

Scottish Infected Blood Support Scheme

Guidance on Tax and Benefits Exemptions

Introduction

Any payments you receive from the Scottish Infected Blood Support Scheme (SIBSS), including interim compensation payments, do not need to be taken into account when calculating your income tax bill, any entitlement to means-tested benefits or financial assessment for charges for those living in residential care as long as you live in the United Kingdom. The guidance below provides more details on this and what to do if you have any problems relating to this.

Income Tax

[*The Scottish Infected Blood Support Scheme \(Application of Sections 731, 733 and 734 of the Income Tax \(Trading and Other Income\) Act 2005\) Order 2017*](#) provides that any regular payments from the scheme, such as annual payments or income top-up support, are not taxable. This means that SIBSS does not need to deduct income tax from your payments and you do not need to declare the payments in any income tax return you submit to Her Majesty's Revenue and Customs (HMRC).

This Order does not cover lump sum payments or one-off grants from the scheme because they are not subject to income tax.

Since 1988, successive governments have set up various schemes to provide financial support to individuals infected with Hepatitis C, HIV or both through NHS treatment with contaminated blood products. The longstanding position has been that such ex gratia payments should be exempt from tax.

Following the introduction of new schemes, legislation was introduced in 2017 to ensure that periodical payments to beneficiaries from those schemes were exempt from income tax, in the same way as periodical payments from existing schemes.

The exemption only extends to the periodical payments or annuities in respect of the damages. Any return from investing those sums is not exempted. Once any money received from compensation is invested any interest received on that investment will

be taxable in the normal way and should be declared in tax returns and self assessments. Independent financial advice should be sought as previously advertised.

Benefits

Income support, JSA, pension credit, housing benefit and ESA

[*The Social Security \(Scottish Infected Blood Support Scheme\) Regulations 2017*](#)

provide that any payments from SIBSS can be disregarded when calculating your income or any capital (such as savings) that you have when you apply for any of the following means-tested benefits from the Department for Work and Pensions (DWP):

- Income support
- Jobseeker's Allowance (JSA)
- State Pension Credit
- Housing Benefit
- Employment and Support Allowance (ESA)

This means that your income and any grants from the scheme are not taken into account when DWP assesses your application. Currently you do not need to mention any SIBSS payments in your application form.

Universal Credit

[*The Universal Credit Regulations 2013*](#) also allow for payments from SIBSS to be disregarded when calculating your income or any capital (such as savings) that you have when you apply for Universal Credit from DWP. In this case, SIBSS is not specifically named in the Regulations, but DWP Ministers have approved the Scottish Infected Blood Support Scheme as a scheme in relation to 'contaminated blood products' which means the exemption applies to anyone receiving a payment from SIBSS.

Council Tax

[*The Council Tax Reduction \(Scotland\) Regulations 2021*](#) (for those of working age) and [*Council Tax Reduction \(State Pension Credit\) \(Scotland\) Regulations 2012*](#) (for those of pensionable age) also allow for any payments from SIBSS or any other UK infected blood scheme approved by English, Welsh or Northern Irish Ministers

to be disregarded when calculating your income and any capital you have (such as savings) when you apply to your local council for a reduction in your council tax bill (formerly known as Council Tax benefit).

Residential Care

[The National Assistance \(Assessment of Resources\) Amendment \(Scotland\) \(No. 2\) Regulations 2022](#) came into force on 11 April 2022 to disregard payments paid to individuals living in residential care from the Scottish Infected Blood Support Scheme and equivalent schemes enacted in other parts of the United Kingdom. This will ensure these payments are not taken into consideration by local authorities when carrying out financial assessment for charges for those living in residential care.

Interim Compensation Payments

The above guidance also applies to £100,000 interim compensation payments. Interim compensation payments do not need to be taken into account when calculating your income tax bill, any entitlement to means-tested benefits or financial assessment for charges for those living in residential care, as long as you live in the United Kingdom.

Furthermore, [The Post Office Horizon Compensation and Infected Blood Interim Compensation Payment Schemes \(Tax Exemptions and Relief\) Regulations 2023](#) exempts interim compensation payments from inheritance tax and capital gains tax from 28 October 2022.

What to do if DWP, HMRC or your Council queries your income from the scheme

If there are any queries from DWP, HMRC or your local Council in relation to your income from the scheme you can point them to this guidance in the first instance. However, if you have any problems or you are invited to a formal interview then you may wish to call or email SIBSS staff – they can provide you with a letter to confirm the payments you have received from SIBSS and confirm that these payments should be disregarded.

Contact details

If you have any queries about this information you can call SIBSS on 0131 275 6754 or email nss.sibss@nhs.scot. There is also further information about the scheme on the website at www.nss.nhs.scot/browse/patient-support-schemes.