



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

2021 asp 15

## PART 4

### FINANCIAL REDRESS: REDRESS PAYMENTS

#### CHAPTER 1

##### DETERMINATION OF APPLICATIONS FOR REDRESS PAYMENTS

###### *Applications*

### **30 Cases where more than one application permitted**

- (1) This section makes provision about when a person who is eligible to apply for a redress payment may do so despite an application already having been made in respect of the person who was abused and to whom the application will relate.
- (2) An application for an individually assessed payment may be made by a person where—
  - (a) an application for a fixed rate payment has previously been made in respect of the person, and
  - (b) that application resulted in a determination that the person was eligible for a fixed rate payment.
- (3) An application for an individually assessed payment may be made by a person where—
  - (a) an application for an individually assessed payment has previously been made in respect of the person,
  - (b) that application resulted in the applicant accepting a redress payment other than a level 5 payment, and
  - (c) Redress Scotland is satisfied that allowing a further application is justified on the basis that—

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*Status: This is the original version (as it was originally enacted).*

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- (i) new evidence is available which the person had a reasonable excuse for not providing in connection with the previous application, or
  - (ii) regulations under section 20(4) have had the effect of modifying eligibility to apply for a redress payment.
- (4) An application for a next of kin payment may be made by a person where—
  - (a) a deceased person had previously applied for a fixed rate payment or an individually assessed payment, and
  - (b) the circumstances are such that the person is permitted to apply for a next of kin payment under section 24(1).
- (5) An application for a next of kin payment may be made by a child of a deceased person where an application for a next of kin payment has previously been made in respect of the deceased person by another child of the deceased person.
- (6) An application for a redress payment may be made by a person where—
  - (a) a previous application in respect of the person was withdrawn under section 33, and
  - (b) the new application is for a type of redress payment the person would have been able to apply for had the withdrawn application not been made.
- (7) An application for a redress payment may be made by a person where—
  - (a) an application for a redress payment has previously resulted in a determination under section 60 that the person was precluded from being offered a redress payment, and
  - (b) as a result of an appeal in respect of a conviction or sentence, section 60 will no longer apply in respect of an application by the person.
- (8) An application for a redress payment may be made in respect of a person where—
  - (a) the person has not previously received a redress payment of a particular type despite having made an application for it which has been brought to an end, but
  - (b) Redress Scotland is satisfied that special circumstances exist which justify allowing a further application.
- (9) For the purpose of subsection (8), special circumstances may include—
  - (a) the person's individual circumstances,
  - (b) the availability of new evidence which the person had a reasonable excuse for not providing in connection with the original application,
  - (c) regulations under section 20(4) having had the effect of modifying eligibility to apply for a redress payment.