



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

## 2021 asp 15

### PART 4

#### FINANCIAL REDRESS: REDRESS PAYMENTS

### CHAPTER 5

#### REDRESS PAYMENTS OR DETERMINATIONS MADE IN ERROR

**[<sup>F1</sup>75D. Effect of redetermination: offer made where no previous offer or previous offer not accepted**

- (1) This section applies where the reconsideration panel determines under section 75(5) (b) that an offer of a redress payment is to be made and—
  - (a) no offer of a redress payment was made under the original determination, or
  - (b) such an offer was made but, at the point at which the original determination was referred for reconsideration, the offer had not been accepted.
- (2) Subject to subsection (3), sections 46, 47 and 49 to 53 apply to the offer made under section 75(5)(b) as they apply to an offer made under a determination under section 36 but subject to the modification that references in those sections to—
  - (a) the applicant (other than the reference in the definition of “relevant abuse” in section 46(6)) are to be read as references to the relevant person, and
  - (b) the panel appointed under section 35 or, as the case may be, a review panel appointed under section 55 are to be read as references to the reconsideration panel.
- (3) Sections 46, 47 and 49 to 53 are subject to the following further modifications—
  - (a) in section 46(2), for “an applicant to whom subsection (3) applies” substitute “, where subsection (3) applies, the relevant person”,
  - (b) in section 46(3), for “to an applicant for an individually assessed payment who” substitute “where the application to which the original determination

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**Changes to legislation:** There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Section 75D. (See end of Document for details)

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relates is an application for an individually assessed payment and the applicant in relation to that application”,

(c) for section 49(1), substitute—

“(1) A relevant person to whom an offer of a redress payment is made under section 75(5)(b) may—

- (a) accept the offer in accordance with section 50(1),
- (b) reject the offer in accordance with subsection (1A), or
- (c) request a review of the offer in accordance with section 76.

(1A) An offer of a redress payment made under section 75(5)(b) is rejected by the relevant person giving the Scottish Ministers notice in writing that the offer is rejected.”,

(d) in section 49(2), for “neither” substitute “none”,

(e) in section 49(3)(a), for “the date on which the offer was received by the applicant” there is substituted “the date on which the relevant person received notification of the determination under section 75(5)(b)”.]

#### Textual Amendments

- F1** Ss. 75A-75E inserted (9.2.2022) by [The Redress for Survivors \(Historical Child Abuse in Care\) \(Reconsideration and Review of Determinations\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/44\)](#), regs. 1(1), **25**

**Changes to legislation:**

There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Section 75D.