

Victims and Prisoners Bill

AMENDMENTS
TO BE MOVED
ON REPORT

[Supplementary to the Marshalled List]

Clause 40

LORD BELLAMY

Leave out Clause 40 and insert the following Clause –

“Infected Blood Compensation Authority

- (1) A body corporate called the Infected Blood Compensation Authority is established.
- (2) In this Part that body is referred to as “the IBCA”.
- (3) Schedule (*Infected Blood Compensation Authority*) contains further provision about the IBCA.”

Member's explanatory statement

This new Clause establishes the Infected Blood Compensation Authority.

After Clause 40

LORD BELLAMY

After Clause 40, insert the following new Clause –

“Infected blood compensation scheme

- (1) The Secretary of State or the Minister for the Cabinet Office must by regulations establish a scheme (“the infected blood compensation scheme”) for making payments to eligible persons.
- (2) “Eligible persons” means such persons within subsection (3) as the regulations provide are to be eligible persons.
- (3) The persons within this subsection are persons who –
 - (a) have been infected as a result of being treated with blood, blood products or tissue,
 - (b) have been infected as a result of another person being treated with blood, blood products or tissue, or

- (c) have been affected by another person being infected as described in paragraph (a) or (b).
- (4) The regulations may define an eligible person by reference to matters including (but not limited to) –
 - (a) the kind of infection;
 - (b) the duration or effect of an infection;
 - (c) when the treatment occurred;
 - (d) where the treatment was given;
 - (e) who gave the treatment;
 - (f) whether a person was treated with blood, blood products or tissue;
 - (g) in the case of a person within subsection (3)(b), how the person was infected and their connection with the person who was treated;
 - (h) in a case of a person within subsection (3)(c), how the person has been affected and their connection with the person who has been infected.
- (5) The regulations must provide for payments under the scheme to be made by, and the scheme to be otherwise administered by, the IBCA.”

Member's explanatory statement

This new Clause provides for the Secretary of State or Minister for the Cabinet Office to establish an infected blood compensation scheme by regulations.

LORD BELLAMY

After Clause 40, insert the following new Clause –

“Payments

- (1) The amount of a payment under the infected blood compensation scheme is to be determined in accordance with regulations under section (*Infected blood compensation scheme*).
- (2) The regulations may make provision for the amount payable to eligible persons –
 - (a) to be a specified amount;
 - (b) to be an amount within a specified range;
 - (c) not to exceed a specified amount.
- (3) The regulations may make provision –
 - (a) for payments to be made as a lump sum or periodically;
 - (b) for payments to be held on trust;
 - (c) for interest to be payable on payments;
 - (d) for the amount of any periodic payment to be increased to take account of changes in the value of money.
- (4) The regulations may make provision for payments to be made subject to conditions.
- (5) The regulations may make provision for payments under the scheme to be repaid to the IBCA (in whole or in part) in specified circumstances.

- (6) In this section “specified” means specified in the regulations.”

Member's explanatory statement

This new Clause makes provision about the kinds of payments that may be provided for by the infected blood compensation scheme.

LORD BELLAMY

After Clause 40, insert the following new Clause –

“Applications and procedure

Regulations under section (*Infected blood compensation scheme*) may deal with the procedure for the making and deciding of applications for payments under the infected blood compensation scheme and, in particular, may –

- (a) impose time limits for making an application or taking other steps;
- (b) make provision about evidence.”

Member's explanatory statement

This new Clause provides that regulations may make provision about applications under the infected blood compensation scheme and other procedural matters.

LORD BELLAMY

After Clause 40, insert the following new Clause –

“Reviews and appeals

- (1) Regulations under section (*Infected blood compensation scheme*) –
 - (a) may make provision for the IBCA to review decisions taken under the infected blood compensation scheme;
 - (b) must confer a right of appeal to the First-tier Tribunal against a decision taken under the scheme.
- (2) If the regulations make provision under subsection (1)(a), they may provide for the right of appeal to be exercisable only if the IBCA has reviewed the decision.”

Member's explanatory statement

This new Clause provides that regulations may make provision for reviews of, and appeals against, decisions made under the infected blood compensation scheme.

LORD BELLAMY

After Clause 40, insert the following new Clause –

“Information: infected blood compensation scheme

- (1) The IBCA may provide information to another person, and a person may provide information to the IBCA, for the purposes of any matter connected with the administration of the infected blood compensation scheme.

