



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

Status: This is the original version (as it was originally enacted).

- (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.