



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 4

PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

Compensation

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

Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 58. (See end of Document for details)

- (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)

- C1 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

- I1 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, Section 58.