- (2) The IBCA may by notice in writing require a person to provide information to the IBCA for the purposes of any matter connected with the administration of the infected blood compensation scheme.
- (3) If a person fails to comply with a notice under subsection (2), the IBCA may apply to the appropriate court for an order requiring the person to comply with the notice.
- (4) The information referred to in this section may comprise or include personal data.
- (5) This section does not limit the circumstances in which information may be disclosed apart from this section.
- (6) Except as provided by subsection (7), a disclosure of information authorised by or required under this section does not breach—
 - (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (7) This section does not authorise or require the processing of information if the processing would contravene the data protection legislation (but in determining whether it would do so, take into account the powers conferred and duties imposed by this section).
- (8) In this section—

“the appropriate court” means—

 - (a) in England and Wales and Northern Ireland, the High Court;
 - (b) in Scotland, the Court of Session;

“personal data”, “processing” and “the data protection legislation” have the meanings given by section 3 of the Data Protection Act 2018.”

Member's explanatory statement

This new Clause enables the IBCA and other persons to provide information to each other for the purposes of any matter connected with the administration of the infected blood compensation scheme and also enables the IBCA to require other persons to provide information for those purposes.

LORD BELLAMY

After Clause 40, insert the following new Clause—

“Duty to co-operate with the IBCA

- (1) Each relevant person must co-operate with the IBCA on any matter connected with the making of payments to persons in connection with those persons, or other persons, being treated with infected blood, infected blood products or infected tissue.
- (2) The relevant persons are—
 - (a) the Secretary of State;
 - (b) the Minister for the Cabinet Office;

- (c) a Special Health Authority established under section 28 of the National Health Service Act 2006;
 - (d) the Welsh Ministers;
 - (e) a National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006;
 - (f) a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006;
 - (g) the Scottish Ministers;
 - (h) a person who has at any time been appointed by the Scottish Ministers under section 28(4)(d) of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) to manage a scheme made under that section;
 - (i) the Department of Health in Northern Ireland;
 - (j) the Regional Business Services Organisation established by section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c.1 (N.I.));
 - (k) any other persons specified as relevant persons in regulations made by the Secretary of State or the Minister for the Cabinet Office for the purposes of this section.
- (3) Regulations under subsection (2)(k) –
- (a) may not specify a Welsh body as a relevant person unless the Welsh Ministers consent;
 - (b) may not specify a Scottish body as a relevant person unless the Scottish Ministers consent;
 - (c) may not specify a Northern Ireland body as a relevant person unless the Department of Health in Northern Ireland consents.
- (4) In subsection (3) –
- “Welsh body” means –
- (a) a devolved Welsh authority as defined in section 157A of the Government of Wales Act 2006;
 - (b) a person providing services to a person within paragraph (a);
- “Scottish body” means –
- (a) a person who is a part of the Scottish Administration;
 - (b) a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998);
 - (c) a person providing services to a person within paragraph (a) or (b);
- “Northern Ireland body” means –
- (a) a Northern Ireland department;
 - (b) a public authority whose functions are exercisable only or mainly in or as regards Northern Ireland and relate only or mainly to transferred matters (within the meaning of the Northern Ireland Act 1998);
 - (c) a person providing services to a person within paragraph (a) or (b).”

Member's explanatory statement

This new Clause requires the persons listed in subsection (2) to co-operate with the IBCA on any matter connected with the making of payments to persons in connection with those persons, or other persons, being treated with infected blood, infected blood products or infected tissue.

LORD BELLAMY

After Clause 40, insert the following new Clause –

“Provision of support and assistance

- (1) The Secretary of State or the Minister for the Cabinet Office may make such arrangements as they consider appropriate for the provision of support and assistance to applicants (or potential applicants) for compensation under the infected blood compensation scheme.
- (2) The arrangements may be for the provision of support and assistance by the IBCA or any other person.”

Member's explanatory statement

This new Clause provides a power for the Secretary of State or the Minister for the Cabinet Office to make arrangements for the provision of advice and assistance to applicants and potential applicants under the infected blood compensation scheme.

LORD BELLAMY

After Clause 40, insert the following new Clause –

“Payments to personal representatives of qualifying infected persons

- (1) The Secretary of State or the Minister for the Cabinet Office must make arrangements for the personal representatives of a qualifying infected person (in their capacity as such) to receive a payment of £100,000.
- (2) A “qualifying infected person” is a deceased person –
 - (a) who was registered as an infected person under an infected blood support scheme, or with a relevant organisation, before 17 April 2024, or
 - (b) whose death was registered as the death of an infected person under an infected blood support scheme, or with a relevant organisation, before 17 April 2024,
 and to or in respect of whom no payment has been made under the Infected Blood Interim Compensation Payment Scheme.
- (3) An “infected blood support scheme” means –
 - (a) the England Infected Blood Support Scheme established under section 2 of, and paragraph 7C of Schedule 1 to, the National Health Service Act 2006,
 - (b) the Wales Infected Blood Support Scheme established under sections 1 to 3 of the National Health Service (Wales) Act 2006,

