

*These notes relate to the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 (asp 15) which received Royal Assent on 23 April 2021*

# **REDRESS FOR SURVIVORS (HISTORICAL CHILD ABUSE IN CARE) (SCOTLAND) ACT 2021**

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## **EXPLANATORY NOTES**

### **DETAILED PROVISIONS**

#### **Part 4: Financial redress: redress payments**

##### *Chapter 4: Death of applicant*

##### *Section 66: Applicant's death while application ongoing*

185. Subsection (1) provides that the death of an applicant during the application process will bring an application to an end, unless there is a nomination in force in relation to it under section 65 (nomination of beneficiary) and the nominated beneficiary is to be invited to take over the application by virtue of subsection (2) or (3) of this section.
186. Subsection (2) sets out that where an applicant has died after the panel has all of the information required to determine the application, but while it is still ongoing, the nominated beneficiary is to be invited to take over the application.
187. Subsection (3) provides that, where an applicant has died after making an application, but before the panel has all of the information required to determine the application, the panel must make a determination in accordance with subsection (4) whether or not the nominated beneficiary should be invited to take over the application. In accordance with subsection (4), the nominated beneficiary will only be invited to take over the application where there are exceptional circumstances which merit it - for example, where the remaining paperwork required in respect of the application is minimal, and not fundamental to the determination of eligibility of the applicant.
188. Once a determination has been reached, subsection (5) requires Redress Scotland to inform the Scottish Ministers, who must, in turn, notify the nominated beneficiary of the determination, and provide the beneficiary with a summary of the panel's reasons for it.
189. Subsections (6) and (7) set out what is meant by an application being "ongoing" for the purposes of this section. This is explained in paragraphs 54 and 55 of these Notes.