

THE PURPOSE OF THIS DOCUMENT IS TO SHOW THE AMENDMENTS MADE TO THE SCOTTISH INFECTED BLOOD SUPPORT SCHEME 2017 BY THE SCOTTISH INFECTED BLOOD SUPPORT AMENDMENT SCHEME 2017; THE SCOTTISH INFECTED BLOOD SUPPORT AMENDMENT SCHEME 2018; THE SCOTTISH INFECTED BLOOD SUPPORT AMENDMENT SCHEME 2020; THE SCOTTISH INFECTED BLOOD SUPPORT AMENDMENT SCHEME 2021; THE SCOTTISH INFECTED BLOOD SUPPORT AMENDMENT (NO. 2) SCHEME 2021 AND THE SCOTTISH INFECTED BLOOD SUPPORT AMENDMENT SCHEME 2022.

Scottish Infected Blood Support Scheme 2017

A Scheme of support and assistance for those infected with Hepatitis C, HIV, or both, as a result of NHS treatment

The Scottish Ministers make the following Scheme 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

1. This Scheme comes into force on 1st April 2017.

Interpretation

2. In this Scheme:

“dependent”, in relation to a child, means a person under the age of 21 years in full-time education;

“long term cohabittees” refers to a relationship involving two parties, not being a relationship of marriage or civil partnership, where:

- (a) there is no legal impediment to the parties marrying or entering into a civil partnership, and
- (b) the parties are living together as if spouses or civil partners of each other;

“qualifying person” has the meaning given in paragraph 3(1)(a);

“qualifying relationship” means any of:

- (a) mother and child
- (b) spouses
- (c) civil partners
- (d) long term cohabittees;

“Stage 1” means chronic hepatitis C infection which has not progressed to Stage 2;

“Stage 2” means chronic hepatitis C infection where, in relation to the infected person, one or more of the following applies:

- (a) they have developed cirrhosis
- (b) they have developed primary liver cancer
- (c) they have B cell non-Hodgkin’s Lymphoma
- (d) they have received a liver transplant
- (e) they are on a waiting list for a liver transplant
- (f) they have renal disease due to Membranoproliferative Glomerulonephritis (MPGN);

“successor”, in relation to a UK scheme, means a scheme, other than this Scheme, of support and assistance for persons infected with HIV or Hepatitis C, or both, as a result of NHS

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treatment where payments are made following a claim referable to England, Wales or Northern Ireland;

“transferring qualifying person”:

- (a) means a person transferring to this Scheme from a UK scheme; and
- (b) for the purposes of making payments to a surviving spouse, civil partner or long term cohabitee, includes a deceased person in respect of whom a claim referable to Scotland was made to a UK scheme prior to 1st April 2017, and references to a surviving spouse, civil partner or long term cohabitee are to be interpreted as including the surviving spouse, civil partner or long term cohabitee of such a deceased person; and

“UK scheme” means a United Kingdom scheme of support and assistance for persons infected with HIV or Hepatitis C, or both, as a result of NHS treatment with payments made by any of the following:

- (a) the Caxton Foundation being the charitable trust known as the Caxton Foundation registered as charity number 1142529;
- (b) the Eileen Trust being the charitable trust known as the Eileen Trust registered as charity number 1028027;
- (c) the MacFarlane Trust being the charitable trust known as the Macfarlane Trust registered as charity number 298863;
- (d) MFET Limited, a private company limited by guarantee, Company Number 7121661;
- (e) The Skipton Fund Limited, a company limited by guarantee, Company Number 5084964.

Eligibility

3.—a) Payments may be made under this Scheme to—

- (a) persons to whom any of paragraphs 4 to 15 apply, not being transferring qualifying persons, who make an application in accordance with Schedule 6 of this Scheme (“qualifying persons”);
- (b) surviving spouses, civil partners, long term cohabitees, or dependent children of qualifying persons or transferring qualifying persons where those persons then die; and
- (c) transferring qualifying persons.

(2) Persons in receipt of, or eligible to receive, payments from a UK scheme, or a successor to a UK scheme, are not otherwise eligible to make a claim under this Scheme.

