



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

2021 asp 15

PART 4

FINANCIAL REDRESS: REDRESS PAYMENTS

CHAPTER 3

APPLICATIONS AFFECTED BY CONVICTIONS FOR SERIOUS OFFENCES

61 Applicants etc. with convictions for serious offences: definitions

(1) For the purposes of section 60—

“imprisonment” includes detention in a young offenders institution or detention centre, detention in a Borstal institution and penal servitude,

“murder” includes, in relation to murder committed outside Scotland, aiding, abetting, counselling, procuring or inciting murder,

“rape”—

(a) means rape—

(i) at common law,

(ii) under section 1 of the Sexual Offences Act 1956,

(iii) under section 1 of the Sexual Offences Act 2003,

(iv) of a child under 13 (under section 5 of that Act),

(v) by virtue of article 18 of the [Criminal Justice \(Northern Ireland\) Order 2003 \(SI 2003/1247 \(N.I. 13\)\)](#),

(vi) under article 5 of the [Sexual Offences \(Northern Ireland\) Order 2008 \(SI 2008/1769 \(N.I. 2\)\)](#),

(vii) of a child under 13 (under article 12 of that Order),

(viii) under section 1 of the Sexual Offences (Scotland) Act 2009,

(ix) of a young child (under section 18 of that Act), and

(b) includes, in relation to rape committed outside Scotland, aiding, abetting, counselling, procuring or inciting rape,

Status: This is the original version (as it was originally enacted).

“relevant offence” means—

- (a) a violent offence, being an offence inferring personal violence other than—
 - (i) murder,
 - (ii) rape, or
 - (iii) a sexual offence,
 - (b) a sexual offence listed in schedule 3 of the Sexual Offences Act 2003 other than rape (but including attempted rape and conspiracy to commit rape).
- (2) The Scottish Ministers may by regulations modify subsection (1) to—
- (a) add an offence,
 - (b) vary the description of an offence,
 - (c) remove an offence.