- (c) the Scottish Infected Blood Support Scheme established partly under section 28 of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), and
 - (d) the Infected Blood Payment Scheme for Northern Ireland established under section 3 of the Health and Social Care (Reform) Act (Northern Ireland) 2009.
- (4) A “relevant organisation” means –
- (a) the Caxton Foundation (charity number 1142529),
 - (b) the Eileen Trust (charity number 1028027),
 - (c) the Macfarlane Trust (charity number 298863),
 - (d) the Macfarlane (Special Payments) Trust established on 29 January 1990,
 - (e) the Macfarlane (Special Payments) (No. 2) Trust established on 3 May 1991,
 - (f) MFET Limited (company number 07121661), and
 - (g) the Skipton Fund Limited (company number 5084964).
- (5) A payment is made in respect of a deceased person under the Infected Blood Interim Compensation Payment Scheme if a payment under that scheme is made to the person’s personal representatives (in their capacity as such) or the person’s bereaved partner.
- (6) The Infected Blood Interim Compensation Payment Scheme means the scheme of that name administered by the persons who administer the infected blood support schemes (whether or not in conjunction with other persons).
- (7) The arrangements under subsection (1) –
- (a) must include provision about the procedure for making payments to the personal representatives of qualifying infected persons;
 - (b) may include arrangements for one or more other persons (which may in particular include relevant persons) to administer the making of payments, in accordance with that procedure, on behalf of the Secretary of State or the Minister for the Cabinet Office.
- (8) The arrangements under subsection (1) may be made, in whole or in part, by exercising powers conferred on the Secretary of State or the Minister for the Cabinet Office apart from this section.
- (9) In this section –
- “personal representatives”, in relation to a deceased person, means the persons responsible for administering the deceased person’s estate;
 - “relevant person” has the same meaning as in section (*Duty to co-operate with the IBCA*).
- (10) The Secretary of State or the Minister for the Cabinet Office may by regulations repeal or amend subsections (1) to (9).”

Member's explanatory statement

This new Clause requires the Secretary of State or the Minister of the Cabinet Office to make arrangements for the personal representatives of deceased infected persons to receive a payment

of £100,000 where no interim compensation payments have been made to or in respect of those deceased persons.

LORD BELLAMY

After Clause 40, insert the following new Clause –

“Information: payments to personal representatives

- (1) A person may provide information to –
 - (a) the Secretary of State or the Minister for the Cabinet Office, or
 - (b) a person administering the making of payments under section (*Payments to personal representatives of qualifying infected persons*) by virtue of section (*Payments to personal representatives of qualifying infected persons*)(7)(b),
 for the purposes of any matter connected with the making of payments to personal representatives under that section.
- (2) The information referred to in subsection (1) may comprise or include personal data.
- (3) Subsection (1) does not limit the circumstances in which information may be disclosed apart from that subsection.
- (4) Except as provided by subsection (5), a disclosure of information authorised by this section does not breach –
 - (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (5) Subsection (1) does not authorise the processing of information if the processing would contravene the data protection legislation (but in determining whether it would do so, take into account the power conferred by that subsection).
- (6) In this section “personal data”, “processing” and “the data protection legislation” have the meanings given by section 3 of the Data Protection Act 2018.”

Member's explanatory statement

This new Clause provides that a person may provide information to the Secretary of State or the Minister for the Cabinet Office, or a person administering the making of payments to personal representatives of qualifying infected persons on their behalf, for the purpose of any matter connected with the making of such payments.

BARONESS BRINTON

After Clause 40, insert the following new Clause –

“Infected blood scandal: interim payments

The Secretary of State must ensure that an interim compensation payment of £100,000 is made within one month of the passing of this Act, through the English

Infected Blood Support Schemes (EIBSS), Scottish Infected Support Scheme (SIBSS), Welsh Infected Blood Support Scheme (WIBSS) and the Infected Blood Payment Scheme for Northern Ireland, to the families of deceased victims as follows—

- (a) where an infected victim died as a child or died as an adult without a partner or child, the compensation payment should be made to their bereaved parents (split equally if separated),
- (b) where an infected victim has died and there is no bereaved partner but there is a bereaved child or children (including any adopted child), the compensation payment should be paid to the child or children (split equally), and
- (c) where an infected victim has died and there is no bereaved partner, child nor parent but there is a bereaved full sibling or siblings, the compensation payment should be paid to the sibling or siblings (split equally).”

Member's explanatory statement

This amendment provides for interim compensation payments for families of deceased victims of the infected blood scandal to be paid out of existing schemes.

Before the Schedule

LORD BELLAMY

Before the Schedule, insert the following new Schedule—

“SCHEDULE

INFECTED BLOOD COMPENSATION AUTHORITY

PART 1

CONSTITUTION

Membership

- 1 (1) The IBCA is to consist of—
 - (a) a Chair (who is to be a non-executive member),
 - (b) at least 3, but not more than 6, other non-executive members,
 - (c) a chief executive, and
 - (d) at least 2, but not more than 5, other executive members.
- (2) The members are to be appointed in accordance with paragraphs 2 to 4.
- (3) A person exercising a power of appointment in accordance with those paragraphs must when doing so ensure, so far as practicable, that the number of non-executive members is at all times greater than the number of executive members.