Hepatitis C Stage 1

4. This paragraph applies to a person who—

- (a) before 1st September 1991 was treated anywhere in the United Kingdom under the National Health Service by way of the receipt of blood, tissue or a blood product;
- (b) on the balance of probabilities, as a result of that treatment was infected with Hepatitis C which is at Stage 1; and

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- (c) at the time of making an application under this Scheme, is resident in Scotland, or is resident outside the United Kingdom but, immediately before that residence, was resident in Scotland.

5. This paragraph applies to a person (“X”) who, on the balance of probabilities, was infected with Hepatitis C which is at Stage 1 by transmission from a person (“Y”) to whom any of paragraphs 4, 7 or 13 apply or who is a transferring qualifying person where—

- (a) at the time of transmission, X and Y were in a qualifying relationship;
- (b) the transmission occurred because of-
 - (i) sexual transmission;
 - (ii) transmission from mother to baby;
 - (iii) accidental needlestick injury (other than in circumstances where needles are shared by injecting drug users); or
 - (iv) any other means, not described in sub-paragraphs (i) to (iii), confirmed by a registered medical practitioner;
- (c) at the time of transmission, other than for transmission as described in paragraph (b)(ii), either:
 - (i) Y was not aware of their infection; or
 - (ii) X and Y took all reasonable precautions to prevent transmission; and
- (d) at the time of making an application under this Scheme, X is resident in Scotland, or is resident outside the United Kingdom but, immediately before that residence, was resident in Scotland.

6. (a) A person to whom either of paragraphs 4 or 5 apply is referred to in this Scheme as a “**Hepatitis C Stage 1 qualifying person**”; and

- (b) a transferring qualifying person who is entitled to receive payments under this Scheme with respect to Hepatitis C stage 1 is referred to in this Scheme as a transferring Hepatitis C Stage 1 qualifying person and is treated under this Scheme as if paragraphs 4 or 5 apply to them.

Hepatitis C Stage 2

7. This paragraph applies to a person who—

- (a) before 1st September 1991 was treated anywhere in the United Kingdom under the National Health Service by way of the receipt of blood, tissue or a blood product;
- (b) on the balance of probabilities, as a result of that treatment was infected with Hepatitis C which is at Stage 2; and
- (c) at the time of making an application under this Scheme, is resident in Scotland, or is resident outside the United Kingdom but, immediately before that residence, was resident in Scotland.

8. This paragraph applies to a person (“X”) who, on the balance of probabilities, was infected with Hepatitis C which is at Stage 2 by transmission from a person (“Y”) to whom any of paragraphs 4, 7 or 13 apply or who is a transferring qualifying person where—

- (a) at the time of transmission, X and Y were in a qualifying relationship;
- (b) the transmission occurred because of—

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- (i) sexual transmission;
 - (ii) transmission from mother to baby;
 - (iii) accidental needlestick injury (other than in circumstances where needles are shared by injecting drug users); or
 - (iv) any other means, not described in sub-paragraphs (i) to (iii), confirmed by a registered medical practitioner;
- (c) at the time of transmission, other than for transmission as described in paragraph (b)(ii), either:
- (i) Y was not aware of their infection; or
 - (ii) X and Y took all reasonable precautions to prevent transmission; and
- (d) at the time of making an application under this Scheme, X is resident in Scotland, or is resident outside the United Kingdom but, immediately before that residence, X was resident in Scotland.

9. (a) A person to whom either of paragraphs 7 or 8 apply is referred to in this Scheme as a **“Hepatitis C Stage 2 qualifying person”**; and

- (b) a transferring qualifying person who is entitled to receive payments under this Scheme with respect to Hepatitis C Stage 2 is referred to in this Scheme as a transferring Hepatitis C Stage 2 qualifying person and is treated under this Scheme as if paragraphs 7 or 8 apply to them.

HIV

10. This paragraph applies to a person who—

- (a) before 17th February 1992 was treated anywhere in the United Kingdom under the National Health Service by way of the receipt of blood, tissue or a blood product;
- (b) on the balance of probabilities, as a result of that treatment was infected with HIV; and
- (c) at the time of making an application under this Scheme, was resident in Scotland, or is resident outside the United Kingdom but, immediately before that residence, was resident in Scotland.

