



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

2021 asp 15

PART 2

OPERATION OF THE REDRESS SCHEME

Contributions to the redress scheme

16 Retrospective removal of scheme contributor from contributor list

- (1) The Scottish Ministers may remove a scheme contributor from the contributor list with retrospective effect only where the removal is a result of the contributor failing to make the financial contribution mentioned in section 14(1)(b) which the contributor had agreed to make.
- (2) Where the Scottish Ministers intend to remove a scheme contributor with retrospective effect, they must carry out an assessment of any contribution made by the contributor under the agreement and allocate it against redress payments as they consider appropriate.
- (3) The allocation must—
 - (a) be carried out in accordance with any statement published under section 15 about how a fair and meaningful financial contribution is to be calculated, and
 - (b) allow the Scottish Ministers to determine the date on which they consider any contribution made by the scheme contributor to be exhausted.
- (4) In determining the date on which a retrospective removal is to take effect, the Scottish Ministers must have regard to the date on which they consider that any contribution made by the scheme contributor is exhausted.