



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

2021 asp 15

PART 4

FINANCIAL REDRESS: REDRESS PAYMENTS

CHAPTER 2

REVIEW OF REDRESS PAYMENT DETERMINATIONS

57 Outcome of a review

- (1) On a review, the review panel appointed under section 55 to conduct it must consider—
 - (a) whether the panel appointed under section 35 to determine the application in question ought to have reached a different determination, and
 - (b) in a case where additional evidence is provided to or obtained by the review panel, whether the application ought to be determined differently as a result.
- (2) The review panel may not—
 - (a) reverse or vary a determination under section 36 that an applicant is eligible for a redress payment,
 - (b) determine that an applicant is to be offered a lower amount by way of an individually assessed payment than the applicant was offered under section 36, or
 - (c) determine that more is to be deducted in accordance with section 42 from the redress payment offered to the applicant than was determined under section 36.
- (3) But the review panel may otherwise uphold, reverse or vary any part of the determination (whether the request for a review relates to that part of it or not).
- (4) Subsections (4) and (7) of section 36 apply to a determination as upheld, reversed or varied as they apply to a determination made under section 36, subject to the modification that references to the panel appointed under section 35 to determine the

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application are to be read as references to the review panel appointed under section 55 to conduct the review.

- (5) Once the review panel has conducted the review, Redress Scotland must inform the Scottish Ministers who must, as soon as reasonably practicable—
- (a) notify the applicant of the review panel's determination, and
 - (b) provide the applicant with—
 - (i) a summary, provided by Redress Scotland, of the review panel's reasons for reaching that determination, and
 - (ii) where an offer of a redress payment is made (whether by upholding, reversing or varying the determination of the panel appointed under section 35), information about the period for which the offer remains valid under section 58 and the options available to the applicant in respect of it.
- (6) The determination of the review panel under this section is final.
- (7) In this section, the “application in question” means the application under section 29, the determination of which is the subject of the request for a review.

Commencement Information

II S. 57 in force at 7.12.2021 by S.S.I. 2021/419, reg. 2

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