

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Social Security (Scotland) Act 2018, PART 2 is up to date with all changes known to be in force on or before 05 April 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) View outstanding changes

SCHEDULE 7 EMPLOYMENT-INJURY ASSISTANCE REGULATIONS

PART 2

ASSISTANCE TO BE GIVEN

CHAPTER 1

VALUE

PROSPECTIVE

Nature of injury or disease

- 10 The regulations may make the value of the employment-injury assistance that is to be given to an individual depend on the—
- (a) kind, and
 - (b) severity,
- of the injury or disease in respect of which the assistance is to be given.

PROSPECTIVE

Age

- 11 The regulations may make the value of the employment-injury assistance that is to be given to an individual depend on the individual's age.

^{F1}Power to set value of assistance as nil

Textual Amendments

- F1** Sch. 7 para. 11A inserted (26.7.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), ss. **13(4)(a)**, 18(2)(3); S.S.I. 2021/232, reg. 2(g)

- 11A (1) Provision may be made in the regulations for the value of the employment-injury assistance that is to be given to an individual in respect of a period to be £0, but—
- (a) such provision must be framed so as to apply by reference to at least one of the following matters—
 - (i) the individual being resident and present in a particular place during the period,
 - (ii) the individual being in receipt of another type of assistance (whether under this Act or another enactment) during the period, and
 - (b) the Scottish Ministers may only make such provision where they consider that it would be in the interests of the individuals to whom it applies to be

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entitled to employment-injury assistance with a value of £0 in respect of a period rather than not being entitled to employment-injury assistance at all.

- (2) Nothing in sub-paragraph (1)(a) is to be taken to preclude provision being framed so as to apply by reference to further matters in addition to those mentioned there.]

PROSPECTIVE

CHAPTER 2

FORM

Meeting liabilities

- 12 The regulations may provide for the employment-injury assistance that is to be given to an individual to be given (in whole or in part) by way of—
- (a) payment to another person in order to meet, or contribute towards meeting, any liability the individual has to that person,
 - (b) deduction from any liability the individual has to the Scottish Ministers under section 63.

Restriction on giving assistance in a form other than money

- 13 (1) The regulations may allow employment-injury assistance to be given to an individual in a form other than money only if the individual (or a person acting on the individual's behalf) has agreed to the assistance being given in that form.
- (2) If the regulations include provision of the kind mentioned in sub-paragraph (1), they must allow an individual (or a person acting on the individual's behalf) to withdraw agreement to being given employment-injury assistance in a form other than money at any time.
- (3) Despite sub-paragraph (1), the regulations may provide for employment-injury assistance to be given (in whole or in part) by way of deduction, at a reasonable level, from any liability the individual has to the Scottish Ministers under section 63 if the individual has unreasonably refused to agree to the assistance being given in that form.
- (4) For the purpose of sub-paragraph (3), “reasonable level” means a level that is reasonable having regard to the financial circumstances of the individual.

Restriction on lump sums

- 14 The regulations may not provide for the employment-injury assistance that is to be given to an individual to be given by way of a lump-sum payment where the individual's entitlement arises on account of someone having, or having had—
- (a) pneumoconiosis,
 - (b) byssinosis,
 - (c) diffuse mesothelioma,
 - (d) bilateral diffuse pleural thickening, or
 - (e) primary carcinoma of the lung where there is accompanying evidence of—

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- (i) asbestosis,
- (ii) bilateral diffuse pleural thickening, or
- (iii) both.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81(4C) inserted by [2021 asp 20 s. 2\(a\)](#)
- s. 85D inserted by [2020 asp 18 s. 2\(6\)](#)