
DIRECTIONS

2016

Secretary of State Directions to Skipton Fund Limited

The Secretary of State makes these Directions by virtue of clause 1.1 of the Agency and Services Agreement made between the Secretary of State for Health and Skipton Fund Limited(a) on 24 March 2011 as from time to time amended(b).

The Secretary of State directs as follows.

Payments

1.—(1) Skipton shall in accordance with the Agreement pay—

- (a) each Qualifying Person the annual sum or, as the case may be, the appropriate proportion of that sum;
- (b) a bereaved spouse or partner, a one-off sum of £10,000 (see paragraph (4) below).

(2) For these purposes, “the annual sum”—

- (a) in relation to a Qualifying Person for whom the Department of Health for England is liable to contribute funding in accordance with Schedule 1 to the Service Level Agreement(c), is—
 - (i) £3,500 (of which £500 is designated a winter fuel payment (WFP)) where that person is eligible for a Stage 1 payment(d),
 - (ii) £15,500 (of which £500 is designated a WFP) where that person is eligible for a Stage 2 payment(e);
- (b) in relation to a Qualifying Person for whom the Scottish Ministers are liable to contribute in accordance with Schedule 1 to the Service Level Agreement is —
 - (i) £27,000, where that person is alive and has received a Stage 2 payment or a Stage 2 top-up payment and is not infected with Human Immunodeficiency Virus (HIV)(f),
 - (ii) £18,500, where that person is alive and—
 - (aa) also infected with HIV,
 - (bb) in receipt of an annual payment from MFET Limited(g), and
 - (cc) has received a Stage 1 payment(h);

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- (a) Skipton Fund Limited (company number 5084964) whose registered office is at 35-37 Belmont Road, Uxbridge, Middlesex, UB8 1RH.
 - (b) The Agreement was amended on 11 November 2016.
 - (c) Service Level Agreement means an agreement from time to time in force regarding the funding of Skipton and made between the Department of Health, the Scottish Ministers, the Welsh Ministers and the Department of Health, Social Services and Public Safety (Northern Ireland) (see Clause 1.1 of the Agreement). The relevant Service Level Agreement is dated 8 June 2012.
 - (d) See Schedule 2 to the Agreement.
 - (e) See Schedule 2, to the Agreement.
 - (f) See Schedule 2A, para 1 to the Agreement.
 - (g) MFET Ltd is a company limited by guarantee, incorporated and registered in England and Wales with company number 7121661 whose registered office is at Alliance House, 12 Caxton Street, London SW1.
 - (h) See Schedule 2A, para 1 of the Agreement.

- (c) in relation to a Qualifying Person for whom Welsh Ministers are liable to contribute funding in accordance with Schedule 1 to the Service Level Agreement, is—
- (i) £3,500 (of which £500 is designated a WFP) where that person is eligible for a Stage 1 payment,
 - (ii) £15,500 (of which £500 is designated a WFP) where that person is eligible for a Stage 2 payment;
- (d) in relation to a Qualifying Person who is eligible for a Stage 2 payment and for whom the Department of Health in Northern Ireland is liable to contribute funding in accordance with Schedule 1 to the Service Level Agreement, is £14,749.

(3) For the purposes of paragraph (1)(a), save that the amount designated a WFP shall not be reduced by operation of this paragraph, the appropriate proportion of an annual sum is that sum reduced by 1/12 of its amount for each month of the year that has expired prior to a Qualifying Person's claim being accepted by Skipton (see Schedule 1 to the Agreement and Schedule 1 to the Principal Scheme(a)): for these purposes a claim shall be back-dated to the first day of the month in which it is accepted.

(4) For the purposes of paragraph 1(b), a bereaved spouse or partner is a person referred to as "P" in Part III of Schedule 2 or, as the case may be, Schedule 2B to the Agreement(b).

Payment schedule

Skipton shall pay the sums referred to in paragraph (1) of direction 1 as follows—

<i>Payment Type</i>	<i>Date & Terms of Payment</i>
Annual sum of £3,500 referred to in paragraph (2)(a) (i) of direction 1	<p>The whole amount (including WFP) is to be paid by way of a single lump sum:</p> <ol style="list-style-type: none"> i. by 22/12/16 in respect of Qualifying Persons who, by the date requested by Skipton, have provided sufficient details (including bank details) in order for Skipton to process the annual sum; ii. in respect of the remainder of Qualifying Persons not satisfying i. (above), payment will be made as soon as reasonably practicable following those persons providing Skipton with sufficient details (including bank details) in order to process the payment and, in any event, by 31/3/17.
Annual sum of £15,500 referred to in paragraph (2)(a) (ii) of direction 1	<ol style="list-style-type: none"> i. £14,749 is to be paid, in arrears in equal quarterly or monthly instalments, by 31/3/17. ii. £500 (designated as a WFP) is to be paid in a single lump sum by 31/12/16. iii. £251 is to be paid in a single lump sum by 31/3/17.