Appointment of non-executive members

- 2 (1) The Chair is to be appointed by the Secretary of State or the Minister for the Cabinet Office.
- (2) The other non-executive members are to be appointed by the Chair except for the first three who are to be appointed by the Secretary of State or the Minister for the Cabinet Office.
- (3) A person may not be appointed as a non-executive member if the person is a member of the IBCA's staff.

Appointment of executive members

- 3 (1) The chief executive and the other executive members are to be appointed by the Chair.
- (2) The executive members are to be members of the IBCA's staff.

Appointments of members: eligibility

- 4 (1) The Secretary of State or the Minister for the Cabinet Office may by regulations make provision about criteria which must be met by persons in order to be appointed as members of the IBCA.
- (2) The regulations may make provision for a person to cease to be a member of the IBCA if the person no longer meets those criteria.

Terms of membership

- 5 (1) A member of the IBCA holds and vacates office in accordance with the terms of the member's appointment (subject to this Schedule).
- (2) A member may resign from office by giving notice to the appropriate person.
- (3) A member may be removed from office by notice given by the appropriate person on the grounds that the member —
 - (a) has without reasonable excuse failed to discharge the member's functions, or
 - (b) is, in the opinion of the appropriate person, unable or unfit to carry out the member's functions.
- (4) A person ceases to be —
 - (a) a non-executive member of the IBCA upon becoming a member of its staff;
 - (b) an executive member of the IBCA upon ceasing to be a member of its staff.
- (5) In this paragraph "appropriate person" means —
 - (a) in the case of the Chair, the Secretary of State or the Minister for the Cabinet Office;
 - (b) in the case of any other member of the IBCA, the Chair.

Non-executive members: payments

- 6 (1) The IBCA must pay, or make provision for the payment of, such remuneration, pensions, allowances or gratuities as the Secretary of State or the Minister for the Cabinet Office determines to or in respect of a person who is or has been –
 - (a) the Chair, or
 - (b) a non-executive member appointed by the Secretary of State or the Minister for the Cabinet Office under paragraph 2(2).
- (2) The IBCA must pay, or make provision for the payment of, such remuneration, pensions, allowances or gratuities as the Chair determines to or in respect of a person who is or has been a non-executive member appointed by the Chair under paragraph 2(2).
- (3) Sub-paragraph (4) applies if –
 - (a) a person ceases to be the Chair or a non-executive member appointed by the Secretary of State or the Minister for the Cabinet Office under paragraph 2(2), and
 - (b) the Secretary of State or the Minister for the Cabinet Office determines that the person should be compensated because of special circumstances.
- (4) Where this sub-paragraph applies, the IBCA must pay the person compensation of such amount as the Secretary of State or the Minister for the Cabinet Office may determine.
- (5) Sub-paragraph (6) applies if –
 - (a) a person ceases to be a non-executive member appointed by the Chair under paragraph 2(2), and
 - (b) the Chair determines that the person should be compensated because of special circumstances.
- (6) Where this sub-paragraph applies, the IBCA must pay the person compensation of such amount as the Chair may determine.

Staffing

- 7 (1) The IBCA may –
 - (a) appoint employees, and
 - (b) make such other arrangements for the staffing of the IBCA as it determines.
- (2) The IBCA must pay its staff such remuneration as may be determined in accordance with this paragraph.
- (3) The IBCA must pay, or make provision for the payment of, such pensions, allowances, gratuities or compensation as may be determined in accordance with this paragraph to or in respect of any person who is or has been a member of staff of the IBCA.
- (4) Members of staff of the IBCA are to be appointed on such other terms as may be determined in accordance with this paragraph.
- (5) A matter is determined in accordance with this paragraph if –

- (a) in the case of a matter which relates to an executive member, it is determined by the Chair;
 - (b) in the case of a matter which relates to any other member of staff, it is determined by the IBCA.
- (6) Before making a determination as to remuneration, pensions, allowances, gratuities or compensation for the purposes of sub-paragraph (2) or (3), the IBCA must obtain the approval of the Secretary of State or the Minister for the Cabinet Office as to its policy on that matter.

Interim chief executive

- 8 (1) The Secretary of State or the Minister for the Cabinet Office may appoint a person as an executive member to act as chief executive of the IBCA (“an interim chief executive”) until the appointment of the first chief executive by the Chair under paragraph 3(1).
- (2) An interim chief executive may incur expenditure and do other things in the name of and on behalf of the IBCA until the appointment of the first chief executive by the Chair under paragraph 3(1).
- (3) In exercising the power in sub-paragraph (2), an interim chief executive must act in accordance with any directions given by the Secretary of State or the Minister for the Cabinet Office.
- (4) Paragraphs 3, 5 and 7 do not apply to an interim chief executive.

