

*Status: Point in time view as at 10/12/2018. This version of this part contains provisions that are prospective.
Changes to legislation: Social Security (Scotland) Act 2018, PART 1 is up to date with all changes known to be in force on or before 03 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 26/07/2021

SCHEDULE 7 EMPLOYMENT-INJURY ASSISTANCE REGULATIONS

PROSPECTIVE

PART 1

ELIGIBILITY

CHAPTER 1

ELIGIBILITY IS TO DEPEND ON BEING INJURED OR CONTRACTING A DISEASE AT WORK

- 1 The regulations must be framed so that (subject to any provision of the kind described in paragraph 2) an individual's eligibility depends on the individual—
- (a) having suffered a relevant personal injury caused by an accident arising out of and in the course of the individual's employment, or
 - (b) developing a relevant disease, or suffering a relevant personal injury, due to the nature of the individual's employment.
- 2 (1) The regulations may be framed so that, despite the criterion described in paragraph 1 not being fulfilled, an individual may nevertheless be eligible.
- (2) Where the regulations allow an individual to be eligible despite the criterion described in paragraph 1 not being fulfilled, they must be framed so that the individual's eligibility depends on the individual having, or having had, a relationship of a kind specified in the regulations to an individual who suffered a personal injury, or developed a disease, in the circumstances mentioned in paragraph 1.
- 3 (1) The regulations are to define the following terms for the purpose of determining entitlement to employment-injury assistance—
- (a) employment,
 - (b) relevant personal injury,
 - (c) relevant disease.
- (2) The regulations may not define “employment” so as to include employment, or training for employment, that is not “relevant employment” as defined in the interpretation provision of Section F1 of Part 2 of schedule 5 of the Scotland Act 1998.
- (3) The regulations may define “relevant personal injury” and “relevant disease” by reference to the circumstances in which an injury is suffered or a disease is developed as well as by reference to its kind and severity.

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CHAPTER 2

FURTHER CRITERIA

Place where injury suffered or disease contracted

- 4 The regulations may make an individual's eligibility depend on where, geographically, the injury was suffered or the disease developed (or is deemed to have been suffered or developed).

Residence and presence

- 5 The regulations may make an individual's eligibility depend on the individual being resident and present in a particular place.

Age

- 6 The regulations may make an individual's eligibility depend on the individual's age.

Financial circumstances

- 7 Subject to paragraph 8, the regulations may not make an individual's eligibility depend on the financial circumstances of either or both—
- (a) the individual, and
 - (b) anyone who lives with the individual.

Receipt of, or eligibility for, other types of State assistance

- 8 The regulations may make an individual's eligibility depend on the individual—
- (a) being, or not being, in receipt of another type of assistance (whether under this Act or another enactment),
 - (b) being, or not being, eligible or entitled to receive such assistance.

Application within specified period

- 9 The regulations may provide that an individual ceases to be eligible on account of an injury being suffered or a disease developed unless, by a deadline specified in the regulations—
- (a) the individual has applied for employment-injury assistance, or
 - (b) the Scottish Ministers have become required to make a determination of the individual's entitlement to employment-injury assistance by regulations under section 52.

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