

# Scottish Infected Blood Support Amendment (No. 2) Scheme 2021

The Scottish Ministers make the following Scheme to amend the Scottish Infected Blood Support Scheme 2017 in exercise of the powers conferred by section 28 of the Smoking, Health and Social Care (Scotland) Act 2005 and all other powers enabling them to do so.

## Commencement and interpretation

- 1.—(1) This Scheme comes into force on 28 June 2021.
- (2) In this Scheme, “the Principal Scheme” means the Scottish Infected Blood Support Scheme 2017 (as amended)<sup>1</sup>.

## Amendment of the Principal Scheme

2. The Principal Scheme is amended in accordance with paragraphs 3 to 24.

## Amendment of the Principal Scheme – changes to annual payment levels

3. In schedule 1—
  - (a) in paragraph 3A(a), for “£6,439” substitute “£18,912”;
  - (b) in paragraph 3A(b), for “£19,317” substitute “£28,680”.
4. In paragraph 4 of schedule 2, for “£27,596” substitute “£28,680”.
5. In paragraph 3 of schedule 3, for “£27,596” substitute “£28,680”.
6. In paragraph 5 of schedule 4, for “£37,817” substitute “£45,072”.

## Amendment of the Principal Scheme – new payments in relation to persons neither moderately nor severely affected by their Hepatitis C infection

7. In schedule 1—
  - (a) after paragraph 3A(b) insert—

“(c) of £9,456 for those who are neither moderately nor severely affected by their Hepatitis C infection.”;
  - (b) before paragraph 6, under the heading “death – surviving spouses, civil partners and long term cohabitees”, insert—

“**5A.** A payment of £9,456, referable to the calendar year following the date of death, may be made to the surviving spouse, civil partner or long term cohabitee of a Hepatitis C Stage 1 Qualifying Person or transferring Hepatitis C Stage 1 Qualifying Person who was neither moderately nor severely affected by their Hepatitis C infection where:

    - (a) the surviving spouse, civil partner or long term cohabitee was cohabiting with the Hepatitis C Stage 1 Qualifying Person or transferring Hepatitis C Stage 1 Qualifying Person, as applicable, at the time of death .”;
  - (c) before paragraph 8, under the heading “Death – surviving spouses, civil partners and long term cohabitees – subsequent years”, insert—

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<sup>1</sup> Made on 21<sup>st</sup> February 2017. The Principal Scheme was amended by the Scottish Infected Blood Support Amendment Scheme 2017 (which was made on 6<sup>th</sup> September 2017); the Scottish Infected Blood Support Amendment Scheme 2018 (which was made on 20<sup>th</sup> December 2018); the Scottish Infected Blood Support Amendment Scheme 2020 (which was made on 20<sup>th</sup> March 2020); and the Scottish Infected Blood Support Amendment Scheme (2021 (which was made on 29<sup>th</sup> March 2021).

**“7A.** An annual payment of £7,092 in each year following the year of death may be paid to a surviving spouse, civil partner or long term cohabitee of a Hepatitis C Stage 1 Qualifying Person or transferring Hepatitis C Stage 1 Qualifying Person who was neither moderately nor severely affected by their Hepatitis C infection where:

- (a) the surviving spouse, civil partner or long term cohabitee was cohabiting with the Hepatitis C Stage 1 Qualifying Person or transferring Hepatitis C Stage 1 Qualifying Person, as applicable, at the time of death.”;
- (d) in paragraph 10—
  - (i) after “paragraphs” insert “5A, ”; and
  - (ii) after “7,” insert “7A, ”.

#### **Amendment of the Principal Scheme – winter fuel payments**

**8.** In schedule 1—

- (a) in paragraph 1 for “and 3A” substitute “, 3A and 3AA”;
- (b) after paragraph 3A insert—

“**3AA.** An annual winter fuel payment in each financial year of £544.”;
- (c) in paragraph 3B, for “annual payment described in paragraph 3A” substitute “annual payments described in paragraph 3A or 3AA”;
- (d) in paragraph 5, for “annual payment described in paragraph 3A of this schedule ceases” substitute “annual payments described in paragraph 3A and 3AA of this schedule cease”.

