Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 4

PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

Compensation

56 Compensation for voluntary compliance with request

(1) A health board must compensate any person who, although not subject to an order mentioned in subsection (2), suffers any loss caused by complying with a request by the board to the person to—

(a) be quarantined in a place specified by the board;

(b) be excluded from entering or remaining in a place, or type of place, so specified; or

(c) refrain from carrying on any activity, or type of activity, so specified.

(2) The orders referred to in subsection (1) are—

(a) an exclusion order;

(b) a restriction order;

(c) a quarantine order.

(3) A request by a health board under subsection (1)—

(a) is to be made by notice in writing given to the person; and

(b) must specify the matter mentioned in subsection (1)(a), (b) or, as the case may be, (c).

(4) Subsection (1) does not apply where the loss is attributable to the fault of the person claiming the loss.

(5) Any dispute as to—

(a) a person's entitlement to compensation under this section; or

(b) the amount of such compensation,

is to be determined by a single arbiter appointed by agreement between the board and the person claiming loss or, if such agreement cannot be reached, by the sheriff.

(6) The Scottish Ministers may, by regulations, make further provision about compensation to which this section applies.

Modifications etc. (not altering text)

C1 S. 56 modified (temp.) (24.3.2022 until the end of 31.10.2022) by Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Act 2022 (asp 2), **ss. 1(2)**, 6 (with ss. 2-4)

Commencement Information

I1 S. 56 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), **Sch. 1**

57 Compensation for persons subject to certain orders

(1) A health board may compensate any person—

(a) who is subject to—

(i) an exclusion order;

(ii) a restriction order; or

(iii) a quarantine order; and

(b) who incurs any loss caused by complying with the order.

(2) Subsection (1) does not apply where the loss is attributable to the fault of the person claiming the loss.

(3) Any dispute as to—

(a) a person's entitlement to compensation under this section; or

(b) the amount of such compensation,

is to be determined by a single arbiter appointed by agreement between the board and the person claiming loss or, if such agreement cannot be reached, by the sheriff.

(4) The Scottish Ministers may, by regulations, make further provision about compensation to which this section applies.

Commencement Information

I2 S. 57 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), **Sch. 1**

58 Compensation for carers

(1) This section applies where a person (the "relevant person")—

(a) is subject to—

(i) an exclusion order;

(ii) a restriction order; or

(iii) a quarantine order; or

(b) although not subject to such an order, complies with a request mentioned in section 56.

(2) The health board must compensate a person (a "carer") mentioned in subsection (3) who, as a result of the relevant person being subject to the order or, as the case may be, complying with the request—

(a) requires to care for the relevant person or, where the carer normally cares for the relevant person, requires to provide more care; and

(b) incurs loss as a result of so doing.

(3) A carer is—

(a) where the relevant person is 16 or over, a person who is 16 or over and who cares for the relevant person otherwise than—

(i) by virtue of a contract of employment or other contract with any person; or

(ii) as a volunteer for a voluntary organisation;

(b) where the relevant person is under 16, such a person or a parent of the relevant person who has day-to-day care or control of the relevant person.

(4) Any dispute as to—

(a) a carer's entitlement to compensation under this section; or

(b) the amount of such compensation,

is to be determined by a single arbiter appointed by agreement between the board and the carer or, if such agreement cannot be reached, by the sheriff.

(5) The Scottish Ministers may, by regulations, make further provision about compensation to which this section applies.

Modifications etc. (not altering text)

C2 S. 58 modified (temp.) (24.3.2022 until the end of 31.10.2022) by Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Act 2022 (asp 2), **ss. 1(3)**, 6 (with ss. 2-4)

Commencement Information

I3 S. 58 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), **Sch. 1**

Changes to legislation:
There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Cross Heading: Compensation.