(a) Which is defined in the Agreement as the 2007 Agency Agreement (dated 27 May 2007 and subsequently amended).

(b) By virtue of Part III of Schedule 2 or, as the case may be, Schedule 2B of the Agreement, P may be paid a one-off lump sum of £10,000 where (i) P is the spouse or partner of a Qualifying Person at the time of the Qualifying Person's death (ii) the Qualifying Person was infected with the virus, whether or not the qualifying person was also infected with HIV, in England or, as the case may be, Wales (iii) the Qualifying Person died before 31 March 2007 and (iv) a contributory factor was the virus or, in the case of a Qualifying Person also infected with HIV, either the virus or HIV. However, no payment may be made to P where P is in receipt of a bereavement payment made pursuant to directions issued to MFET Limited by the Secretary of State in respect of that Qualifying Person.

Annual sum of £27,000 referred to in paragraph (2)(b)(i) of direction 1	<p>i. £14,749 is to be paid, in arrears in equal quarterly or monthly instalments, by 31/3/17.</p> <p>ii. £12,251 is to be paid in a single lump sum by 31/12/16.</p>
Annual sum of £18,500 referred to in paragraph (2)(b)(ii) of direction 1	<p>i. £14,749 is to be paid, in arrears in equal quarterly or monthly instalments, by 31/3/17.</p> <p>ii. £3,751 is to be paid in a single lump sum by 31/12/16.</p>
Annual sum of £3,500 referred to in paragraph (2)(c)(i) of direction 1	<p>by 22/12/16 in respect of Qualifying Persons who, by the date requested by Skipton, have provided sufficient details (including bank details) in order for Skipton to process the annual sum;</p> <p>ii. in respect of the remainder of Qualifying Persons not satisfying i. (above), payment will be made as soon as reasonably practicable following those persons providing Skipton with sufficient details (including bank details) in order to process the payment and, in any event, by 31/3/17.</p>
Annual sum of £15,500 referred to in paragraph (2)(c)(ii) of direction 1	<p>i. £14,749 is to be paid, in arrears in equal quarterly or monthly instalments, by 31/3/17.</p> <p>ii. £500 (designated as a WFP) is to be paid in a single lump sum by 31/12/16.</p> <p>iii. £251 is to be paid in a single lump sum by 31/3/17.</p>
Annual sum of £14,749 referred to in paragraph (2)(d) of direction 1	The whole amount is to be paid, in arrears in equal quarterly or monthly instalments, by 31/3/17.
Bereavement payment referred to in paragraph (1)(b) of direction 1	The whole amount is to be paid by 31/3/17 by way of single lump sum.

Pre-payment Certificates

2.—(1) Skipton shall, upon application by a qualifying eligible person, pay the NHS Business Services Authority the cost of a pre-payment certificate in respect of that person.

(2) A “qualifying eligible person” is a person who has—

(a) has received a Stage 1 payment and/or a Stage 1 top-up payment,

- (b) is not exempt from charges for drugs, medicines or appliances supplied as part of the health service, and
- (c) has not had the cost of such a certificate paid pursuant to directions issued to MFET Limited by the Secretary of State.

(3) A "pre-payment certificate" means the certificate referred to in section 174 of the National Health Service Act 2006(a).

Interpretation

3. In these Directions—

- (a) "the Agreement" means the Agency and Services Agreement made between the Secretary of State for Health and Skipton Fund Limited (Skipton)(b) on 24 March 2011 as from time to time amended;
- (b) all other terms bear the same meaning as they have in the Agreement and are to be construed accordingly;
- (c) subject to the above, the Interpretation Act 1978 shall apply to these Directions.

Revocation

4. The Directions given by the Secretary of State to Skipton and dated 25 April 2016 are revoked.

Coming into force

5. These Directions come into force immediately after they are signed.

GRO-C

Name: Dr Ailsa Wight
Date: 11 November 2016

Department of Health England

Witnessed by: Dr Monika Preuss

GRO-C

(a) The 2006 Act, (c. 41) defines a pre-payment certificate as a certificate which confers on the person to whom it is granted exemption from charges otherwise chargeable under the regulations in respect of drugs, medicines and appliances supplied during such period as may be prescribed.

(b) Note the Agreement refers to the Skipton Fund Limited as "Skipton".