



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

2021 asp 15

PART 4

FINANCIAL REDRESS: REDRESS PAYMENTS

CHAPTER 1

DETERMINATION OF APPLICATIONS FOR REDRESS PAYMENTS

Payment levels

38 Fixed rate payment

A fixed rate payment is a payment of £10,000.

Commencement Information

II [S. 38](#) in force at 7.12.2021 by [S.S.I. 2021/419](#), [reg. 2](#)

39 Individually assessed payment

(1) An individually assessed payment is a payment, based on an assessment of the matters raised by an application, of—

- (a) the fixed rate payment, and
- (b) if the panel appointed under section 35 to determine the application considers a further sum to be appropriate, the further sum of—
 - (i) £10,000,
 - (ii) £30,000,
 - (iii) £50,000,
 - (iv) £70,000, or

Status: Point in time view as at 07/12/2021.

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

(v) £90,000,

as the panel considers appropriate.

- (2) Accordingly, depending on what (if any) further sum is considered appropriate, an individually assessed payment is a payment in total of—
- (a) £10,000 for a fixed rate payment,
 - (b) £20,000 (a level 1 payment),
 - (c) £40,000 (a level 2 payment),
 - (d) £60,000 (a level 3 payment),
 - (e) £80,000 (a level 4 payment), or
 - (f) £100,000 (a level 5 payment).
- (3) But where—
- (a) a fixed rate payment has previously been paid to an applicant, no further fixed rate payment is payable to that applicant when determining an application for an individually assessed payment made by virtue of section 30(2),
 - (b) the application is an application for an individually assessed payment made by virtue of section 30(3), any redress payment (other than a next of kin payment) which has previously been paid to the applicant is to be deducted from the individually assessed payment for which the applicant is eligible.
- (4) In considering what further sum, if any, is appropriate for the purpose of subsection (1) (b), the panel—
- (a) must have regard to the nature, severity, frequency and duration of the abuse to which the application relates, and
 - (b) may have regard to any other matter it considers relevant.

Commencement Information

I2 S. 39 in force at 7.12.2021 by S.S.I. 2021/419, reg. 2

40 Next of kin payment

- (1) A next of kin payment is a payment of the relevant share of the fixed rate payment.
- (2) For the purpose of subsection (1), the relevant share is—
- (a) in the case of an application by the spouse, civil partner or cohabitant of the person in respect of whom the application is made (“the deceased person”), the whole amount,
 - (b) in the case of an application by a child of the deceased person, the whole amount divided by the total number of surviving children of the deceased person at the date that the first (or, as the case may be, only) application for a next of kin payment is made in respect of the deceased person by a child of the deceased person.

Commencement Information

I3 S. 40 in force at 7.12.2021 by S.S.I. 2021/419, reg. 2

Status: Point in time view as at 07/12/2021.

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

41 Power to adjust redress payment amounts for inflation

The Scottish Ministers may by regulations modify sections 38 and 39 to replace any amount for the time being set out in those sections with such higher amount as they consider to be appropriate in consequence of material changes in the value of money.

Commencement Information

I4 [S. 41](#) in force at 7.12.2021 by [S.S.I. 2021/419](#), [reg. 2](#)

Status:

Point in time view as at 07/12/2021.

Changes to legislation:

There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Cross Heading: Payment levels.