
STATUTORY INSTRUMENTS

1998 No. 1594

**The National Health Service (Scotland)
(Injury Benefits) Regulations 1998**

PART II

INJURY BENEFITS

Persons to whom the Regulations apply

3.—(1) Subject to paragraph (3) of this regulation and regulation 16, these Regulations apply to any person who, while he—

- (a) is in the paid employment of an employing authority;
- (b) is a practitioner;
- (c) holds an appointment with an employing authority the terms of which declare it to be honorary;
- (d) holds an appointment as a member of such body, constituted under the National Health Service (Scotland) Act 1978(1), as the Secretary of State may approve;
- (e) is providing piloted services; or
- (f) is a medical practitioner who is a pilot scheme employee and for whose employment the consent of the Health Board which is a participant in the pilot scheme in question has been obtained,

(hereinafter referred to in this regulation as “his employment”), sustains an injury, or contracts a disease, to which paragraph (2) applies.

(2) This paragraph applies to an injury which is sustained and to a disease which is contracted in the course of the person’s employment and which is wholly or mainly attributable to his employment and also to any other injury sustained and any other disease contracted, if—

- (a) it is wholly or mainly attributable to the duties of his employment;
- (b) it is sustained or, as the case may be, contracted, while, as a volunteer at an accident or emergency, he is providing health services which his professional training and code of conduct would require him to volunteer; or
- (c) it is sustained or, as the case may be, contracted while he is travelling as a passenger in a vehicle to or from his place of employment with the permission of the employing authority and if in addition—
 - (i) he was under no obligation to the employing authority to travel in the vehicle but, if he had been, the injury would have been sustained, or the disease contracted, in the course of, and have been wholly or mainly attributable to, his employment, and
 - (ii) at the time of the injury or the contracting of the disease the vehicle was being operated, otherwise than in the ordinary course of a public transport service, by or on

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behalf of the employing authority or by some other person by whom it was provided in pursuance of arrangements made with the authority.

(3) These Regulations shall not apply to any person in relation to any injury or disease wholly or mainly due to, or seriously aggravated by, his own culpable negligence or misconduct.