



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

## 2021 asp 15

### PART 3

#### ELIGIBILITY AND KEY CONCEPTS

##### *Eligibility to apply for next of kin payments*

#### **25 Eligibility to apply for a next of kin payment: exceptional circumstances**

- (1) A person may apply for permission to apply for a next of kin payment due to exceptional circumstances where—
  - (a) the person is the specified next of kin of someone who died (“the deceased person”),
  - (b) the deceased person had applied for, and been offered, a fixed rate payment or an individually assessed payment but the offer was not accepted during the period it was valid and the deceased person subsequently died, and
  - (c) if the application was for an individually assessed payment, the deceased person had not previously been paid a fixed rate payment.
- (2) An application under subsection (1) must—
  - (a) be made to the Scottish Ministers,
  - (b) be made in such form, if any, as Ministers require,
  - (c) specify the exceptional circumstances due to which permission is being sought, and
  - (d) contain or be accompanied by any information the applicant considers relevant.
- (3) The Scottish Ministers must, as soon as reasonably practicable after receiving an application under subsection (1), provide the application, and any information accompanying it, to Redress Scotland.
- (4) The Scottish Ministers must publicise any requirements which are for the time being set under subsection (2)(b).

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*Status: This is the original version (as it was originally enacted).*

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- (5) An application under subsection (1) is to be determined on behalf of Redress Scotland by a panel of at least 2 members of Redress Scotland appointed by the chairing member.
- (6) The procedure for determining an application under subsection (1) is to be determined by Redress Scotland.
- (7) The panel appointed under subsection (5) to determine the application may grant the applicant permission to apply for a next of kin payment only where it considers that there are exceptional circumstances which merit it.
- (8) Once the panel has determined whether or not to grant the applicant permission to apply for a next of kin payment due to exceptional circumstances, Redress Scotland must inform the Scottish Ministers who must, as soon as reasonably practicable—
  - (a) notify the applicant of the determination, and
  - (b) provide the applicant with a summary, provided by Redress Scotland, of the panel’s reasons for reaching that determination.