



# Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021

## 2021 asp 15

### REDRESS FOR SURVIVORS (HISTORICAL CHILD ABUSE IN CARE) (SCOTLAND) ACT 2021

#### **PART 1**

##### OVERVIEW AND MEANING OF “REDRESS SCHEME”

- 1 Overview of Act
- 2 Meaning of “redress scheme”

#### **PART 2**

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##### *Redress Scotland*

- 3 Establishment
- 4 Status
- 5 Membership, procedures and powers etc.
- 6 Independence

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- 7 Functions of Redress Scotland
- 8 Functions of the Scottish Ministers
- 9 Duty with respect to ensuring individuals can make informed choices
- 10 Provision of administrative support to Redress Scotland
- 11 Duty on the Scottish Ministers and Redress Scotland to co-operate
- 12 Sharing of information between the Scottish Ministers and Redress Scotland
- 13 Principle of dignity, respect and compassion

*Status: Point in time view as at 24/04/2021.**Changes to legislation: There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021. (See end of Document for details)**Contributions to the redress scheme*

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- 15 Statement of principles in relation to contributor list
- 16 Retrospective removal of scheme contributor from contributor list
- 17 Financial contributions by charities

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- 18 Eligibility to apply for a redress payment

*Meaning of “abuse”*

- 19 Meaning of “abuse”

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- 20 Meaning of “relevant care setting”
- 21 Meaning of “residential institution”: further provision
- 22 Meaning of “resident”

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- 23 Power to create exceptions to eligibility

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- 24 Eligibility to apply for a next of kin payment
- 25 Eligibility to apply for a next of kin payment: exceptional circumstances
- 26 Review of determination made under section 25
- 27 Outcome of a section 26 review
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**CHAPTER 1**

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- 29 Application for a redress payment
- 30 Cases where more than one application permitted
- 31 Application period
- 32 Pausing of application
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- 34 Prioritisation of applications
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- 36 Determination of applications
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- 38 Fixed rate payment
- 39 Individually assessed payment
- 40 Next of kin payment
- 41 Power to adjust redress payment amounts for inflation

### *Deduction of previous payments*

- 42 Deduction of previous payments from redress payment
- 43 Deduction of previous payments: further provision
- 44 Information about previous payments from applicant
- 45 Information about previous payments: further provision

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- 46 Waiver
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- 53 Outcome of a section 52 review

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## **CHAPTER 3**

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- 61 Applicants etc. with convictions for serious offences: definitions
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- 67 Access to information and evidence by nominated beneficiary
- 68 Review of determination made under section 66(3)
- 69 Outcome of a section 68 review
- 70 Applicant's death after offer accepted
- 71 Invitation to nominated beneficiary to take over application
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## CHAPTER 5

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- 74 Liability for redress payments made in error
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- 76 Review of reconsidered determination
- 77 Outcome of a section 76 review
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- 79 Power of the Scottish Ministers to require the provision of evidence
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- 87 Confidentiality of information
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## PART 5

### OTHER SUPPORT FOR SURVIVORS OF ABUSE

#### *Provision of support*

- 89 Provision of support to persons in connection with an application
- 90 Provision of support to certain persons eligible for a payment etc.

#### *Payment of costs and expenses*

- 91 Reimbursement of costs incurred in connection with applications

#### *Payment of fees for legal work*

- 92 Duty on the Scottish Ministers to pay fee for legal work in making an application
- 93 Duty on the Scottish Ministers to pay certain fees for legal work in exceptional cases
- 94 Sections 92 and 93: further provision

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- 95 Assessment, notification and review of certain fee payment requests
- 96 Restriction on additional legal fees

*Liability for certain payments made in error*

- 97 Liability for payments, other than redress payments, made in error
- 98 Power to make further provision about payments, other than redress payments, made in error

**PART 6**

REPORTING ON WIDER REDRESS ACTIONS

- 99 Annual report on wider redress actions
- 100 Power of the Scottish Ministers to require production of report
- 101 Power to make provision about additional redress reporting

**PART 7**

GENERAL AND MISCELLANEOUS

- 102 The Survivor Forum
- 103 Dissolution of the National Confidential Forum
- 104 Dissolution of Redress Scotland
- 105 Interpretation
- 106 Guidance
- 107 Regulation-making powers
- 108 Ancillary provision
- 109 Commencement
- 110 Short title

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SCHEDULE 1 — Redress Scotland

*Membership*

- 1 (1) Redress Scotland is to consist of—

*Terms and conditions of appointment*

- 2 (1) A member is appointed for such period (being not...

*Equal opportunities*

- 3 (1) When appointing members of Redress Scotland, the Scottish Ministers...

*Persons who may not be appointed*

- 4 A person may not be appointed as a member of...

*Early termination of membership*

- 5 (1) A member of Redress Scotland, including the chairing member,...

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- 6 Redress Scotland must pay each member such remuneration and allowances...

*Chief executive and other staff*

- 7 (1) Redress Scotland is to appoint, as a member of...

*Staff pensions*

- 8 (1) Redress Scotland may pay or make arrangements for the...

*Committees*

- 9 (1) Redress Scotland may establish committees for any purpose relating...

*Authority to perform functions*

- 10 (1) Redress Scotland may authorise— (a) any of its members,...

*Regulation of procedure*

- 11 The rules of procedure of Redress Scotland and that of...

*Validity of things done*

- 12 The validity of anything done by Redress Scotland or any...

*General powers*

- 13 (1) Redress Scotland may do anything which it considers to...

*Funding and financial assistance*

- 14 (1) The Scottish Ministers may provide such financial assistance to...

*Corporate plan*

- 15 (1) Redress Scotland must submit a corporate plan to the...

*Accounts and audit*

- 16 (1) Redress Scotland must— (a) keep proper accounts and accounting...

*Annual report*

- 17 (1) Redress Scotland must, as soon as practicable after the...

*Application of public bodies legislation*

- 18 In the Ethical Standards in Public Life etc. (Scotland) Act...  
 19 In the Scottish Public Services Ombudsman Act 2002, in schedule...  
 20 In the Freedom of Information (Scotland) Act 2002, in Part...  
 21 In the Public Services Reform (Scotland) Act 2010—  
 22 In the Public Records (Scotland) Act 2011, in the schedule, ...  
 23 In the Procurement Reform (Scotland) Act 2014, in Part 3...  
 24 In the Gender Representation on Public Boards (Scotland) Act 2018, ...

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SCHEDULE 2 — The National Confidential Forum  
PART 1 — CONTINUING MATTERS

*Confidentiality and disclosure of information*

- 1 (1) This sub-paragraph applies to— (a) the Mental Welfare Commission...

*Public records*

- 2 Section 1 of the Public Records (Scotland) Act 2011 (records...  
PART 2 — CONSEQUENTIAL MODIFICATIONS

*Public Appointments and Public Bodies etc. (Scotland) Act 2003*

- 3 (1) The Public Appointments and Public Bodies etc. (Scotland) Act...

*Mental Health (Care and Treatment) (Scotland) Act 2003*

- 4 (1) The Mental Health (Care and Treatment) (Scotland) Act 2003...

*Victims and Witnesses (Scotland) Act 2014*

- 5 (1) The Victims and Witnesses (Scotland) Act 2014 is amended...

*National Confidential Forum (Prescribed Care and Health Services) (Scotland) Order 2014*

- 6 The National Confidential Forum (Prescribed Care and Health Services) (Scotland)...

*Gender Representation on Public Boards (Scotland) Act 2018*

- 7 (1) The Gender Representation on Public Boards (Scotland) Act 2018...

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