

---

SUBORDINATE  
LEGISLATION

---

2017 No. (W<sup>29</sup>)  
31

**THE NATIONAL HEALTH  
SERVICE (WALES) ACT 2006**

**The Wales Infected Blood Support  
Scheme (No.2) Directions 2017**

*Made* 30 October 2017

*Coming into force* 30 October 2017

The Welsh Ministers give the following Directions in exercise of the powers conferred by sections 19(1), 203(9) and (10) and 204(1) of the National Health Service (Wales) Act 2006(1).

**Title, commencement and application**

1.—(1) The title of these Directions is the Wales Infected Blood Support Scheme (No.2) Directions 2017.

(2) These Directions come into force on 30 October 2017.

(3) These Directions are given to Velindre NHS Trust(2) and apply in relation to Wales.

**Interpretation**

2. In these Directions—

“the Agreement” (“*y Cytundeb*”) means the Operational Agreement made between the Welsh Ministers and Velindre NHS Trust on 30 October 2017 as from time to time amended;

“annual entitlement” (“*hawlogaeth flynyddol*”) means—

(a) the payment to which the Qualifying Person was entitled to in the financial year 2016 – 2017, if the Qualifying Person died before or on 31 March 2017; or

---

(1) 2006 c. 42.

(2) Velindre NHS Trust as established by Velindre National Health Service Trust (Establishment) Order 1993 (S.I. 1993/2838) (as amended).

(b) the payment to which the Qualifying Person is entitled under these Directions in the financial year in which the Qualifying Person dies;

“the Bereavement Payment” (“*y Taliad Profedigaeth*”) means a payment made pursuant to direction 5(1);

“dependent child” (“*plentyn dibynnol*”) means a person under the age of 18, or under the age of 21 if in full-time education;

“financial year” (“*blwyddyn ariannol*”) means a period of one calendar year commencing on 1 April;

“New Qualifying Person” (“*Person Cymhwysol Newydd*”) means a person infected with HIV or hepatitis C, or both, as a result of—

- (a) receiving infected blood or blood products during the course of treatment provided by the health service in Wales, or
- (b) transmission from a person who was infected with HIV, or hepatitis C, or both, as a result of receiving infected blood or blood products during the course of treatment provided by the health service in Wales,

who has not previously received payments from a UK Scheme or the Wales Infected Blood Support Scheme;

“partner” (“*partner*”) means a person, other than a spouse, living with a Qualifying Person in a relationship akin to that between two people who are married or are in a formal legal union (such as a civil partnership);

“Qualifying Persons” (“*Personau Cymhwysol*”) means New Qualifying Persons and Transferring Qualifying Persons;

“spouse” (“*priod*”) means a person married to, or in a formal legal union (such as a civil partnership) with a Qualifying Person;

“Stage I” (“*Cyfnod I*”) means chronic hepatitis C infection which has not progressed to Stage II;

“Stage II” (“*Cyfnod II*”) means advanced hepatitis C infection where, in relation to the infected person, one or more of the following applies—

- (a) they have been assessed as having cirrhosis based on medical evidence (e.g. biopsy results, blood tests, ultrasounds, fibro scans etc.);
- (b) they have been diagnosed with primary liver cancer;
- (c) they have been diagnosed with B cell non-Hodgkin lymphoma;
- (d) they have received a liver transplant; or
- (e) they are on a waiting list for a liver transplant;

"Transferring Qualifying Person" ("*Person Cymhwysol sy'n Trosglwyddo*") means a person infected with HIV or hepatitis C, or both, as a result of—

- (a) receiving infected blood or blood products during the course of treatment provided by the health service in Wales, or
- (b) transmission from a person who was infected with HIV, or hepatitis C, or both, as a result of receiving infected blood or blood products during the course of treatment provided by the health service in Wales,

and who has previously received payments from a UK Scheme;

"UK Scheme" ("*Cynllun gan y DU*") means a United Kingdom scheme of support and assistance for persons infected with HIV or hepatitis C, or both, as a result of receiving infected blood as part 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; and
- (e) the Skipton Fund Limited, a company limited by guarantee, Company Number 5084964;

"Wales Infected Blood Support Scheme" ("*Cynllun Cymorth Gwaed Heintiedig Cymru*") means the scheme established by the Welsh Ministers to provide financial support, and advisory services to, or in respect of, persons infected with hepatitis C, HIV or both, as a result of receiving infected blood or blood products during the course of treatment provided by the health service in Wales.