11. This paragraph applies to a person (“X”) who, on the balance of probabilities, was infected with HIV by transmission from a person (“Y”) to whom either of paragraphs 10 or 13 apply or who is a transferring qualifying person where—

- (a) at the time of transmission, X and Y were in a qualifying relationship;
- (b) the transmission occurred because of-
 - (i) sexual transmission;
 - (ii) transmission from mother to baby;
 - (iii) accidental needlestick injury (other than in circumstances where needles are shared by injecting drug users); or
 - (iv) any other means, not described in sub-paragraphs (i) to (iii), confirmed by a registered medical practitioner;
- (c) at the time of transmission, other than for transmission as described in paragraph (b)(ii), either:

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- (i) Y was not aware of their infection; or
- (ii) X and Y took all reasonable precautions to prevent transmission; and
- (d) at the time of making an application under this Scheme, is resident in Scotland, or is resident outside the United Kingdom but, immediately before that residence, was resident in Scotland.

12.(a) A person to whom either of paragraphs 10 or 11 apply is referred to in this Scheme as a **“HIV qualifying person”**; and

- (b) a transferring qualifying person who is entitled to receive payments under this Scheme with respect to HIV is referred to in this Scheme as a transferring HIV qualifying person and is treated under this Scheme as if paragraphs 10 or 11 apply to them.

Hepatitis C and HIV

13. This paragraph applies to a person who—

- (a) before 1st September 1991 was treated anywhere in the United Kingdom under the National Health Service by way of the receipt of blood, tissue or a blood product;
- (b) on the balance of probabilities, as a result of that treatment was infected with Hepatitis C which is at Stage 1 or Stage 2 and HIV; and
- (c) at the time of making an application under this Scheme, is resident in Scotland, or is resident outside the United Kingdom but, immediately before that residence, was resident in Scotland.

14. This paragraph applies to a person (“X”) who, on the balance of probabilities was infected with Hepatitis C which is at Stage 1 or Stage 2 and HIV by transmission from a person (“Y”) to whom paragraph 13 applies or who is a transferring qualifying person where—

- (a) at the time of transmission, X and Y were in a qualifying relationship;
- (b) the transmission occurred because of—
 - (i) sexual transmission;
 - (ii) transmission from mother to baby;
 - (iii) accidental needlestick injury (other than in circumstances where needles are shared by injecting drug users); or
 - (iv) any other means, not described in sub-paragraphs (i) to (iii), confirmed by a registered medical practitioner;
- (c) at the time of transmission, other than for transmission as described in paragraph (b)(ii), either:
 - (i) Y was not aware of their infection; or
 - (ii) X and Y took all reasonable precautions to prevent transmission; and
- (d) at the time of making an application under this Scheme, X is resident in Scotland, or is resident outside the United Kingdom but, immediately before that residence, X was resident in Scotland.

15.(a) A person to whom either of paragraphs 13 or 14 apply is referred to in this Scheme as a **“Hepatitis C and HIV qualifying person”**; and

- (b) a transferring qualifying person who is entitled to receive payments under this Scheme with respect to Hepatitis C and HIV is referred to in this Scheme as a transferring

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Hepatitis C and HIV qualifying person and is treated under this Scheme as if paragraphs 13 or 14 apply to them.

Payments

16. Payments which may be made are set out in the Schedules to this Scheme as follows:

Schedule 1 for payments to **Hepatitis C Stage 1 qualifying persons**, transferring Hepatitis C Stage 1 qualifying persons; and surviving spouses, civil partners and long term cohabitants of such persons;

Schedule 2 for payments to **Hepatitis C Stage 2 qualifying persons**, transferring Hepatitis C Stage 2 qualifying persons; and surviving spouses, civil partners and long term cohabitants of such persons;

Schedule 3 for payments to **HIV qualifying persons**, transferring HIV qualifying persons; and surviving spouses, civil partners and long term cohabitants of such persons;

Schedule 4 for payments to **Hepatitis C and HIV qualifying persons**, transferring Hepatitis C and HIV qualifying persons; and surviving spouses, civil partners and long term cohabitants of such persons; and

Schedule 5 for other payments.

Applications

17. An application is to be made in accordance with Schedule 6.

18.—(1) An application may be made on behalf of a person who has died where that person would otherwise have met the criteria in paragraphs 4 to 15 provided that, when they died, the person was resident in Scotland, or was resident outside the United Kingdom but, immediately before that residence, was resident in Scotland.

