

REDRESS FOR SURVIVORS (HISTORICAL CHILD ABUSE IN CARE) (SCOTLAND) ACT 2021

EXPLANATORY NOTES

DETAILED PROVISIONS

Part 1: Overview and meaning of “redress scheme”

Section 1: Overview of Act

4. This section sets out how the Act is arranged.
 - Part 1 contains an overview of all the redress-related activity the Act provides for and defines the “redress scheme”;
 - Part 2 establishes Redress Scotland and sets out its functions and the support it will receive from the Scottish Ministers. It also requires that a list of contributors to the redress scheme be established and maintained, and facilitates charities becoming scheme contributors to the scheme where they wish to do so;
 - Part 3 sets out eligibility criteria for all applicants to the redress scheme, including for applications by next of kin;
 - Part 4 sets out how the application process will function, and makes provision about the requirements that will apply to applications, how they will be determined, types of redress payments, treatment of previous payments in respect of abuse, waiver, the time period during which offers are to remain valid, payment, review mechanisms, determination of applications where the applicant or person in respect of whom the payment is sought has a serious criminal conviction, the process if an applicant dies, recovery of redress payments made in error and the reconsideration process, and information sharing and confidentiality;
 - Part 5 makes provision with respect to the support available to applicants during the application process, including general support with the application, wider support for applicants and certain others in particular circumstances, reimbursement of costs incurred during the application process, payment of fees for legal work in connection with applications, and recovery of payments, other than redress payments, made in error;
 - Part 6 creates a requirement for contributors to the redress scheme to report on their wider activity in connection with redress;
 - Part 7 provides for the establishment of the Survivor Forum, the dissolution of the National Confidential Forum, the eventual dissolution of Redress Scotland, the interpretation of this Act, the issuing of guidance and making of regulations, and the commencement of this Act and its short title.