

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

Changes to legislation: Social Security (Scotland) Act 2018, CHAPTER 1 is up to date with all changes known to be in force on or before 01 March 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

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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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\(6\)](#)