



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

2021 asp 15

PART 3

ELIGIBILITY AND KEY CONCEPTS

Meanings of “relevant care setting” and “resident”

20 Meaning of “relevant care setting”

- (1) In this Act, “relevant care setting” means—
- (a) a residential institution in which the day-to-day care of children was provided by or on behalf of a person other than a parent or guardian of the children resident there,
 - (b) a place, other than a residential institution, in which a child resided while being—
 - (i) boarded-out,
 - (ii) fostered.
- (2) But a place is not a relevant care setting by virtue of subsection (1)(b) where the child was boarded-out or fostered—
- (a) with a relative or guardian of the child, or
 - (b) under arrangements between a parent or guardian of the child and another person unless that other person was either—
 - (i) a public authority, or
 - (ii) a voluntary organisation exercising functions in relation to the safeguarding or promotion of the welfare of the child or the protection or furthering of the child's interests.
- (3) In this section and in section 22, “residential institution” means—
- (a) a children's home,
 - (b) a penal institution,
 - (c) a residential care facility,

Changes to legislation: There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Section 20. (See end of Document for details)

- (d) school-related accommodation,
 - (e) secure accommodation.
- (4) The Scottish Ministers may by regulations—
- (a) modify the meaning of “residential institution” by—
 - (i) adding a description of establishment as a residential institution to those mentioned in subsection (3),
 - (ii) varying the description of a residential institution in that subsection,
 - (b) modify section 21(1) as Ministers consider appropriate in consequence of any modification of subsection (3) or otherwise.
- (5) The Scottish Ministers may make regulations under subsection (4) only if satisfied, so far as reasonably practicable, that doing so will not have the effect that persons who would otherwise be eligible to apply for redress payments will cease to be so eligible.

Commencement Information

II [S. 20](#) in force at 7.12.2021 by [S.S.I. 2021/419](#), [reg. 2](#)

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