Committees and sub-committees

- 9 (1) The IBCA may appoint such committees and sub-committees as it considers appropriate.
- (2) A committee or sub-committee may consist of or include persons who are neither members, nor members of staff, of the IBCA.
- (3) The IBCA may pay such remuneration and allowances as it may determine to any person who—
- (a) is a member of a committee or a sub-committee, but
 - (b) is not a member of staff of the IBCA,
- whether or not that person is a non-executive member of the IBCA.

Procedure

- 10 (1) The IBCA may determine its own procedure and the procedure of any of its committees or sub-committees.
- (2) The validity of any proceedings of the IBCA, or any committee or sub-committee of the IBCA, is not affected by any vacancy among its members or by any defect in the appointment of such a member.

Exercise of functions

- 11 (1) The IBCA must have regard to the need to exercise its functions effectively, efficiently and economically.
- (2) The IBCA may delegate any of its functions to—
 - (a) a member of the IBCA,
 - (b) a member of the IBCA's staff authorised for that purpose, or
 - (c) any committee or sub-committee.
- (3) A function may be delegated to the extent and on the terms that the IBCA determines.

Funding

- 12 (1) The Secretary of State or the Minister for the Cabinet Office must pay to the IBCA—
 - (a) such sums as are required to meet payments made by the IBCA under the infected blood compensation scheme, and
 - (b) such other sums as the Secretary of State or the Minister for the Cabinet Office considers are reasonably sufficient to enable the IBCA to carry out its functions.
- (2) Payments under sub-paragraph (1)(b) may be made subject to conditions.
- (3) The Secretary of State or the Minister for the Cabinet Office may by regulations make provision about what the IBCA must do with any sums repaid to it by virtue of section (*Payments*)(5) (which may include provision requiring the sums to be paid to the Secretary of State or the Minister for the Cabinet Office).

Annual report

- 13 (1) As soon as reasonably practicable after the end of each financial year the IBCA must prepare a report on the exercise of its functions during that financial year.
- (2) The IBCA must send the report to the Secretary of State or the Minister for the Cabinet Office.
- (3) The Secretary of State or the Minister for the Cabinet Office must lay the report before Parliament.

Accounts and audit

- 14 (1) The IBCA must—
 - (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare a statement of accounts in respect of each financial year in the form specified by the Secretary of State or the Minister for the Cabinet Office.
- (2) The IBCA must send a copy of each statement of accounts to the Secretary of State or the Minister for the Cabinet Office, and the Comptroller and Auditor General, as soon as practicable after the end of the financial year to which the statement relates.

- (3) The Comptroller and Auditor General must –
 - (a) examine, certify and report on each statement of accounts, and
 - (b) send a copy of each report and certified statement to the Secretary of State or the Minister for the Cabinet Office.
- (4) The Secretary of State or the Minister for the Cabinet Office must lay before Parliament a copy of each such report and certified statement.

Meaning of “financial year”

- 15 In this Schedule “financial year” means –
- (a) the period beginning with the date on which the IBCA is established and ending with 31 March following that date, and
 - (b) each successive period of 12 months.

Provision of information

- 16 The IBCA must provide to the Secretary of State or the Minister for the Cabinet Office such information relating to the IBCA’s functions as they may request.

Status

- 17 (1) The IBCA is not to be regarded –
- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The IBCA’s property is not to be regarded as property of, or property held on behalf of, the Crown.
- (3) Service as a member, or a member of staff, of the IBCA is not service in the civil service of the State.

Seal and evidence

- 18 (1) The application of the IBCA’s seal must be authenticated by a signature of –
- (a) a member of the IBCA, or
 - (b) another person authorised for that purpose by the IBCA.
- (2) A document purporting to be duly executed under the IBCA’s seal or signed on its behalf –
- (a) is to be received in evidence, and
 - (b) is to be taken to be executed or signed in that way, unless the contrary is shown.
- (3) But this paragraph does not apply in relation to any document which is, or is to be, signed in accordance with the law of Scotland.

Supplementary powers

- 19 The IBCA may do anything it thinks appropriate for the purposes of, or in connection with, its functions.

