



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

2021 asp 15

PART 4

FINANCIAL REDRESS: REDRESS PAYMENTS

CHAPTER 4

DEATH OF APPLICANT

66 Applicant's death while application ongoing

- (1) Where an applicant for a redress payment dies while the application is ongoing, it brings the application to an end unless—
 - (a) there is a nomination in force in relation to the application under section 65, and
 - (b) the nominated beneficiary is to be invited to take over the application by virtue of subsection (2) or (3).
- (2) Where the applicant dies—
 - (a) after the panel appointed under section 35 to determine the application has all the information that it requires in order to do so, but
 - (b) while the application is ongoing,the nominated beneficiary is to be invited to take over the application.
- (3) Where the applicant dies—
 - (a) after making the application, but
 - (b) before the panel appointed under section 35 to determine the application has all the information that it requires in order to do so,the panel must determine, in accordance with subsection (4), whether or not the nominated beneficiary is to be invited to take over the application.

Status: This is the original version (as it was originally enacted).

- (4) The panel may determine under subsection (3) that the nominated beneficiary is to be invited to take over the application only if it considers that there are exceptional circumstances which merit it.
- (5) Once the panel has reached a determination under subsection (3), Redress Scotland must inform the Scottish Ministers who must, as soon as reasonably practicable—
 - (a) notify the nominated beneficiary of the determination, and
 - (b) provide the nominated beneficiary with a summary, provided by Redress Scotland, of the panel’s reasons for reaching that determination.
- (6) For the purpose of this section, an application is ongoing from the time it is made until—
 - (a) it is withdrawn under section 33,
 - (b) in a case where a determination is made under section 36 or 60 that the applicant is not eligible for, or is precluded from being offered, a redress payment, either—
 - (i) the period within which a review may be requested expires, no review of the determination having been requested, or
 - (ii) a review of the determination having been requested, the determination is upheld on review or the request for a review of the determination is withdrawn, or
 - (c) in a case where a determination is made (whether under section 36 or on a review) that the applicant is eligible for a redress payment, the application is brought to an end under section 49 or, as the case may be, 58.
- (7) An application is also ongoing from the time either—
 - (a) a request to revive it is made by virtue of section 49(4) or 58(4) or it is revived under either of those sections without such a request being made, or
 - (b) a late request for a review is made in relation to it,until the time any such request is rejected or withdrawn, or the application is brought to an end as mentioned in subsection (6)(b)(ii) or (c).