**9.** In schedule 2—

- (a) after paragraph 4 insert—

“**4A.** An annual winter fuel payment in each financial year of £544.”;
- (b) in paragraph 5A, for “annual payment described in paragraph 4” substitute “annual payments described in paragraph 4 or 4A”;
- (c) in paragraph 6, for “annual payment described in paragraph 4 ceases” substitute “ annual payments described in paragraph 4 and 4A of this schedule cease”.

**10.** In schedule 3—

- (a) after paragraph 3 insert—

“**3ZA.** An annual winter fuel payment in each financial year of £544.”;
- (b) in paragraph 3A, for “annual payment described in paragraph 3” substitute “annual payments described in paragraph 3 or 3ZA”;
- (c) in paragraph 4, for “annual payment described in paragraph 3 ceases” substitute “ annual payments described in paragraph 3 and 3ZA of this schedule cease”.

**11.** In schedule 4—

- (a) after paragraph 3 insert—

“**3ZA.** An annual winter fuel payment in each financial year of £544.”;
- (b) in paragraph 3A, for “annual payment described in paragraph 3” substitute “annual payments described in paragraph 3 or 3ZA”;
- (c) in paragraph 4, for “annual payment described in paragraph 3 ceases” substitute “ annual payments described in paragraph 3 and 3ZA of this schedule cease”.

#### **Amendment of the Principal Scheme – changes to certain lump sum payment levels**

**12.** In schedule 3—

- (a) in paragraph 2, for “A one-off” substitute “Subject to paragraph 2A, a one-off”;

- (b) in paragraph 2, for “£70,000” substitute “£80,500”; and
- (c) after paragraph 2, insert—
  - “2A. A £80,500 lump sum payment payable under paragraph 2 will be reduced by the sum of any other lump sum payment previously received in respect of the person’s HIV infection under:
    - (a) this schedule; or
    - (b) a UK scheme, or successor to a UK scheme.”.

**13. In schedule 4—**

- (a) in paragraph 2, for “A one-off” substitute “Subject to paragraph 2A, a one-off”;
- (b) in paragraph 2, for “£70,000” substitute “£150,500”; and
- (c) after paragraph 2, insert—
  - “2A. A £150,500 one-off lump sum payment payable under paragraph 2 will be reduced by the sum of any other lump sum payment previously received in respect of the person’s Hepatitis C and HIV infection under:
    - (a) this schedule; or
    - (b) a UK scheme, or successor to a UK scheme.”.

**Amendment of the Principal Scheme – changes to payments for surviving spouses, civil partners and long term cohabittees**

**14. In schedule 1—**

- (a) in paragraph 4—
  - (i) for “an annual payment of £20,697” substitute “a payment of £28,680 referable to the calendar year following the date of death, and thereafter an annual payment of £21,510”;
  - (ii) in sub-paragraph (a), for “death;” substitute “death; and”;
  - (iii) omit sub-paragraphs (b) and (d);
- (b) in paragraph 6—
  - (i) for “£6,439” substitute “£18,912”; and
  - (ii) omit sub-paragraphs (a) and (c);
- (c) in paragraph 7—
  - (i) for “£19,317” substitute “£28,680”; and
  - (ii) omit sub-paragraphs (a) and (c);
- (d) in paragraph 8—
  - (i) for £4,829 substitute £14,184; and
  - (ii) omit sub-paragraphs (a) and (c);
- (e) in paragraph 9—
  - (i) for “£14,488” substitute “£21,510”; and
  - (ii) omit sub-paragraphs (a) and (c).

**15. In schedule 2—**

- (a) in paragraph 7—
  - (i) for “£27,596” substitute “£28,680”; and
  - (ii) omit sub-paragraphs (a) and (c);

- (b) in paragraph 8—
  - (i) for “£20,697” substitute “£21,510”; and
  - (ii) omit sub-paragraphs (a) and (c).

