



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

2021 asp 15

PART 1

OVERVIEW AND MEANING OF “REDRRESS SCHEME”

1 Overview of Act

- (1) This Act is arranged as follows.
- (2) This Part provides an overview of all the redress-related activity provided for by this Act and defines the “redress scheme”.
- (3) Part 2 makes provision—
 - (a) establishing Redress Scotland,
 - (b) about the functions of Redress Scotland and the Scottish Ministers in relation to the redress scheme,
 - (c) requiring a list of contributors to the redress scheme to be established and maintained, and
 - (d) to facilitate charities becoming scheme contributors where they wish to do so.
- (4) Part 3 makes provision—
 - (a) about the core eligibility criteria which must be met for a person to apply for a redress payment, and
 - (b) about the further eligibility criteria which apply when the person who was abused has died and the person’s next of kin wishes to make an application.
- (5) Part 4 makes provision—
 - (a) about the requirements which apply to applications for a redress payment and how Redress Scotland will determine such applications,
 - (b) about the different types of redress payments which can be offered (a fixed rate payment, an individually assessed payment or a next of kin payment),
 - (c) for certain previous payments made in respect of abuse to be deducted from any redress payment which is offered,

- (d) for the signature of a waiver to be required where an applicant wishes to accept a redress payment,
 - (e) about how long an offer of a redress payment is to remain valid, and how payment is to be made where the offer is accepted,
 - (f) for a right to a review in respect of the determination of an application for a redress payment,
 - (g) about how applications will be determined where the person who would otherwise be offered the redress payment, or (if not the same person) the person who was abused, has a serious criminal conviction,
 - (h) about what will happen if the applicant dies,
 - (i) for the recovery of redress payments made in error and the reconsideration of determinations which may have been materially affected by error,
 - (j) about how information required or provided in relation to an application is to be obtained, shared, and kept confidential.
- (6) Part 5 makes provision—
- (a) about the provision of support in connection with applications,
 - (b) about the provision of support to certain persons following an application under this Act or under the advance payment scheme,
 - (c) requiring the making of regulations about the reimbursement of costs and expenses associated with an application,
 - (d) about the payment of fees for legal work in connection with applications,
 - (e) for the recovery of payments, other than redress payments, made in error.
- (7) Part 6 makes provision about the reporting that is or can be required of scheme contributors and certain other persons in relation to their redress activity.
- (8) Part 7 makes provision—
- (a) for the establishment of the Survivor Forum,
 - (b) for the dissolution of the National Confidential Forum,
 - (c) for the dissolution of Redress Scotland once the redress scheme has ended,
 - (d) about the interpretation of this Act,
 - (e) for the issuing of guidance and the making of regulations,
 - (f) for the commencement of this Act and about its short title.

2 Meaning of “redress scheme”

In this Act, the “redress scheme” means the scheme established by this Act for financial redress and related support for and in respect of survivors of historical child abuse in relevant care settings in Scotland.