# SCHEDULE 1

*(introduced by section 5)*

## REDRESS SCOTLAND

### *Membership*

1 (1) Redress Scotland is to consist of—

(a) a member appointed by the Scottish Ministers to chair Redress Scotland, and

(b) at least 5 other members appointed by the Scottish Ministers.

(2) The Scottish Ministers must appoint as members only persons having such skills, knowledge and expertise as the Scottish Ministers consider relevant to the carrying out of the functions of Redress Scotland.

(3) The Scottish Ministers may appoint a member to—

(a) deputise for the person appointed under sub-paragraph (1)(a),

(b) act during any period when—

(i) there is no person appointed under that sub-paragraph, or

(ii) that person is unable to act.

**Commencement Information**

**I1** Sch. 1 para. 1 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

### *Terms and conditions of appointment*

2 (1) A member is appointed for such period (being not less than 3 years and not more than 5 years) as the Scottish Ministers determine.

(2) The Scottish Ministers may reappoint as a member of Redress Scotland a person who is, or has been, a member.

(3) References in this Act to a member's appointment include that member's reappointment.

(4) Subject to paragraph 5, an appointed member holds and vacates office on such terms and conditions as the Scottish Ministers determine.

(5) The Scottish Ministers may by regulations amend sub-paragraph (1) by substituting a different number for any number for the time being mentioned there.

**Commencement Information**

**I2** Sch. 1 para. 2 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

### *Equal opportunities*

3 (1) When appointing members of Redress Scotland, the Scottish Ministers must do so in a manner which encourages equal opportunities and, in particular, the observance of the equal opportunity requirements.

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

(2) "Equal opportunities" and "equal opportunity requirements" have the meanings given in Section L2 of Part 2 of schedule 5 of the Scotland Act 1998.

**Commencement Information**
**I3** Sch. 1 para. 3 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Persons who may not be appointed*

4 A person may not be appointed as a member of Redress Scotland if—
(a) the person is—
(i) a member of the Scottish Parliament,
(ii) a member of the House of Commons,
(iii) a member of the House of Lords,
(iv) a councillor of a local authority,
(v) an office-holder in the Scottish Administration,
(b) the person is disqualified—
(i) as a company director under the Company Directors Disqualification Act 1986,
(ii) as a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005,
(iii) under any disqualification provision analogous to either of those mentioned in paragraphs (i) and (ii) anywhere in the world.

**Commencement Information**
**I4** Sch. 1 para. 4 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Early termination of membership*

5 (1) A member of Redress Scotland, including the chairing member, may resign by giving notice in writing to the Scottish Ministers.

(2) A person's appointment as a member of Redress Scotland ceases if, during the person's period of appointment, either paragraph (a) or paragraph (b) of paragraph 4 applies to the person.

(3) The Scottish Ministers may, by giving notice in writing, remove a member of Redress Scotland if the member—
(a) becomes insolvent,
(b) has been absent from 3 consecutive meetings of Redress Scotland without—
(i) the permission of the Scottish Ministers, or
(ii) reasonable excuse,
(c) is, in the opinion of the Scottish Ministers—
(i) unable or unfit to perform any of the functions of a member,
(ii) unsuitable to continue as a member.

(4) For the purpose of sub-paragraph (3)(a), a person becomes insolvent if—

(a) the person's estate is sequestrated,
(b) the person grants a trust deed for creditors or makes a composition or arrangement with creditors,
(c) the person is adjudged bankrupt,
(d) a voluntary arrangement proposed by the person is approved,
(e) the person's application for a debt payment programme is approved under section 2 of the Debt Arrangement and Attachment (Scotland) Act 2002,
(f) the person becomes subject to any other order or arrangement analogous to any of those mentioned in paragraphs (a) to (e) anywhere in the world.

(5) The Scottish Ministers may suspend a member of Redress Scotland if they consider that there is a need to investigate whether there are grounds for a member to be removed under sub-paragraph (3).

(6) The suspension of a member under sub-paragraph (5) continues until the Scottish Ministers—
(a) remove the member under sub-paragraph (3), or
(b) notify the member and Redress Scotland that their decision is not to remove the member under sub-paragraph (3).

**Commencement Information**
**I5** Sch. 1 para. 5 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Members' remuneration and allowances*

6 Redress Scotland must pay each member such remuneration and allowances (including expenses) as the Scottish Ministers determine.

