

SoS

From: John Catlin

Date: 06 November 2002

Cc: Marilynne Morgan
John Griffiths
Robert Holmes
ADs SOLA

HEPATITIS SCHEME

Issue

Whether a scheme for making payments to sufferers from hepatitis C would be reserved under the Scotland Act 1998.

Timing Immediate

Discussion

Head F1 of Schedule 5 to the Scotland Act 1998 reserves from devolution "Schemes supported from central or local funds which provide assistance for social security purposes to or in respect of individuals by way of benefits." (The provision also treats as a reserved matter "Requiring persons to ... establish and administer schemes providing assistance for social security purposes to or in respect of individuals, or make payments to or in respect of such schemes, and to keep records and supply information in connection with such schemes").

"Benefits", under the Schedule, includes pensions, allowances, grants, loans and any other form of financial assistance.

"Providing assistance for social security purposes to or in respect of individuals includes (among other things) providing assistance to or in respect of individuals ... who qualify by reason of....disability, sickness, incapacity...or the care of children or others needing care..."

Conclusion

A scheme for payments out of public funds (or requiring other persons to establish a scheme for payments) to persons by reason of disability, sickness or incapacity caused by hepatitis whether the payees were sufferers or those providing necessary care for them would appear to be a reserved matter.

John Catlin

SOLA

X **GRO-C**