



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

Determination of applications

37 Assessment of amount of redress payment

- (1) Where a panel is appointed under section 35 to determine an application for a redress payment, the amount of the redress payment (if any) to be offered in respect of the application is to be determined in accordance with this section.
- (2) An applicant is eligible for a redress payment where the panel is satisfied that—
 - (a) the applicant is eligible to apply for a redress payment by virtue of section 18,
 - (b) where the application is for a next of kin payment, the applicant is eligible to apply for a next of kin payment by virtue of section 24,
 - (c) the application satisfies the requirements of section 29 to the extent that they apply to the type of redress payment sought, and
 - (d) the applicant is not precluded from being offered a redress payment by virtue of section 60.
- (3) An applicant who is eligible for a redress payment is, subject to any deductions to be made in accordance with section 42, to be offered—
 - (a) on an application for a fixed rate payment, a fixed rate payment under section 38,
 - (b) on an application for an individually assessed payment, an individually assessed payment calculated in relation to the application under section 39

Status: This is the original version (as it was originally enacted).

- (which, in the case of an application made by virtue of section 30(2) or (3), may be zero), or
- (c) on an application for a next of kin payment, a next of kin payment calculated in relation to the application under section 40.
- (4) In the case of an application which relates to more than one relevant care setting, only one determination of a redress payment may be made in respect of an application regardless of the number of care settings concerned.