**Commencement Information**
**I6** Sch. 1 para. 6 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Chief executive and other staff*

7 (1) Redress Scotland is to appoint, as a member of staff, a chief executive.

(2) Redress Scotland is to appoint each chief executive with the approval of the Scottish Ministers.

(3) The chief executive may not be a member of Redress Scotland.

(4) Redress Scotland may appoint other staff.

(5) The chief executive and other staff are appointed on such terms and conditions as the Scottish Ministers determine.

**Commencement Information**
**I7** Sch. 1 para. 7 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

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

*Staff pensions*

8 (1) Redress Scotland may pay or make arrangements for the payment of pensions and allowances to, or in respect of, any person who is or has been a member of staff of Redress Scotland.

(2) Those arrangements may include—

(a) making payments towards the provision of those pensions and allowances,

(b) providing and maintaining schemes for the payment of those pensions and allowances.

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Committees*

9 (1) Redress Scotland may establish committees for any purpose relating to its functions.

(2) Redress Scotland may appoint a person who is not a member of Redress Scotland to be a member of a committee.

(3) Redress Scotland may pay to a person who is not a member of Redress Scotland and who is appointed to a committee such remuneration and allowances (including expenses) as the Scottish Ministers determine.

(4) A committee must comply with any directions given to it by Redress Scotland.

**Commencement Information**

**I9** Sch. 1 para. 9 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Authority to perform functions*

10 (1) Redress Scotland may authorise—

(a) any of its members,

(b) any committee established by it,

(c) any member of its staff,

to perform such of its functions (and to such extent) as it may determine.

(2) But Redress Scotland may not authorise any person to perform any of the following functions—

(a) approving its corporate plan,

(b) approving any annual budget or financial plan,

(c) approving annual reports or accounts,

(d) its functions under section 7.

(3) The giving of authority under sub-paragraph (1) to perform a function does not—

(a) affect Redress Scotland's responsibility for the performance of the function,

(b) prevent Redress Scotland from performing the function itself.

**Commencement Information**
**I10** Sch. 1 para. 10 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Regulation of procedure*

11 The rules of procedure of Redress Scotland and that of any of its committees, including the quorum at any meeting, are to be—
(a) prepared by Redress Scotland, and
(b) approved by the Scottish Ministers.

**Commencement Information**
**I11** Sch. 1 para. 11 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Validity of things done*

12 The validity of anything done by Redress Scotland or any of its committees is not affected by—
(a) a vacancy in membership,
(b) a defect in the appointment of a member,
(c) a person's membership having ended under paragraph 5.

**Commencement Information**
**I12** Sch. 1 para. 12 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*General powers*

13 (1) Redress Scotland may do anything which it considers to be—
(a) necessary or expedient for the purposes of, or in connection with, the performance of its functions, or
(b) otherwise conducive to the performance of its functions.

(2) But Redress Scotland may not—
(a) borrow money from a person other than the Scottish Ministers,
(b) hold or maintain land or other property, except with the consent of the Scottish Ministers.

**Commencement Information**
**I13** Sch. 1 para. 13 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Funding and financial assistance*

14 (1) The Scottish Ministers may provide such financial assistance to Redress Scotland as they consider appropriate.

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

(2) For the purposes of sub-paragraph (1), "financial assistance" includes grants, loans, guarantees and indemnities.

(3) The Scottish Ministers may attach conditions (including conditions as to repayment or the repayment of interest) in respect of any financial assistance provided.

(4) The Scottish Ministers may, from time to time after the financial assistance is provided, vary the conditions referred to in sub-paragraph (3).

**Commencement Information**

**I14** Sch. 1 para. 14 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Corporate plan*

15 (1) Redress Scotland must submit a corporate plan to the Scottish Ministers.

(2) Sub-paragraph (1) must be complied with as soon as reasonably practicable after the day this paragraph comes into force.

(3) The corporate plan must set out—

(a) the main objectives of Redress Scotland,

(b) the outcomes by reference to which the achievement of those objectives will be assessed,

(c) a general description of the main activities which Redress Scotland plans to undertake.

(4) The corporate plan may include such other material as Redress Scotland considers appropriate.

(5) The Scottish Ministers must—

(a) approve the corporate plan,

(b) approve the corporate plan with any modifications they consider appropriate, or

(c) decline to approve the corporate plan.

