



# 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*

#### **28 Meaning of “specified next of kin”**

- (1) In this Act, “specified next of kin”, in relation to a deceased person, means—
- (a) the person who, immediately before the death of the deceased person, was—
    - (i) the spouse or civil partner of the deceased person, or
    - (ii) the cohabitant of the deceased person,
  - (b) where the condition in subsection (3) is met, a child of the deceased person.
- (2) In a case where there is or was both a person falling within subsection (1)(a)(i) and a person falling within subsection (1)(a)(ii), subsection (1)(a) is to be read as including only the person who was the cohabitant of the deceased person.
- (3) The condition referred to in subsection (1)(b) is that—
- (a) there is nobody who falls within subsection (1)(a) (either because there was no such person or because the person has since died), and
  - (b) in a case where the person has since died, the person had not accepted an offer of a next of kin payment in respect of the deceased person.
- (4) In this section—
- “child of the deceased person” includes—
    - (a) a stepchild of the deceased person, and
    - (b) a person who was treated by the deceased person as the deceased person's child,
  - “cohabitant of the deceased person” means a person who—
    - (a) was neither married to nor in a civil partnership with the deceased person, but

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**Changes to legislation:** There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Section 28. (See end of Document for details)

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- (b) was living with that person as if they were married to each other and had been so living for a period of at least 6 months.

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**Commencement Information**

**I1** S. 28 in force at 7.12.2021 by S.S.I. 2021/419, reg. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Section 28.