
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 42

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (Scotland) Regulations 2022

Made - - - - 3rd February 2022
Laid before the Scottish Parliament - - - - 7th February 2022
Coming into force - - 28th March 2022

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 108(1) and (2), 109(2) and (3)(a), 122 and 175(1) to (5) of the Social Security Contributions and Benefits Act 1992(1), and all other powers enabling them to do so.

The Scottish Ministers are satisfied of the matters to which section 108(2)(a) and (b)(2) of that Act refer.

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- (1) [1992 c. 4](#). The function of making regulations to amend a prescribed disease, for the purpose of sections 108(1) and (2), and 109(2) and (3)(a) of the Social Security Contributions and Benefits Act 1992 (“the 1992 Act”), and of exercising the power in section 175 of that Act, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 ([c. 46](#)) as read with sections 22(2) and 32 of the Scotland Act 2016 ([c. 11](#)). Section 22(2) of that Act inserted exceptions into the social security reservation in Head F1 of Part 2 of schedule 5 of the Scotland Act 1998 relating to industrial injuries benefits. Section 22(2) was brought into force on 17 May 2017 by [S.I. 2017/455](#), subject to transitional arrangements set out in [S.I. 2017/444](#) which provided that pre-commencement functions would not transfer to the Scottish Ministers until the occurrence of a specified event or date. The transitional arrangements in respect of industrial injuries benefits ended on 31 March 2020 (see regulation 4 of [S.I. 2017/444](#)). Accordingly, in so far as the functions under sections 108 and 109 of the 1992 Act are exercisable within devolved competence, they are now exercisable by the Scottish Ministers instead of by the Secretary of State. Section 122 of the 1992 Act is cited for the meaning assigned to the word “prescribed”. Section 108(1) of the 1992 Act was amended by section 64(1)(c) of the Welfare Reform Act 2012 ([c. 5](#)). Section 109(2) of the 1992 Act was amended by paragraphs 65(a) – (d) of schedule 7 of the Social Security Act 1998 ([c. 14](#)). An amendment was made to section 175(1) of the 1992 Act which is not relevant to these Regulations. Section 175(4) of the 1992 Act was amended by paragraph 29(4) of schedule 3 to the Social Security Contributions (Transfer of Functions etc.) Act 1999 ([c. 2](#)). Section 175(5) of the 1992 Act was amended by paragraph 36 of schedule 1(1) to the Social Security (Incapacity for Work) Act 1994 ([c. 18](#)).
- (2) [1992 c. 4](#). Section 108(2) of the 1992 Act is to be read in accordance with section 53 of the Scotland Act 1998.