PART 2

TRANSFER SCHEMES

Power to make transfer schemes

- 20 (1) The Secretary of State or the Minister for the Cabinet Office may make one or more schemes (“transfer schemes”) for the purpose of transferring to the IBCA such property, rights and liabilities of a relevant person as the Secretary of State or Minister considers appropriate for the purposes of enabling the IBCA to carry out its functions under or by virtue of this Act.
- (2) In this paragraph “relevant person” means –
- (a) the Secretary of State;
 - (b) the Minister for the Cabinet Office;
 - (c) a Special Health Authority established under section 28 of the National Health Service Act 2006;
 - (d) the Welsh Ministers;
 - (e) a National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006;
 - (f) a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006;
 - (g) the Scottish Ministers;
 - (h) a person who has at any time been appointed by the Scottish Ministers under section 28(4)(d) of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) to manage a scheme under that section;
 - (i) the Department of Health in Northern Ireland;
 - (j) the Regional Business Services Organisation established by section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c.1 (N.I)).
- (3) A transfer scheme may not be made –
- (a) in relation to a relevant person within sub-paragraph (2)(d), (e) or (f), unless the Welsh Ministers consent;
 - (b) in relation to a relevant person within sub-paragraph (2)(g) or (h), unless the Scottish Ministers consent;
 - (c) in relation to a relevant person within sub-paragraph (2)(i) or (j), unless the Department of Health in Northern Ireland consents.
- (4) The things that may be transferred under a transfer scheme include –
- (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme;
 - (c) criminal liabilities.
- (5) A transfer scheme may make supplementary, incidental, transitional or consequential provision and may, in particular –
- (a) create rights, or impose liabilities, in relation to property or rights transferred;

- (b) make provision about the continuing effect of things done by a relevant person in respect of anything transferred;
 - (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of, or in relation to, a relevant person in respect of anything transferred;
 - (d) make provision for references to an interim compensation authority in an instrument or other document in respect of anything transferred to be treated as references to the IBCA;
 - (e) make provision for the shared ownership or use of property;
 - (f) make provision which is the same as or similar to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246);
 - (g) make other supplemental, incidental, transitional or consequential provision.
- (6) A transfer scheme may provide for –
- (a) modifications by agreement;
 - (b) modifications to have effect from the date when the original scheme came into effect.
- (7) For the purposes of this paragraph –
- (a) references to rights and liabilities include rights and liabilities relating to a contract of employment;
 - (b) references to the transfer of property include the grant of a lease.
- (8) For the purposes of sub-paragraph (7) –
- (a) an individual who holds employment in the civil service is to be treated as employed by virtue of a contract of employment, and
 - (b) the terms of the individual's employment in the civil service of the State are to be regarded as constituting the terms of the contract of employment.

Tax treatment of transfer schemes

- 21 (1) The Treasury may by regulations make provision varying the way in which a relevant tax has effect in relation to –
- (a) anything transferred under a scheme under paragraph 20, or
 - (b) anything done for the purposes of, or in relation to, a transfer under such a scheme.
- (2) The provision which may be made under sub-paragraph (1)(a) includes in particular provision for –
- (a) a tax provision not to apply, or to apply with modifications, in relation to anything transferred;
 - (b) anything transferred to be treated in a specified way for the purposes of a tax provision;
 - (c) the Secretary of State or the Minister for the Cabinet Office to be required or permitted to determine, or specify the method for determining,

anything which needs to be determined for the purposes of any tax provision so far as relating to anything transferred.

- (3) The provision which may be made under sub-paragraph (1)(b) includes in particular provision for –
- (a) a tax provision not to apply, or to apply with modifications, in relation to anything done for the purposes of or in relation to the transfer;
 - (b) anything done for the purposes of, or in relation to, the transfer to have or not have a specified consequence or be treated in a specified way;
 - (c) the Secretary of State or the Minister for the Cabinet Office to be required or permitted to determine, or specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything done for the purposes of, or in relation to, the transfer.
- (4) In this paragraph references to the transfer of property include the grant of a lease.
- (5) In this paragraph –
- “relevant tax” means income tax, corporation tax, capital gains tax, value added tax, stamp duty or stamp duty reserve tax;
 - “tax provision” means any legislation about a relevant tax.

PART 3

AMENDMENTS

Public Records Act 1958 (c. 51)

- 22 In Part 2 of the Table in paragraph 3 of Schedule 1 to the Public Records Act 1958 (definition of public records), at the appropriate place insert –

“The Infected Blood Compensation Authority.”

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 23 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 –
- (a) in paragraph 1 (bodies in England and Wales to which the Act applies), at the end insert –

“(q) the Infected Blood Compensation Authority.”;

- (b) in paragraph 2 (bodies in Scotland to which the Act applies), at the end insert –

“(g) the Infected Blood Compensation Authority.”

Parliamentary Commissioner Act 1967 (c. 13)

- 24 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments subject to investigation), at the appropriate place insert –

“The Infected Blood Compensation Authority.”

House of Commons Disqualification Act 1975 (c. 24)

- 25 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975, at the appropriate place insert –

“The Infected Blood Compensation Authority.”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 26 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, at the appropriate place insert –

“The Infected Blood Compensation Authority.”

Freedom of Information Act 2000 (c. 36)

- 27 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies), at the appropriate place insert –

“The Infected Blood Compensation Authority.”

Equality Act 2010 (c. 15)

- 28 In Part 1 of Schedule 19 to the Equality Act 2010 (authorities subject to the public sector equality duty), under the heading “Health, social care and social security”, at the appropriate place insert –

“The Infected Blood Compensation Authority.””

