



# 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.

*Status: Point in time view as at 01/10/2009.*

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

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

#### Commencement Information

**II** [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.

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*Status: Point in time view as at 01/10/2009.*

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

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- (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.

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**Commencement Information**

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

**Status:**

Point in time view as at 01/10/2009.

**Changes to legislation:**

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