



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

2021 asp 15

PART 4

FINANCIAL REDRESS: REDRESS PAYMENTS

CHAPTER 1

DETERMINATION OF APPLICATIONS FOR REDRESS PAYMENTS

Payment levels

39 Individually assessed payment

- (1) An individually assessed payment is a payment, based on an assessment of the matters raised by an application, of—
- (a) the fixed rate payment, and
 - (b) if the panel appointed under section 35 to determine the application considers a further sum to be appropriate, the further sum of—
 - (i) £10,000,
 - (ii) £30,000,
 - (iii) £50,000,
 - (iv) £70,000, or
 - (v) £90,000,as the panel considers appropriate.
- (2) Accordingly, depending on what (if any) further sum is considered appropriate, an individually assessed payment is a payment in total of—
- (a) £10,000 for a fixed rate payment,
 - (b) £20,000 (a level 1 payment),
 - (c) £40,000 (a level 2 payment),
 - (d) £60,000 (a level 3 payment),

Changes to legislation: There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Section 39. (See end of Document for details)

- (e) £80,000 (a level 4 payment), or
 - (f) £100,000 (a level 5 payment).
- (3) But where—
- (a) a fixed rate payment has previously been paid to an applicant, no further fixed rate payment is payable to that applicant when determining an application for an individually assessed payment made by virtue of section 30(2),
 - (b) the application is an application for an individually assessed payment made by virtue of section 30(3), any redress payment (other than a next of kin payment) which has previously been paid to the applicant is to be deducted from the individually assessed payment for which the applicant is eligible.
- (4) In considering what further sum, if any, is appropriate for the purpose of subsection (1)(b), the panel—
- (a) must have regard to the nature, severity, frequency and duration of the abuse to which the application relates, and
 - (b) may have regard to any other matter it considers relevant.

Commencement Information

II S. 39 in force at 7.12.2021 by S.S.I. 2021/419, reg. 2

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