(6) Where the Scottish Ministers intend to approve the corporate plan with modifications, they must consult Redress Scotland before doing so.

(7) If sub-paragraph (5)(b) or (c) applies, Redress Scotland must, as soon as reasonably practicable, modify the corporate plan and submit the modified plan to the Scottish Ministers.

(8) Sub-paragraphs (5) to (7) apply to the corporate plan as modified.

(9) As soon as reasonably practicable after it is approved by the Scottish Ministers—

(a) Redress Scotland must publish the corporate plan, and

(b) the Scottish Ministers must lay a copy of the corporate plan before the Scottish Parliament.

(10) Redress Scotland—

(a) may revise the corporate plan at any time, and

(b) must revise the corporate plan when required to do so by the Scottish Ministers.

(11) Sub-paragraph (1) and sub-paragraphs (3) to (10) apply to a revised corporate plan as they apply to the first corporate plan.

**Commencement Information**
**I15** Sch. 1 para. 15 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Accounts and audit*

16 (1) Redress Scotland must—
(a) keep proper accounts and accounting records,
(b) prepare in respect of each financial year a statement of accounts, and
(c) send a copy of the statement to the Scottish Ministers.

(2) Redress Scotland must comply with any directions from the Scottish Ministers in relation to the matters mentioned in sub-paragraph (1).

(3) The Scottish Ministers must, as soon as reasonably practicable after receiving a copy statement of accounts from Redress Scotland, send it to the Auditor General for Scotland for auditing.

**Commencement Information**
**I16** Sch. 1 para. 16 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Annual report*

17 (1) Redress Scotland must, as soon as practicable after the end of each financial year, prepare a report on its activities during that year, including—
(a) the audited statement of accounts for the year,
(b) a general description of its main activities during the year,
(c) an assessment of the achievement of its objectives during the year by reference to the outcomes set out in the corporate plan for the period which includes that year,
(d) an assessment of whether applicants for redress payments appear to have had the opportunity to make informed choices,
(e) an assessment of the accessibility and suitability of guidance available to applicants on the sources and types of information or evidence that applications for redress payments may or must contain or be accompanied by, with reference to the information and evidence considered by it in determining applications,
(f) any other information which the Scottish Ministers require.

(2) The report may include recommendations, including in relation to the assessments which Redress Scotland has carried out by virtue of sub-paragraph (1)(c), (d) and (e).

(3) Redress Scotland must—
(a) send a copy of the report to the Scottish Ministers,

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

(b) publish the report.

(4) The Scottish Ministers must lay a copy of the report before the Scottish Parliament.

**Commencement Information**
**I17** Sch. 1 para. 17 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Application of public bodies legislation*

18 In the Ethical Standards in Public Life etc. (Scotland) Act 2000, in schedule 3 (devolved public bodies), at the appropriate place in alphabetical order insert— " Redress Scotland ".

**Commencement Information**
**I18** Sch. 1 para. 18 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

19 In the Scottish Public Services Ombudsman Act 2002, in schedule 2 (listed authorities), after paragraph 32AA insert—

"32AB Redress Scotland.".

**Commencement Information**
**I19** Sch. 1 para. 19 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

20 In the Freedom of Information (Scotland) Act 2002, in Part 7 of schedule 1 (others), after paragraph 75B insert—

"75BA Redress Scotland.".

**Commencement Information**
**I20** Sch. 1 para. 20 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

21 In the Public Services Reform (Scotland) Act 2010—

(a) in schedule 5 (improvement of public functions: listed bodies), under the heading "Scottish public authorities with mixed functions or no reserved functions", at the appropriate place in alphabetical order insert— " Redress Scotland ",

(b) in schedule 8 (listed public bodies), at the appropriate place in alphabetical order insert— " Redress Scotland ".

**Commencement Information**
**I21** Sch. 1 para. 21 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

22 In the Public Records (Scotland) Act 2011, in the schedule, under the heading "Others", at the appropriate place in alphabetical order insert— " Redress Scotland ".

**Commencement Information**
**I22** Sch. 1 para. 22 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

23 In the Procurement Reform (Scotland) Act 2014, in Part 3 of the schedule (others), after paragraph 42 insert—

"42A Redress Scotland".

