



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

## 2021 asp 15

### PART 7

#### GENERAL AND MISCELLANEOUS

#### 106 Guidance

- (1) The Scottish Ministers may issue guidance about the operation of this Act.
- (2) A person to whom guidance issued under subsection (1) applies must have regard to it.
- (3) Guidance issued under subsection (1) may, in particular, include provision about—
  - (a) the exercise of a function of Redress Scotland under or by virtue of this Act,
  - (b) eligibility to apply for redress payments, and the meaning of any expression used in Part 3,
  - (c) the sources and types of information or evidence that an application for a redress payment under section 29 may or must contain or be accompanied by, and the circumstances where it might be appropriate for Redress Scotland to seek information or evidence in determining an application,
  - (d) the determination of applications under section 36, including the standard of proof to be applied and the operation of the presumption mentioned in subsection (3) of that section,
  - (e) the length of time that should be taken to consider an application before providing a determination and, where relevant, an offer of a redress payment,
  - (f) the assessment of applications for individually assessed payments for the purpose of section 39,
  - (g) the assessment under section 60 of whether or not applicants or other persons with convictions for serious offences are precluded from being offered a redress payment,
  - (h) the meaning of “exceptional circumstances” for the purpose of section 66(4),
  - (i) the meaning of “exceptional or unexpected circumstances” for the purposes of sections 91(1)(b) and 93(1) and (3),

*Status: Point in time view as at 28/06/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Section 106. (See end of Document for details)*

- (j) the duty in relation to reporting on wider redress actions imposed on relevant persons under section 99.
- (4) In issuing guidance under subsection (1), the Scottish Ministers must have regard to any recommendations included, by virtue of paragraph 17(2) of schedule 1, in an annual report prepared by Redress Scotland.
- (5) As soon as reasonably practicable after issuing guidance under subsection (1), the Scottish Ministers must lay a copy of the guidance before the Scottish Parliament.
- (6) The Scottish Ministers must make guidance issued under subsection (1) publicly available.
- (7) The power to issue guidance under subsection (1) includes the power to—
  - (a) issue guidance which varies guidance issued under that subsection,
  - (b) revoke guidance issued under that subsection.
- (8) For the purpose of this section, guidance about the operation of this Act issued before the day this section comes into force is to be regarded as guidance issued under subsection (1).

#### **Commencement Information**

**II** [S. 106](#) in force at 28.6.2021 by [S.S.I. 2021/234](#), reg. 2, sch.

**Status:**

Point in time view as at 28/06/2021.

**Changes to legislation:**

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