

SCHEDULE 7 EMPLOYMENT-INJURY ASSISTANCE REGULATIONS

PART 2

ASSISTANCE TO BE GIVEN

CHAPTER 1

VALUE

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.

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.

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

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