

CORONAVIRUS (DISCRETIONARY COMPENSATION FOR SELF- ISOLATION) (SCOTLAND) ACT 2022

EXPLANATORY NOTES

THE ACT: SECTION BY SECTION

Section 1: Discretionary compensation for self-isolation

7. **Section 1** modifies section 56 and section 58 of the Public Health etc. (Scotland) Act 2008 (“the 2008 Act”).
8. **Section 1(2)(a)** of the Act has the effect of making section 56(1) of the 2008 Act subject to section 56(1A). Section 1(2)(b) of the Act provides that section 56 is to have effect as if a subsection (1A) were inserted after subsection (1). Subsection (1A) applies when a request is made to a person under section 56(1) to quarantine, be excluded from entering or remaining in a place, or refrain from certain activities, for a reason relating to coronavirus. Subsection (1A) ensures that in those cases the health board is not under an obligation to pay compensation to the person to whom the request is made. The health board may however choose to pay compensation.
9. **Section 1(3)(a)** of the Act has the effect of making section 58(2) of the 2008 Act subject to section 58(2A). Section 1(3)(b) of the Act provides that section 58 is to have effect as if a subsection (2A) were inserted after subsection (2). Subsection (2A) applies when a request is made to a person under section 56(1), or a person is subject to any of the types of orders specified in section 58(1)(a), for a reason relating to coronavirus. Subsection (2A) ensures that in those cases the health board is not under an obligation to pay compensation to a carer of the person subject to the order or to whom the request is made. The health board may however choose to pay compensation.