**Commencement Information**
**I23** Sch. 1 para. 23 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

24 In the Gender Representation on Public Boards (Scotland) Act 2018, in schedule 1 (public authorities), at the appropriate place in alphabetical order insert—

"Redress Scotland".

**Commencement Information**
**I24** Sch. 1 para. 24 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

## SCHEDULE 2

*(introduced by section 103)*

THE NATIONAL CONFIDENTIAL FORUM

### PART 1

CONTINUING MATTERS

*Confidentiality and disclosure of information*

1 (1) This sub-paragraph applies to—

(a) the Mental Welfare Commission for Scotland ("the Commission"),
(b) a person who is or has been a member of the Commission,
(c) a person who is or has been an employee of the Commission,
(d) a person who has been a member of the NCF,
(e) a person who is given relevant information for the purpose of storing or preserving it.

(2) A person to whom sub-paragraph (1) applies must not disclose relevant information.

(3) Sub-paragraph (2) does not prevent disclosure of relevant information by the person to the extent that—

(a) the disclosure is to another person to whom sub-paragraph (1) applies and is necessary for the purpose of enabling or assisting the carrying out by the Commission of any of its functions,

(b) the disclosure is necessary for the purpose of enabling the Commission to prepare its annual report, or

(c) the disclosure is in accordance with sub-paragraph (4).

(4) A court may order disclosure of relevant information in, or for the purposes of, civil or criminal proceedings (including for the purposes of the investigation of any offence or suspected offence) if it is satisfied that—

(a) the disclosure is necessary in the interests of justice, and

(b) the extent of the disclosure is necessary in the interests of justice.

(5) In this paragraph, "relevant information" means any information which—

(a) has been provided to a person in connection with the carrying out by the Commission of any of its functions which relate to the functions that, prior to its dissolution, were the NCF's functions, and

(b) is not otherwise in the public domain.

**Commencement Information**

**I25** Sch. 2 para. 1 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Public records*

2 Section 1 of the Public Records (Scotland) Act 2011 (records management plans) is to be read as if after subsection (8) there were inserted—

"(8A) The Mental Welfare Commission for Scotland must continue to have a separate records management plan for the public records created in carrying out the National Confidential Forum's functions prior to its dissolution under section 103 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021.".

**Commencement Information**

**I26** Sch. 2 para. 2 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

## PART 2

### CONSEQUENTIAL MODIFICATIONS

*Public Appointments and Public Bodies etc. (Scotland) Act 2003*

3 (1) The Public Appointments and Public Bodies etc. (Scotland) Act 2003 is amended as follows.

(2) In schedule 2, under the heading "Offices", the words "NCF Head and any other member of the National Confidential Forum established under section 4ZA(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003" are repealed.

**Commencement Information**
**I27** Sch. 2 para. 3 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Mental Health (Care and Treatment) (Scotland) Act 2003*

4 (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.

(2) Sections 4ZA to 4ZD are repealed.

(3) In schedule 1—

(a) in paragraph 2A(1)(b), for "7 nor more than 9" substitute " 6 nor more than 8 ",

(b) in paragraph 2B(2)—

(i) after paragraph (a), insert " and ",

(ii) paragraph (c) is repealed, together with the word "and" immediately preceding it.

(4) Schedule 1A is repealed.

**Commencement Information**
**I28** Sch. 2 para. 4 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Victims and Witnesses (Scotland) Act 2014*

5 (1) The Victims and Witnesses (Scotland) Act 2014 is amended as follows.

(2) Sections 30 and 31 are repealed, together with the italic heading immediately preceding section 30.

**Commencement Information**
**I29** Sch. 2 para. 5 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*National Confidential Forum (Prescribed Care and Health Services) (Scotland) Order 2014*

6 The National Confidential Forum (Prescribed Care and Health Services) (Scotland) Order 2014 (S.S.I. 2014/193) is revoked.

**Commencement Information**
**I30** Sch. 2 para. 6 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

*Gender Representation on Public Boards (Scotland) Act 2018*

7 (1) The Gender Representation on Public Boards (Scotland) Act 2018 is amended as follows.

(2) In schedule 1, the entry relating to the National Confidential Forum is repealed.

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

**Commencement Information**

**I31** Sch. 2 para. 7 in force at 28.6.2021 by S.S.I. 2021/234, reg. 2, **sch.**

**Changes to legislation:**
There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021.