Member's explanatory statement

This amendment makes provision about the constitution of the Infected Blood Compensation Authority, for the transfer of property, rights and liabilities to and from the Authority and for various enactments to apply in relation to the Authority.

Clause 58

LORD BELLAMY

Clause 58, page 58, line 31, leave out “section 16, 55 or 56” and insert “, or on regulations under, Part 1, 2 or 4”

Member's explanatory statement

This amendment enables regulations to be made amending other legislation in consequence of provisions in Part 1, 2 or 4 of the Bill other than those currently listed. The affirmative Parliamentary procedure is required for amendments to primary legislation.

LORD BELLAMY

Clause 58, page 58, line 31, at end insert –

- “(1A) Each of the following may by regulations make provision that is consequential on, or on regulations under, Part 3 –

- (a) the Secretary of State or the Minister for the Cabinet Office,
 - (b) the Welsh Ministers,
 - (c) the Scottish Ministers, and
 - (d) a Northern Ireland department.
- (1B) Regulations under subsection (1A) –
- (a) made by the Welsh Ministers, may contain only provision which would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd;
 - (b) made by the Scottish Ministers, may contain only provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
 - (c) made by a Northern Ireland department, may contain only provision which –
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.”

Member's explanatory statement

This amendment confers power to make consequential amendments relating to Part 3 of the Bill on the Secretary of State or the Minister for the Cabinet Office, the Welsh Ministers, the Scottish Ministers and a Northern Ireland department.

Clause 59

LORD BELLAMY

Clause 59, page 59, line 8, after “Act” insert “made by the Secretary of State, the Minister for the Cabinet Office, the Treasury or the Welsh Ministers”

Member's explanatory statement

This amendment is consequential on the regulation making powers conferred by my amendments to Part 3 of the Bill and my amendment to clause 58, page 58, line 31.

LORD BELLAMY

Clause 59, page 59, line 8, at end insert –

- “(2A) For regulations made under section 58(1A) by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments).
- (2B) The power of a Northern Ireland department to make regulations under section 58(1A) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).”

Member's explanatory statement

This amendment is consequential on my amendment to clause 58, page 58, line 31.

LORD BELLAMY

Clause 59, page 59, line 8, at end insert –

- “(2A) A statutory instrument containing (alone or with other provision) the first regulations made by the Secretary of State or the Minister for the Cabinet Office under section (*Infected blood compensation scheme*) must be laid before Parliament after being made.
- (2B) Regulations contained in a statutory instrument laid before Parliament under subsection (2A) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (2C) In calculating the period of 28 days, no account is to be taken of any whole days that fall within a period during which –
- (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than four days.
- (2D) If regulations cease to have effect as a result of subsection (2B), that does not –
- (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.
- (2E) Any other statutory instrument containing (alone or with other provision) regulations made by the Secretary of State or the Minister for the Cabinet Office under section (*Infected blood compensation scheme*) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

This amendment provides for the first regulations about the infected blood compensation scheme to be subject to the made affirmative procedure, and subsequent regulations to be subject to the affirmative procedure.

LORD BELLAMY

Clause 59, page 59, line 8, at end insert –

- “(2A) A statutory instrument containing (alone or with other provision) regulations made by the Secretary of State or the Minister for the Cabinet Office under section (*Payments to personal representatives of qualifying infected persons*)(10) (unless it is a statutory instrument to which subsection (2A) applies) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

This amendment provides for regulations under subsection (10) of my new clause about payments to personal representatives of qualifying infected person to be subject to affirmative procedure, unless subject to made affirmative procedure under the subsection (2A) inserted by my amendment to clause 59, page 59, line 8 inserting subsections (2A) to (2E).

LORD BELLAMY

Clause 59, page 59, line 9, leave out “under section 58” and insert “made by the Secretary of State or the Minister for the Cabinet Office under section 58(1) or (1A)”

Member's explanatory statement

This amendment provides for regulations made under clause 58(1A) (inserted by my amendment to clause 58, page 58, line 31) to be subject to affirmative procedure if they amend primary legislation.

LORD BELLAMY

Clause 59, page 59, line 10, leave out “that section)” insert “section 58) (unless it is a statutory instrument to which subsection (2A) applies)”

Member's explanatory statement

This amendment disappplies affirmative procedure to regulations which amend primary legislation if they are subject to the made affirmative procedure under the subsection (2A) inserted by my amendment to clause 59, page 59, line 8 inserting subsections (2A) to (2E).

LORD BELLAMY

Clause 59, page 59, line 13, after “regulations” insert “made by the Secretary of State or the Minister for the Cabinet Office”

Member's explanatory statement

This amendment is consequential on the regulation making powers conferred by my amendments to Part 3 and to clause 58, page 58, line 31.