(2) Subject to sub-paragraph (3), payments that may be made following an application under sub-paragraph (1) are restricted to the one-off lump sum payments described in Schedules 1 to 4, 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,

(c) paragraph 2 of schedule 4 the sum of £150,500 is to be read as £70,000.

(2A) A one-off lump sum payment described in Schedule 1 to 4 will not be made following an application under sub-paragraph (1) in circumstances where—

(a) the person on behalf of whom an application has been made had previously received a one-off lump sum payment from a UK scheme or this Scheme; or

(b) the surviving spouse, civil partner, long term cohabitee or estate of the person on behalf of whom an application has been made has previously received a one-off lump sum payment from a UK scheme or this Scheme on behalf of that person.

(2B) Sub-paragraph (2A) does not apply in circumstances where—

(a) the one-off lump sum payment previously received was—

(i) a lump sum payment under schedule 1 of this Scheme; or

(ii) a lump sum payment received by a transferring Hepatitis C Stage 1 Qualifying Person from a UK scheme; and

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(b) at the time of their death, the person on behalf of whom an application has been made was a Hepatitis C Stage 2 qualifying person.

(3) Where an application has been made under sub-paragraph (1) and that application has been accepted, a surviving spouse, civil partner or long term cohabitee may then be eligible for annual payments under one of the following provisions—

- (a) paragraphs 4, 8 and 9 of Schedule 1;
- (b) paragraph 8 of Schedule 2;
- (c) paragraph 6 of Schedule 3;
- (d) paragraph 6 of Schedule 4.

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Manager of Scheme

19. The Common Services Agency is appointed to manage this Scheme.

A handwritten signature in black ink, consisting of a stylized initial 'B' followed by a horizontal line.

A member of staff of the Scottish Ministers
21st February 2017

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SCHEDULE 1

Hepatitis C Stage 1 Qualifying Persons

1. The payments that may be made to Hepatitis C Stage 1 Qualifying Persons and transferring Hepatitis C Stage 1 Qualifying Persons are set out in paragraphs 2, 3, 3A and 3AA below.

2. Subject to paragraph 3 below, a one-off lump sum payment of £50,000.

3. Any lump sum payments that a transferring Hepatitis C Stage 1 Qualifying Person has received from a UK scheme will be taken into account and the £50,000 lump sum payment reduced accordingly.

3A. An annual payment in each financial year:

(a) of £19,498 for those moderately affected by their Hepatitis C infection;

(b) of £29,569 for those severely affected by their Hepatitis C infection.

(c) of £9,749 for those who are neither moderately nor severely affected by their Hepatitis C infection.

3AA. An annual winter fuel payment in each financial year of £561 .

3B. A Hepatitis C Stage 1 Qualifying Person or transferring Hepatitis C Stage 1 Qualifying Person will not be eligible to receive the annual payments described in paragraph 3A or 3AA of this schedule during any period that the person is serving a term of imprisonment.

Death – surviving spouses and civil partners

4. Where a Hepatitis C Stage 1 Qualifying Person or transferring Hepatitis C Stage 1 Qualifying Person dies a payment of £29,569 referable to the calendar year following the date of death, and thereafter an annual payment of £22,177 may be paid to their surviving spouse, civil partner or long term cohabitee where:

(a) there is, on the balance of probabilities, a direct causal link between the Hepatitis C infection and death; and

(b) 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.

5. Where a Hepatitis C Stage 1 Qualifying Person or transferring Hepatitis C Stage 1 Qualifying Person who is moderately affected or severely affected by their Hepatitis C infection dies, the annual payments described in paragraph 3A and 3AA of this schedule cease to be payable.

Death – surviving spouses, civil partners and long term cohabitees – first year

5A. A payment of £9,749 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:

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- (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

6. A payment of £19,498 , 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 moderately 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.

7. A payment of £29,569 , 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 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.

Death – surviving spouses, civil partners and long term cohabitees – subsequent years

7A. An annual payment of £7,312 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.

8. An annual payment of £14,624 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 moderately 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.

9. An annual payment of £22,177 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 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.

