



Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Act 2022

2022 asp 2

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 9th February 2022 and received Royal Assent on 23rd March 2022

An Act of the Scottish Parliament to temporarily modify sections of the Public Health etc. (Scotland) Act 2008 which require health boards to pay compensation for self-isolation so that, where self-isolation is for a reason relating to coronavirus, health boards have discretion as to whether to pay compensation; and to provide for the expiry of a provision of the Coronavirus Act 2020 which temporarily modified the same sections of the Public Health etc. (Scotland) Act 2008.

1 Discretionary compensation for self-isolation

(1) The Public Health etc. (Scotland) Act 2008 applies in accordance with the modifications in [subsections \(2\) and \(3\)](#).

(2) Section 56 has effect as if—

(a) in subsection (1), at the beginning there were inserted “Subject to subsection (1A),”,

(b) after subsection (1), there were inserted—

“(1A) If the request under subsection (1) is made for a reason relating to coronavirus, the health board may compensate the person to whom the request is made, but is not required to do so.”,

(c) after subsection (6), there were inserted—

“(7) In this section, “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).”.

(3) Section 58 has effect as if—

(a) in subsection (2), at the beginning, there were inserted “Subject to subsection (2A),”,

(b) after subsection (2), there were inserted—

“(2A) If the order or, as the case may be, the request by the health board is made for a reason relating to coronavirus, the board may compensate the carer, but is not required to do so.”,

(c) after subsection (5), there were inserted—

“(6) In this section, “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).”.

2 Expiry of [section 1](#)

- (1) Section [1](#) expires at the end of 31 October 2022.
- (2) The Scottish Ministers may by regulations make transitional, transitory or saving provision in connection with the expiry of section [1](#) under this section.
- (3) Regulations under this section may make different provision for different purposes or areas.
- (4) Regulations under this section are subject to the negative procedure.

3 Power to alter expiry date

- (1) The Scottish Ministers may by regulations provide that section [1](#)—
 - (a) does not expire at the time when it would otherwise expire, and
 - (b) expires instead at such earlier time as is specified in the regulations.
- (2) The Scottish Ministers may by regulations provide that section [1](#)—
 - (a) does not expire at the time when it would otherwise expire, and
 - (b) expires instead at such later time as is specified in the regulations.
- (3) A time specified under [subsection \(2\)](#) must not be later than the end of the period of 6 months beginning with the time when section [1](#) would otherwise have expired.
- (4) Regulations under this section may—
 - (a) make different provision for different purposes or areas,
 - (b) make transitional, transitory or saving provision.
- (5) In this section, references to the time when section [1](#) would otherwise expire or would otherwise have expired are references to the time when that would occur or would have occurred whether under [section 2](#) or previous regulations under [subsection \(1\)](#) or [\(2\)](#).

4 Procedure for regulations under [section 3](#)

- (1) Regulations under [section 3\(1\)](#) are subject to the negative procedure.
- (2) Regulations under [section 3\(2\)](#) are subject to the affirmative procedure.
- (3) Before making regulations under section [3\(1\)](#), or laying a draft Scottish statutory instrument containing regulations under section [3\(2\)](#) before the Scottish Parliament in accordance with section [29\(2\)](#) of the Interpretation and Legislative Reform (Scotland) Act 2010, the Scottish Ministers must consult—
 - (a) each health board constituted under section [2\(1\)\(a\)](#) of the National Health Service (Scotland) Act 1978, and
 - (b) such other persons as the Scottish Ministers consider appropriate.
- (4) At the same time as laying a draft Scottish statutory instrument containing regulations under [section 3\(2\)](#) before the Scottish Parliament in accordance with section [29\(2\)](#) of

the Interpretation and Legislative Reform (Scotland) Act 2010, the Scottish Ministers must lay before the Parliament a statement of their reasons why the regulations should be made.

- (5) If the Scottish Ministers consider that regulations under [section 3\(2\)](#) need to be made urgently—
 - (a) subsections (2), (3) and (4) do not apply, and
 - (b) the regulations (the “emergency regulations”)—
 - (i) must be laid before the Scottish Parliament, and
 - (ii) cease to have effect on the expiry of the period of 28 days beginning with the date on which the regulations were made unless, before the expiry of that period, the regulations have been approved by a resolution of the Parliament.
- (6) If emergency regulations are made, the Scottish Ministers must, at the same time as laying the regulations before the Parliament, lay before the Parliament a statement of their reasons for making the regulations and for making them urgently without their being subject to the affirmative procedure.
- (7) In calculating any period of 28 days for the purposes of [subsection \(5\)\(b\)\(ii\)](#), no account is to be taken of any period during which the Scottish Parliament is—
 - (a) dissolved, or
 - (b) in recess for more than 4 days.
- (8) Where emergency regulations cease to have effect under [subsection \(5\)\(b\)\(ii\)](#), that does not—
 - (a) affect anything previously done by reference to the regulations,
 - (b) prevent new emergency regulations being made to the same or similar effect.

5 Coronavirus Act 2020: expiry of paragraph 46 of schedule 21

- (1) If and in so far as it has not already expired, paragraph 46 of schedule 21 of the Coronavirus Act 2020 (modification of Public Health etc. (Scotland) Act 2008) expires on the date on which this Act comes into force.
- (2) The Scottish Ministers may by regulations make transitional, transitory or saving provision in connection with the expiry under subsection (1) of paragraph 46 of schedule 21 of the Coronavirus Act 2020.
- (3) Regulations under this section may make different provision for different purposes or areas.
- (4) Regulations under this section are subject to the negative procedure.

6 Commencement

This Act comes into force on the day after Royal Assent.

7 Short title

The short title of this Act is the Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Act 2022.