LORD BELLAMY

Clause 59, page 59, line 14, at end insert –

- “(4A) A statutory instrument containing regulations made by the Treasury under paragraph 21 of Schedule (*Infected blood compensation scheme*) is subject to annulment in pursuance of a resolution of the House of Commons.
- (4B) A statutory instrument made by the Welsh Ministers containing regulations under section 58(1A) that amend, repeal or revoke primary legislation (within the meaning of section 58) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.

- (4C) Any other statutory instrument made by the Welsh Ministers under section 58(1A) is subject to annulment in pursuance of a resolution of Senedd Cymru.
- (4D) Regulations made by the Scottish Ministers under section 58(1A) that amend, repeal or revoke primary legislation (within the meaning of section 58) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (4E) Any other regulations made by the Scottish Ministers under section 58(1A) are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (4F) Regulations made by a Northern Ireland department under section 58(1A) that amend, repeal or revoke primary legislation (within the meaning of section 58) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (4G) Any other regulations made by a Northern Ireland department under section 58(1A) are subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I)).”

Member's explanatory statement

This amendment specifies the procedures for regulations made by the Treasury under paragraph 21 of my new Schedule and regulations made by the Welsh Ministers, Scottish Ministers or a Northern Ireland department under clause 58(1A) (inserted by my amendment to clause 58, page 58, line 31).

Clause 60

LORD BELLAMY

Clause 60, page 59, line 24, at end insert –

“(da) Part 3;”

Member's explanatory statement

This amendment provides for Part 3 of the Bill, dealing with infected blood compensation, to have UK extent.

LORD BELLAMY

Clause 60, page 59, line 25, at end insert –

- “(5) His Majesty may by Order in Council provide for any of the provisions of Part 3 to extend, with or without modifications, to –
 - (a) any of the Channel Islands;
 - (b) the Isle of Man;
 - (c) Gibraltar;
 - (d) the Falkland Islands.”

Member's explanatory statement

This amendment confers power to extend Part 3 to the Channel Islands, Isle of Man, Gibraltar or the Falkland Islands by Order in Council.

Clause 61

LORD BELLAMY

Clause 61, page 59, line 27, leave out “This Part comes” and insert “The following provisions come”

Member's explanatory statement

This amendment and my other amendment to clause 61, page 59, line 27 provide for my new clause and new Schedule establishing the Infected Blood Compensation Authority, and my new clauses relating to payments to personal representatives of qualifying infected persons, to come into force on Royal Assent.

LORD BELLAMY

Clause 61, page 59, line 27, at end insert –

- “(a) section (*Infected Blood Compensation Authority*) and Schedule (*Infected Blood Compensation Authority*);
- (b) sections (*Payments to personal representatives of qualifying infected persons*) and (*Information: payments to personal representatives*);
- (c) this Part.”

Member's explanatory statement

This amendment and my other amendment to clause 61, page 59, line 27 provide for my new clause and new Schedule establishing the Infected Blood Compensation Authority, and my new clauses relating to payments to personal representatives of qualifying infected persons, to come into force on Royal Assent.

LORD BELLAMY

Clause 61, page 59, line 28, leave out “The other provisions of this Act” and insert “Parts 1, 2 and 4”

Member's explanatory statement

This amendment is consequential on my amendment to clause 61, page 59, line 29.

LORD BELLAMY

Clause 61, page 59, line 29, at end insert –

“(2A) Except as mentioned in subsection (1)(a) and (b), Part 3 comes into force on such day as the Secretary of State or the Minister for the Cabinet Office may by regulations appoint.”

Member's explanatory statement

This amendment provides that the provisions of Part 3 (except those mentioned in my second amendment to clause 61, page 59, line 27) come into force on such day as the Secretary of State or Minister for the Cabinet Office may appoint.

LORD BELLAMY

Clause 61, page 59, line 31, leave out “this Act” and insert –

- “(a) Parts 1, 2 or 4, or
- (b) this Part.”

Member's explanatory statement

This amendment is consequential on my other amendment to clause 61, page 59, line 31.

LORD BELLAMY

Clause 61, page 59, line 31, at end insert –

“(3A) The Secretary of State or the Minister for the Cabinet Office may by regulations make transitional or saving provision in connection with the coming into force of any provision of Part 3.”

Member's explanatory statement

This amendment provides that the Secretary of State or the Minister for the Cabinet Office may by regulations make transitional or saving provision in connection with the coming into force of any provision of Part 3.

Title

LORD BELLAMY

Title, line 3, after “incidents;” insert “for an Infected Blood Compensation Scheme;”

Member's explanatory statement

This amendment adds a reference to the infected blood compensation scheme to the long title.

Victims and Prisoners Bill

AMENDMENTS
TO BE MOVED
ON REPORT

[Supplementary to the Marshalled List]

17 April 2024

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