Death – Bereavement lump sum payment

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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 also applies in relation to any Hepatitis C Stage 1 Qualifying Person or transferring Hepatitis C Stage 1 Qualifying Person who has died since 01 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 will be payable to their estate.

Payments under paragraphs 6-9 of this schedule

10. A payment under paragraphs 5A, 6, 7, 7A, 8, or 9 of this schedule may only be made to surviving spouses, civil partners or long term cohabitees who are not eligible to receive the annual payment described in paragraph 4 of this schedule.

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SCHEDULE 2

Hepatitis C Stage 2 Qualifying Persons

- 1.** The payments that may be made to Hepatitis C Stage 2 Qualifying Persons and transferring Hepatitis C Stage 2 Qualifying Persons are set out in paragraphs 2 to 5 below.
- 2.** Subject to paragraph 3 below, a one-off lump sum payment of £70,000.
- 3.** The £70,000 lump sum payment will be reduced where either of the following applies:
 - (a) a Hepatitis C Stage 2 Qualifying Person has received a lump sum payment under Schedule 1 of this Scheme.
 - (b) a transferring Hepatitis C Stage 2 Qualifying Person has received a lump sum payment from a UK Scheme.
- 4.** An annual payment of £29,569 in each financial year.
- 4A.** An annual winter fuel payment in each financial year of £561 .
- 5.** Where a person has been a Hepatitis C Stage 1 Qualifying Person and then becomes a Hepatitis C Stage 2 Qualifying Person during a financial year, the annual payment for that financial year will be reduced accordingly.
- 5A.** A Hepatitis C Stage 2 Qualifying Person or transferring Hepatitis C Stage 2 Qualifying Person will not be eligible to receive the annual payments described in paragraph 4 or 4A of this schedule during any period that the person is serving a term of imprisonment.

Death – surviving spouses and civil partners - first year

- 6.** Where a Hepatitis C Stage 2 Qualifying Person or transferring Hepatitis C Stage 2 Qualifying Person dies, the annual payments described in paragraph 4 and 4A cease to be payable.
- 7.** A payment of £29,569 , referable to the calendar year following the date of death, may be made to the surviving spouse, civil partner or long term cohabitee of the Hepatitis C Stage 2 Qualifying Person or transferring Hepatitis C Stage 2 Qualifying Person where:
 - (a) 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.

Death – surviving spouses and civil partners - subsequent years

- 8.** An annual payment of £22,177 in each year following the year of death may be paid to a surviving spouse, civil partner or long term cohabitee where:
 - (a) 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.

Death – Bereavement lump sum payment

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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 also applies in relation to any Hepatitis C Stage 2 Qualifying Person or transferring Hepatitis C Stage 2 Qualifying Person who has died since 01 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 will be payable to their estate.

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SCHEDULE 3

HIV Qualifying Persons

1. Payments that may be made to HIV Qualifying Persons and transferring HIV Qualifying Persons are set out in paragraphs 2 and 3 below.

2. Subject to paragraph 2A, a one-off lump sum payment of £80,500 for HIV Qualifying Persons and transferring HIV Qualifying Persons.

2A. A 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 HIV Qualifying Person's HIV infection under:

- (a) this schedule; or
- (b) a UK scheme, or a successor to a UK scheme.

3. An annual payment of £29,569 in each financial year.

3ZA. An annual winter fuel payment in each financial year of £561 .

3A. An HIV Qualifying Person or transferring HIV Qualifying Person will not be eligible to receive the annual payments described in paragraph 3 or 3ZA of this schedule during any period that the person is serving a term of imprisonment.

Death – surviving spouses and civil partners - first year

4. Where a HIV Qualifying Person or transferring HIV Qualifying Person dies, the annual payments described in paragraph 3 and 3ZA ceases to be payable.

5. A payment of £29,569 , referable to the calendar year following the date of death, may be made to the surviving spouse, civil partner or long term cohabitee of the HIV Qualifying Person or transferring HIV Qualifying Person where:

- (a) 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.

Death – surviving spouses and civil partners - subsequent years

6. An annual payment of £22,177 in each year following the year of death may be paid to a surviving spouse, civil partner or long term cohabitee where:

- (a) 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.

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.

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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 also applies in relation to any HIV Qualifying Person or transferring HIV Qualifying Person who has died since 01 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 will be payable to their estate.

