
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with the redress scheme established by the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 (asp 15) (“the Act”).

Section 92 of the Act requires the Scottish Ministers, on request, to pay prescribed sums to a solicitor in respect of the legal work reasonably undertaken in making an application for a redress payment.

Section 93 of the Act requires Scottish Ministers to pay certain fees for legal work in exceptional cases. This includes cases where a person sought legal advice on their eligibility to apply for a redress payment, but did not subsequently apply.

Section 95 of the Act makes provision in relation to assessment, notification and review of fee payment requests.

These Regulations make provision for the purposes of sections 92, 93 and 95 of the Act.

Regulation 2 makes provision for the form and content and information accompanying a fee payment request.

Regulation 3 makes provision for the timescale for submission of fee payment requests.

Regulation 4 makes provision to require the prior authorisation by Redress Scotland of legal work in exceptional or unexpected circumstances before the legal work is undertaken.

Regulation 5 provides that a solicitor may ask for review of an assessment by Redress Scotland under regulation 4 where Redress Scotland does not consider that authority in principle for undertaking exceptional or unexpected legal work ought to be given, or it considers that the additional sum likely to be paid for that work is less than the solicitor requested.

Regulation 6 and the schedule prescribes sums for the purposes of sections 92(1) and 93(1) of the Act.

Regulations 7 to 11 make provision for the review of decisions by Redress Scotland in relation to fee payment requests, and the timescales and procedures for those reviews.

Impact assessments have been prepared in relation to the Act and instruments under it and will be published online at www.gov.scot.