**16. In schedule 3—**

- (a) paragraph 5—
  - (i) for “£27,596” substitute “£28,680”; and
  - (ii) omit sub-paragraphs (a) and (c);
- (b) paragraph 6—
  - (i) for “£20,697” substitute “£21,510”; and
  - (ii) omit sub-paragraphs (a) and (c).

**17. In schedule 4—**

- (a) paragraph 5—
  - (i) for “£37,817” substitute “£45,072”; and
  - (ii) omit sub-paragraphs (a) and (c);
- (b) paragraph 6—
  - (i) for “£28,363” substitute “£33,804”; and
  - (ii) omit sub-paragraphs (a) and (c).

**Amendment of the Principal Scheme – bereavement lump sum payment**

**18. In schedule 1, after paragraph 9, insert—**

*“Death – Bereavement lump sum payment*

**9A.** Where a Hepatitis C Stage 1 Qualifying Person or transferring Hepatitis C Stage 1 Qualifying Person dies, a one-off lump sum payment of £10,000 may be paid to the surviving spouse, civil partner or long term cohabitee of that person.

**9B.** A payment under paragraph 9A is only payable where the surviving spouse, civil partner or long term cohabitee was cohabiting with the Hepatitis C Stage 1 Qualifying Person or transferring Hepatitis C Stage 1 Qualifying Person, as applicable, at the time of death.

**9C.** Paragraph 9A applies in relation to any Hepatitis C Stage 1 Qualifying Person or transferring Hepatitis C Stage 1 Qualifying Person who has died since 1 April 2017.

**9D.** Where the Hepatitis C Stage 1 Qualifying Person or transferring Hepatitis C Stage 1 Qualifying Person did not have a surviving spouse, civil partner or long term cohabitee at the time of death, the one-off lump sum payment under paragraph 9A is payable to their estate.”.

**19. In schedule 2, after paragraph 8, insert—**

*“Death – Bereavement lump sum payment*

**9.** Where a Hepatitis C Stage 2 Qualifying Person or transferring Hepatitis C Stage 2 Qualifying Person dies, a one-off lump sum payment of £10,000 may be paid to the surviving spouse, civil partner or long term cohabitee of that person.

**10.** A payment under paragraph 9 is only payable where the surviving spouse, civil partner or long term cohabitee was cohabiting with the Hepatitis C Stage 2 Qualifying Person or transferring Hepatitis C Stage 2 Qualifying Person, as applicable, at the time of death.

**11.** Paragraph 9 applies in relation to any Hepatitis C Stage 2 Qualifying Person or transferring Hepatitis C Stage 2 Qualifying Person who has died since 1 April 2017.

12. Where the Hepatitis C Stage 2 Qualifying Person or transferring Hepatitis C Stage 2 Qualifying Person did not have a surviving spouse, civil partner or long term cohabitee at the time of death, the one-off lump sum payment under paragraph 9 is payable to their estate.”.

20. In schedule 3, after paragraph 6, insert—

*“Death – Bereavement lump sum payment*

7. Where a HIV Qualifying Person or transferring HIV Qualifying Person dies, a one-off lump sum payment of £10,000 may be paid to the surviving spouse, civil partner or long term cohabitee of that person.

8. A payment under paragraph 7 is only payable where the surviving spouse, civil partner or long term cohabitee was cohabiting with the HIV Qualifying Person or transferring HIV Qualifying Person, as applicable, at the time of death.

9. Paragraph 7 applies in relation to any HIV Qualifying Person or transferring HIV Qualifying Person who has died since 1 April 2017.

10. Where the HIV Qualifying Person or transferring HIV Qualifying Person did not have a surviving spouse, civil partner or long term cohabitee at the time of death, the one-off lump sum payment under paragraph 7 is payable to their estate.”.

21. In schedule 4, after paragraph 6, insert—

*“Death – Bereavement lump sum payment*

7. Where a Hepatitis C and HIV Qualifying Person or transferring Hepatitis C and HIV Qualifying Person dies, a one-off lump sum payment of £10,000 may be paid to the surviving spouse, civil partner or long term cohabitee of that person.

8. A payment under paragraph 7 is only payable where the surviving spouse, civil partner or long term cohabitee was cohabiting with the Hepatitis C and HIV Qualifying Person or transferring Hepatitis C and HIV Qualifying Person, as applicable, at the time of death.