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SCHEDULE 4

Hepatitis C and HIV Qualifying Persons

1. Payments that may be made to Hepatitis C and HIV Qualifying Persons and transferring Hepatitis C and HIV Qualifying Persons are set out in paragraphs 2 and 3 below.

2. Subject to paragraph 2A, a one-off lump sum payment of £150,500 for Hepatitis C and HIV Qualifying Persons and transferring Hepatitis C and HIV Qualifying Persons.

2A. A 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 Hepatitis C and HIV Qualifying Person's Hepatitis C and HIV infection under:

- (a) this schedule; or
- (b) a UK scheme, or a successor to a UK scheme.

3. An annual payment of £46,469 in each financial year.

3ZA. An annual winter fuel payment in each financial year of £561 .

3A. A Hepatitis C and HIV Qualifying Person or transferring Hepatitis C and HIV Qualifying Person will not be eligible to receive the annual payments described in paragraph 3 or 3ZA of this schedule during any period that the person is serving a term of imprisonment.

Death – surviving spouses and civil partners – first year

4. Where a Hepatitis C and HIV Qualifying Person or transferring Hepatitis C and HIV Qualifying Person dies, the annual payments described in paragraph 3 and 3ZA cease to be payable.

5. A payment of £46,469 , referable to the calendar year following the date of death, may be made to the surviving spouse, civil partner or long term cohabitee of the Hepatitis C and HIV Qualifying Person or transferring Hepatitis C and HIV Qualifying Person where:

- (a) 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.

Death – surviving spouses and civil partners – subsequent years

6. An annual payment of £34,852 in each year following the year of death may be paid to a surviving spouse, civil partner or long term cohabitee where:

- (a) 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.

Death – Bereavement lump sum payment

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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 also applies in relation to any Hepatitis C and HIV Qualifying Person or transferring 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 will be payable to their estate.

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SCHEDULE 5

Other payments

- 1.** Payments may be made to the following persons in accordance with this Schedule—
 - (a) qualifying persons and transferring qualifying persons; and
 - (b) surviving spouses, civil partners, long term cohabitees and dependent children, of qualifying persons and transferring qualifying persons, in circumstances where the qualifying person or transferring qualifying person has died.

- 2.** Payments, in the form of grants, may be made to provide financial support primarily to take account of the additional costs or financial hardship experienced—
 - (a) by qualifying persons or transferring qualifying persons, as a result of illness; and
 - (b) by surviving spouses, civil partners, long term cohabitees and dependent children, as a result of the death of the qualifying person or transferring qualifying person or as a result of caring for those persons prior to their death.

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SCHEDULE 6

Application Procedure

Application form

1. An application for a payment under this Scheme is to be made on such form as the Common Services Agency may specify.

2. An initial application by a qualifying person to join this Scheme is to be made within 12 months of diagnosis, but the Common Services Agency may extend that time period at their discretion on cause shown.

2A. A qualifying person may make any subsequent application at any time following acceptance of that person's initial application.

3. In determining an application, the Common Services Agency is to take into account of information provided by the applicant and may also seek clinical advice from health service or other bodies as appropriate.

Supporting information

4. Applicants are to provide such supporting information as the Common Services Agency may reasonably require.

5. Without prejudice to the generality of paragraph 4, supporting information may include-

- (a) proof of name and address, including previous names and addresses;
- (b) proof of marriage, civil partnership or other relationship as appropriate;
- (c) medical information, such as medical records and other supporting information from a registered medical practitioner;
- (d) evidence, other than that described in paragraph (c), of treatment involving receipt of blood, tissue or a blood product;
- (e) witness and personal statements.

Appeals

6. Where an application under this Scheme is refused, the Common Services Agency is to give notice of that refusal to the applicant.

7. The applicant may appeal to the Common Services Agency within 3 months of the date of issue of the notice referred to in paragraph 6, but the Common Services Agency may extend that time period at their discretion on cause shown.

8. The Common Services Agency is to establish a panel of persons who have not had a role in determining applications to consider appeals under paragraph 7.

9. Where the panel established under paragraph 8 refuses an appeal under paragraph 7, the Common Services Agency is to give the applicant a note of the panel's reasons for refusing the appeal.