



Public Health etc. (Scotland) Act 2008

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PART 5

PUBLIC HEALTH FUNCTIONS OF LOCAL AUTHORITIES

Compensation

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- (1) A local authority must compensate any person who suffers loss or damage caused by any person doing or failing to do anything which that person is entitled or, as the case may be, required to do under—
- (a) section 73(7);
 - (b) section 75(2);
 - (c) section 76(6);
 - (d) section 78(2); or
 - (e) section 79(2) or (6).
- (2) Subsection (1) does not apply where the loss or damage—
- (a) is attributable to the fault of the person who suffered the loss or damage; or
 - (b) is loss or damage which relates to—
 - (i) any infected, infested or contaminated premises which are damaged as a result of the disinfection, disinfestation or decontamination of the premises or any thing in or on them; or
 - (ii) any infected, infested or contaminated thing, in or on premises, which is damaged or destroyed as a result of the disinfection, disinfestation or decontamination of the thing or premises.
- (3) Any dispute as to—
- (a) a person's entitlement to compensation under subsection (1); or
 - (b) the amount of such compensation,
- is to be determined by a single arbiter appointed by agreement between the authority and the person claiming loss or damage, or, if such agreement cannot be reached, by the sheriff.