



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

## 2021 asp 15

### PART 4

#### FINANCIAL REDRESS: REDRESS PAYMENTS

### CHAPTER 4

#### DEATH OF APPLICANT

#### **71 Invitation to nominated beneficiary to take over application**

- (1) This section applies where, by virtue of section 66, a nominated beneficiary is to be invited to take over an application after an applicant's death.
- (2) On becoming aware that a nominated beneficiary is to be invited to take over an application, the Scottish Ministers must—
  - (a) notify the nominated beneficiary of the invitation to take over the application, and
  - (b) provide the nominated beneficiary with information about the effect of taking over the application.
- (3) The nominated beneficiary has a period of 8 weeks, beginning with the date on which notice of the invitation was received by the nominated beneficiary, to—
  - (a) accept the invitation by giving notice in writing to the Scottish Ministers, and
  - (b) in a case where the nominated beneficiary is being invited to take over the application by virtue of section 66(3), provide any remaining information that the panel appointed under section 35 to determine the application requires from the nominated beneficiary in order to do so.
- (4) The Scottish Ministers must—
  - (a) as soon as reasonably practicable after receiving notification of acceptance in accordance with subsection (3)(a), inform Redress Scotland of that acceptance, and

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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 71. (See end of Document for details)

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- (b) as soon as reasonably practicable after receiving any information provided in accordance with subsection (3)(b), provide Redress Scotland with that information.
- (5) Where the actions specified in subsection (3) are not taken within the period specified in that subsection, the application is to be treated as having been brought to an end by the invitation being rejected.
- (6) Where the actions specified in subsection (3) are taken within the period specified in that subsection, the nominated beneficiary takes over the application.
- (7) A nominated beneficiary must, on request by the Scottish Ministers, provide Ministers with such evidence as they require as to—
  - (a) the applicant's death,
  - (b) the nominated beneficiary's identity.

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**Commencement Information**

**II** S. 71 in force at 7.12.2021 by S.S.I. 2021/419, reg. 2

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