



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—
- be quarantined in a place specified by the board;
 - be excluded from entering or remaining in a place, or type of place, so specified; or
 - refrain from carrying on any activity, or type of activity, so specified.
- (2) The orders referred to in subsection (1) are—
- an exclusion order;
 - a restriction order;
 - a quarantine order.
- (3) A request by a health board under subsection (1)—
- is to be made by notice in writing given to the person; and
 - 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 person's entitlement to compensation under this section; or
 - 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.

Changes to legislation: Public Health etc. (Scotland) Act 2008, Cross Heading: Compensation is up to date with all changes known to be in force on or before 23 April 2020. 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

- (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(1) modified (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 21 para. 46** (with ss. 89, 90)

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—

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- (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(2) modified (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 21 para. 46](#) (with ss. 89, 90)
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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](#)

Changes to legislation:

Public Health etc. (Scotland) Act 2008, Cross Heading: Compensation is up to date with all changes known to be in force on or before 23 April 2020. 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.

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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. 95(4)(aa) inserted by [S.S.I. 2019/142 reg. 2\(2\)](#)
- s. 96(5)(aa) inserted by [S.S.I. 2019/142 reg. 2\(3\)](#)