9. Paragraph 7 applies in relation to any Hepatitis C and HIV Qualifying Person or transferring Hepatitis C and HIV Qualifying Person who has died since 01 April 2017.

10. Where the Hepatitis C and HIV Qualifying Person or transferring Hepatitis C and HIV Qualifying Person did not have a surviving spouse, civil partner or long term cohabitee at the time of death, the one-off lump sum payment under paragraph 7 is payable to their estate.”.

#### **Amendment of the Principal Scheme – applications made on behalf of a person who has died**

22. For paragraph 18(2), substitute—

“(2) Subject to sub-paragraph (3), payments that may be made following an application under sub-paragraph (1) are restricted to one-off lump sum payments described in schedules 1 to 4A, and in relation to such a payment under—

- (a) paragraph 2 of schedule 1, the sum of £50,000 is to be read as £20,000;
- (b) paragraph 2 of schedule 3, the sum of £80,500 is to be read as £70,000; and
- (c) paragraph 2 of schedule 4, the sum of £150,500 is to be read as £70,000.”.

#### **Amendment of the Principal Scheme – one-off payments in respect of previous financial years**

23. In paragraph 16 –

- (a) at the end of the entry relating to Schedule 4, omit “and”;
- (b) after the entry relating to Schedule 4, insert—

“Schedule 4A for one-off payments in respect of the financial years 2019-2020 and 2020-2021; and”

24. After schedule 4, insert—

## “SCHEDULE 1A

### One-off payments in respect of financial years 2019-2020 and 2020-2021

*One-off payments in relation to persons entitled to payment under schedules 1 to 4*

1. A person mentioned in column 1 of Table 1, who received a payment in the financial year 2019-2020 under a provision of this scheme mentioned in column 2, may be paid a one-off lump sum payment in accordance with column 3.

2. A person mentioned in column 1 of Table 1, who received a payment in the financial year 2020-2021 under a provision of this scheme mentioned in column 2, may be paid a one-off lump sum payment in accordance with column 4.

3. Where the person mentioned in column 1 of Table 1 was not entitled to receive a payment under the relevant provision mentioned in column 2 for the full financial year, a one-off lump sum payment payable under paragraphs 1 or 2 of this schedule will be reduced accordingly, on a pro rata basis.

4. A one-off lump sum payment payable under paragraphs 1 or 2 of this schedule will be reduced by the sum of the following (where applicable)—

- (a) any annual payment previously received in respect of the relevant financial year made under the provisions of this scheme mentioned in column 2 of the relevant entry in Table 1;
- (b) any other regular payments received in respect of the financial year under schedule 5.

5. Table 1 (Payments in respect of the financial years 2019-2020 and 2020-2021) is—

Person receiving payment	Provision under which payment was made	Payment amount (in respect of 2019-2020)	Payment amount (in respect of 2020-2021)
Hepatitis C Stage 1 Qualifying Person or Transferring Stage 1 Qualifying Person	Paragraph 3A of schedule 1	£18,989 where the Qualifying Person or transferring Qualifying Person was moderately affected by their Hepatitis C infection	£19,312 where the Qualifying Person or transferring Qualifying Person was moderately affected by their Hepatitis C infection
		£28,531 where the Qualifying Person or transferring Qualifying Person was severely affected by their Hepatitis C infection	£29,016 where the Qualifying Person or transferring Qualifying Person was severely affected by their Hepatitis C infection
A surviving spouse, civil partner or long term cohabitee of a Hepatitis C Stage 1 Qualifying Person or transferring Hepatitis Stage 1 Qualifying Person	Paragraph 4 of schedule 1	£28,000 where the payment was referable to the first calendar year following the Qualifying Person’s date of death	£28,476 where the payment was referable to the first calendar year following the Qualifying Person’s date of death