### Eligibility

3. Payments may be made under the Wales Infected Blood Support Scheme in accordance with the Agreement to—

- (a) Qualifying Persons; and
- (b) surviving spouses, partners, or dependent children of Qualifying Persons, who have died.

### Payments to Qualifying Persons

4. Payments which may be made under the Wales Infected Blood Support Scheme are set out in the Schedules to these Directions as follows—

- (a) Schedule 1 for payments to Qualifying Persons with hepatitis C - Stage I;
- (b) Schedule 2 for payments to Qualifying Persons with hepatitis C - Stage II;
- (c) Schedule 3 for payments to Qualifying Persons with HIV;
- (d) Schedule 4 for payments to Qualifying Persons with hepatitis C and HIV; and
- (e) Schedule 5 for other payments.

### Bereaved spouses and partners

5.—(1) A one-off lump sum Bereavement Payment of £10,000 may be made to a surviving spouse or partner of a Qualifying Person who has died.

(2) In addition to the Bereavement Payment, where a Qualifying Person dies, their surviving spouse or partner is entitled to an aggregate payment equal to 2.25 x that Qualifying Person's annual entitlement.

(3) Where the Qualifying Person's death occurred before or on 31 March 2017, the aggregate payment referred to in paragraph (2) may be paid by way of a one-off lump sum.

(4) Where the Qualifying Person's death occurred on or after 1 April 2017, the aggregate payment referred to in paragraph (2) may be paid by equal monthly payments for a period not exceeding three years from the date of the Qualifying Person's death.

(5) No additional payment is to be made under paragraph (1) where the surviving spouse or partner has previously received a one-off lump sum payment in respect of that Qualifying Person.

### Dependent children

6.—(1) Where a Qualifying Person dies and at the time of their death has no surviving spouse or partner, the Bereavement Payment under direction 5(1) and the payment under direction 5(2) or (3), may be paid to dependent children of that Qualifying Person.

(2) If the Qualifying Person has more than one dependent child, then the payments referred to in paragraph (1) may be paid to each dependent child in equal shares.

### Revocation

7. The Wales Infected Blood Support Scheme Directions 2017 are revoked.

*Has this been updated yet?*



*Dr Chris Jones,*  
Deputy Chief Medical Officer, Welsh Government.  
under the authority of the Cabinet Secretary for Health.  
Well-being and Sport, one of the Welsh Ministers  
Date

## SCHEDULE 1

### Qualifying Persons with hepatitis C - Stage I

1. A payment of £4,500 may be made to Qualifying Persons with hepatitis C - Stage I in each financial year.

2. A one-off lump sum payment of £20,000 may be made to New Qualifying Persons with hepatitis C - Stage I.

## SCHEDULE 2

### Qualifying Persons with hepatitis C - Stage II

1. A payment of £17,500 may be made to Qualifying Persons with hepatitis C – Stage II in each financial year.

2. A one-off lump sum payment of £50,000 may be made to New Qualifying Persons with hepatitis C - Stage II.

## SCHEDULE 3

### Qualifying Persons with HIV

1. A payment of £17,500 may be made to Qualifying Persons with HIV in each financial year.
2. A one-off lump sum payment of £20,000 may be made to New Qualifying Persons with HIV.



## SCHEDULE 4

### Qualifying Persons with hepatitis C and HIV

1. A payment of £21,500 may be made to Qualifying Persons with hepatitis C - Stage I and HIV in each financial year.
2. A payment of £34,500 may be made to Qualifying Persons with hepatitis C - Stage II and HIV in each financial year.
3. A one-off lump sum payment of £40,000 may be made to New Qualifying Persons with hepatitis C - Stage I and HIV.
4. A one-off lump sum payment of £70,000 may be made to New Qualifying Persons with hepatitis C - Stage II and HIV.

## SCHEDULE 5

### Other Payments

Discretionary payments in the form of grants, may be made to provide financial support to take account of particular financial hardship experienced—

- (a) by Qualifying Persons as a result of illness; and
- (b) by the surviving spouses, partners and dependent children of Qualifying Persons, as a result of the death of the Qualifying Person or as a result of caring for the Qualifying Person prior to their death.

( I thought we  
were paying  
these 3 years  
@ 75% and  
that was it