STATUTORY INSTRUMENTS

2024 No. 964

SOCIAL SECURITY

The Social Security (Infected Blood Capital Disregard) (Amendment) Regulations 2024

Made - - - -	*18th September 2024*
Laid before Parliament	*19th September 2024*
Coming into force - -	*10th October 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 123(1)(a) and (d), 136(3) and (5)(b), 136A(3) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(**a**), sections 12(1) and (4)(b) and 36(2) of the Jobseekers Act 1995(**b**), section 15(3) and (6)(b) of the State Pension Credit Act 2002(**c**) and sections 17(1) and (3)(b) and 25(2) and (3) of the Welfare Reform Act 2007(**d**).

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

In respect of the provisions in regulation 2(1)(d) and (e) and (2), in accordance with section 176(1)(a) of the Social Security Administration Act 1992(**f**), the Secretary of State has consulted with organisations appearing to the Secretary of State to be representative of the authorities concerned.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Social Security (Infected Blood Capital Disregard) (Amendment) Regulations 2024 and come into force on 10th October 2024.

(2) These Regulations extend to England and Wales and Scotland.

(**a**) 1992 c. 4. See section 137(1) of this Act for the definition of "prescribed". Section 136A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act 2002 (c. 16). Section 175(1) was amended by paragraph 29(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 175(1) and (3) is applied in relation to powers conferred by section 15(3) and (6) of the State Pension Credit Act 2002 (c. 16) by section 19(1) of that Act.

(**b**) 1995 c. 18. See section 35(1) of this Act for the definition of "prescribed" and "regulations".

(**c**) 2002 c. 16. See section 17(1) of this Act for the definition of "prescribed" and "regulations".

(**d**) 2007 c. 5. See section 24(1) of this Act for the definition of "prescribed" and "regulations".

(**e**) 1992 c. 5.

(**f**) Section 176(1)(a) was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c. 14) and was repealed, to the extent that it related to council tax benefit, by Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5) with effect from 1st April 2013 and subject to savings and transitional provisions in articles 9 and 10 of S.I. 2013/358.

Disregard for payments from estate

2.—(1) After each of the following provisions insert the provision in paragraph (2)—

(a) paragraph 22(5A) of Schedule 10 to the Income Support (General) Regulations 1987(**a**) (capital to be disregarded);

(b) paragraph 27(5A) of Schedule 8 to the Jobseeker's Allowance Regulations 1996(**b**) (capital to be disregarded);

(c) paragraph 15(5A) of Schedule 5 to the State Pension Credit Regulations 2002(**c**) (capital disregarded for the purpose of calculating income);

(d) paragraph 24(5A) of Schedule 6 to the Housing Benefit Regulations 2006(**d**) (capital to be disregarded);

(e) paragraph 16(5A) of Schedule 6 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**e**) (capital to be disregarded generally);

(f) paragraph 27(5A) of Schedule 9 to the Employment and Support Allowance Regulations 2008(**f**) (capital to be disregarded).

(2) The provision to be inserted after each of the provisions in paragraph (1) is—

"(5B) Any payment out of the estate of a person, which derives from a payment made under or by the Scottish Infected Blood Support Scheme or an approved blood scheme to the estate of the person as a result of that person having been infected from contaminated blood products.".

Signed by authority of the Secretary of State for Work and Pensions

Stephen Timms
Minister of State
Department for Work and Pensions

18th September 2024

(**a**) S.I. 1987/1967; Paragraph 22(5A) was inserted by S.I. 2023/894.
(**b**) S.I. 1996/207; Paragraph 27(5A) was inserted by S.I. 2023/894.
(**c**) S.I. 2002/1792; Paragraph 15(5A) was inserted by S.I. 2023/894.
(**d**) S.I. 2006/213; Paragraph 24(5A) was inserted by S.I. 2023/894.
(**e**) S.I. 2006/214; Paragraph 16(5A) was inserted by S.I. 2023/894.
(**f**) S.I. 2008/794; Paragraph 27(5A) was inserted by S.I. 2023/894.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations amends—

— the Income Support (General) Regulations 1987 (S.I. 1987/1967),

— the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207),

— the State Pension Credit Regulations 2002 (S.I. 2002/1792),

— the Housing Benefit Regulations 2006 (S.I. 2006/213),

— the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214), and

— the Employment and Support Allowance Regulations 2008 (S.I. 2008/794).

A new sub-paragraph is inserted after each of the provisions cited in regulation 2(1) of these Regulations, which will enable certain payments from an estate of a deceased infected person to be disregarded. A payment paid from such an estate which is 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 from contaminated blood products will be disregarded.

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

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