		£21,000 where the payment was referable to any subsequent years after the first calendar year following the Qualifying Person's date of death	£21,357 where the payment was referable to any subsequent years after the first calendar year following the Qualifying Person's date of death
	Paragraph 6 or 7 of schedule 1	£18,458 where the Qualifying Person or transferring Qualifying Person was moderately affected by their Hepatitis C infection	£18,772 where the Qualifying Person or transferring Qualifying Person was moderately affected by their Hepatitis C infection
		£28,000 where the Qualifying Person or transferring Qualifying Person was severely affected by their Hepatitis C infection	£28,476 where the Qualifying Person or transferring Qualifying Person was severely affected by their Hepatitis C infection
	Paragraph 7 or 9 of schedule 1	£13,843.50 where the Qualifying Person or transferring Qualifying Person was moderately affected by their Hepatitis C infection	£14,079 where the Qualifying Person or transferring Qualifying Person was moderately affected by their Hepatitis C infection
		£21,000 where the Qualifying Person or transferring Qualifying Person was severely affected by their Hepatitis C infection	£21,357 where the Qualifying Person or transferring Qualifying Person was severely affected by their Hepatitis C infection
Hepatitis C Stage 2 Qualifying Persons and transferring Hepatitis Stage 2 Qualifying Persons	Paragraph 4 of schedule 2	£28,531	£29,016
A surviving spouse, civil partner or long term cohabitee of a Hepatitis C Stage 2 Qualifying Person or transferring Hepatitis Stage 2 Qualifying Person	Paragraph 7 of schedule 2	£28,000	£28,476

	Paragraph 8 of schedule 2	£21,000	£21,357
HIV Qualifying Persons and transferring HIV Qualifying Persons	Paragraph 3 of schedule 3	£28,531	£29,016
A surviving spouse, civil partner or long term cohabitee of a HIV Qualifying Person or transferring HIV Qualifying Person	Paragraph 5 of schedule 3	£28,000	£28,476
	Paragraph 6 of schedule 3	£21,000	£21,537
Hepatitis C and HIV Qualifying Persons and transferring Hepatitis C and HIV Qualifying Persons	Paragraph 3 of schedule 4	£44,531	£45,288
A surviving spouse, civil partner or long term cohabitee of a Hepatitis C and HIV Qualifying Person or transferring Hepatitis C and HIV Qualifying Person	Paragraph 5 of schedule 4	£44,000	£44,748
	Paragraph 6 of schedule 4	£33,000	£33,561



*One-off payments in relation to persons neither moderately nor severely affected by their Hepatitis C infection*

6. A person mentioned in column 1 of Table 2, who would have been entitled to receive a payment in the financial year 2019-2020 under a provision of this scheme mentioned in column 2 had that provision been in force at the time, may be paid a one-off lump sum payment in accordance with column 3.

7. A person mentioned in column 1 of Table 2, who would have been entitled to receive a payment in the financial year 2020-2021 under a provision of this scheme mentioned in column 2 had that provision been in force at the time, may be paid a one-off lump sum payment in accordance with column 4.

8. Where the person mentioned in column 1 of Table 2 would not have been entitled to receive a payment under the relevant provision mentioned in column 2 for the full financial year, a one-off lump sum payment payable under paragraphs 1 or 2 of this schedule will be reduced accordingly, on a pro rata basis.

9. A one-off lump sum payment payable under paragraphs 1 or 2 of this schedule will be reduced any other regular payments received in respect of the financial year under schedule 5.

10. Table 2 (Payments in respect of the financial years 2019-2020 and 2020-2021) is—

Person receiving payment	Relevant provision	Payment amount (in respect of 2019-2020)	Payment amount (in respect of 2020-2021)
Hepatitis C Stage 1 Qualifying Person or Transferring Stage 1 Qualifying Person who was neither moderately nor severely affected by their Hepatitis C infection	Paragraph 3A(c) of schedule 1	£10,000	£10,000
A surviving spouse, civil partner or long term cohabitee of a Hepatitis C Stage 1 Qualifying Person or transferring Hepatitis Stage 1 Qualifying Person who was neither moderately nor severely affected by their Hepatitis C infection	Paragraph 5A of schedule 1	£9,456	£9,456
	Paragraph 7A of schedule 1	£7,092	£7,092".



A member of staff of the Scottish Ministers

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