
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 208

The National Health Service (Superannuation Scheme, Pension Scheme and Injury Benefits) (Scotland) Amendment (No. 2) Regulations 2009

PART 4

Amendment of the National Health Service (Injury Benefits) (Scotland) Regulations 1998

Interpretation of Part 4

87. In this Part an alphanumerical reference to a regulation is a reference to a provision of the National Health Service (Injury Benefits) (Scotland) Regulations 1998⁽¹⁾ bearing that designation.

Amendment of regulation 2

88. In regulation 2(1) (interpretation) at the appropriate place in the alphabetical order insert—
““ophthalmic provider” has the same meaning as in whichever of the 1995 Regulations or 2008 Regulations apply to that provider;”.

Amendment of regulation 4

89. In regulation 4(6) (scale of benefits), after sub paragraph (b)(v), add—
“(vi) employment and support allowance payable under section 1(2)(a) of the Welfare and Reform Act 2007, in respect of the injury or disease, during the ‘assessment phase’ referred to in section 2 of that Act, or as the case may be, after that phase has ended.”.

Amendment of regulation 13

90. In regulation 13 (review and adjustment of allowance), after paragraph (1) insert—
“(1A) For the purposes of paragraph (1)(b)—
(a) employment and support allowance payable during the assessment phase for that benefit and employment and support allowance payable after that phase has ended shall be treated as separate benefits; and
(b) where employment and support allowance was awarded to a person prior to 1st April 2009 and that person continues to be entitled to that allowance on that day, payment of that allowance shall be deemed to have commenced on that day.”.