Patient Rights (Scotland) Act 2011
2011 asp 5

Payments to or in respect of certain persons infected with
hepatitis C as a result of NHS treatment etc.: eligibility

22   Payments to or in respect of certain persons infected with hepatitis C as a result of NHS treatment etc.: eligibility

(1) Section 28 of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) (payments to certain persons infected with hepatitis C as a result of NHS treatment etc.) is amended as follows.

(2) In subsection (1)—

    (a)   in paragraph (a)—

        (i) after sub-paragraph (i), insert "and",

        (ii) the word "and" following sub-paragraph (ii) is repealed, and

        (iii) sub-paragraph (iii) is repealed,

    (b)   in paragraph (b)—

        (i) after sub-paragraph (i), insert "and",

        (ii) the word "and" following sub-paragraph (ii) is repealed, and

        (iii) sub-paragraph (iii) is repealed, and

    (c)   after paragraph (b) insert—

        "(c)   dependants of persons mentioned in paragraph (a) or (b).".

(3) After subsection (2), insert—

"(2A)   In subsection (1)(c), "dependant", in relation to a person mentioned in subsection (1)(a) or (b) (the "infected person"), means—

    (a)   a spouse or civil partner of the infected person;

    (b)   a person living with the infected person as husband or wife or in a relationship which has the characteristics of the relationship between civil partners (or if the infected person was in hospital immediately before death, had been so living when the infected person was admitted to hospital);

    (c)   such other persons as the scheme may specify; and the scheme may specify or elaborate the meaning of dependant for this purpose.".

(4) In subsection (3)—

    (a)   in paragraph (b), after "dead person" insert "falling within subsection (1)(a) or (b)", and

    (b)   in paragraph (e), after "dead person" insert "falling within subsection (1)(a) or (b)".

(5) In subsection (4)(a), after "(1)" insert "(a) or (b)".