job in, a certain period.

Regulation 10 amends regulation 50 of the 2025 Regulations (affected injury award), providing for increased awards in certain cases related to the death of an infected person or where a person became an affected person during childhood.

Regulation 11 amends Part 5 of the 2025 Regulations (payment of support scheme payments by the IBCA), updating the winter fuel payment amounts and the IBSS category amounts.

Regulation 12 replaces the heading of regulation 78 of the 2025 Regulations with a more accurate heading.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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