



# 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

###### *Deduction of previous payments*

#### **43 Deduction of previous payments: further provision**

- (1) This section makes further provision about the deduction of relevant payments from redress payments under section 42(4) and the adjustment of relevant payments in accordance with section 42(5).
- (2) Where the applicant mentioned in section 42(1) is a child of a deceased person applying for a next of kin payment in respect of that person, the amount which is to be deducted from the redress payment for which the child is eligible is to be calculated in accordance with subsection (3).
- (3) The amount calculated under section 42(4) as the amount to be deducted is to be divided by the total number of surviving children of the deceased person at the date that the first (or, as the case may be, only) application for a next of kin payment is made in respect of the deceased person by a child of that person.
- (4) Where—
  - (a) the application being determined is an application for an individually assessed payment, and
  - (b) the applicant has previously been paid a redress payment,a relevant payment is not to be deducted under section 42(4) to the extent that it has already been deducted from the previous redress payment.

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**Status:** *This is the original version (as it was originally enacted).*

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- (5) Where the panel appointed under section 35 to determine an application or, as the case may be, the review panel appointed under section 55 to conduct a review considers it appropriate, the panel need not deduct under section 42(4) a relevant payment to which the applicant or, as the case may be, the person in respect of whom the application is made, has only an entitlement.
- (6) A relevant payment which is a payment under the advance payment scheme is not to be adjusted in accordance with section 42(5).