



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

## 2021 asp 15

### PART 4

#### FINANCIAL REDRESS: REDRESS PAYMENTS

### CHAPTER 5

#### REDRESS PAYMENTS OR DETERMINATIONS MADE IN ERROR

#### **[<sup>F1</sup>75A Effect of referral for reconsideration on ongoing applications**

- (1) This section applies where—
  - (a) an offer of a redress payment was made under the original determination,
  - (b) at the point at which the original determination was referred for reconsideration, the offer had not been accepted and the period for which the offer (or, as the case may be, the offer as revived under section 49(4) or 58(4)) is valid had not ended.
- (2) From the point at which the original determination is referred for reconsideration—
  - (a) the offer is suspended (and any purported acceptance of it while it is suspended is of no effect),
  - (a) where a request for a review of the original determination has been made but not determined, the review is paused.
- (3) Where the reconsideration panel determines under section 75(5)(a) that the original determination was not materially affected by an error—
  - (a) the offer is revived,
  - (b) subsections (4) and (5) apply, and
  - (c) any review paused by virtue of subsection (2)(b) is resumed.
- (4) Where the original determination was made under section 36, sections 49 to 53 apply subject to the following modifications—
  - (a) references to the applicant are to be read as references to the relevant person,

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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 75A. (See end of Document for details)

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- (b) in section 49—
    - (i) in subsection (3)(a), for “the date on which the offer was received by the applicant” there is substituted “the date on which the relevant person received notification of the determination under section 75(5)(a)”, and
    - (ii) in subsections (3)(b) and (4), the references to the panel appointed under section 35 are to be read as references to the reconsideration panel,
  - (c) in section 51(1), the reference to the panel appointed under section 35 or, as the case may be, a review panel appointed under section 55 is to be read as a reference to the reconsideration panel.
- (5) Where the original determination was made on a review, sections 50 and 58 apply subject to the following modifications—
- (a) references to the applicant are to be read as references to the relevant person,
  - (b) in section 58(3)(a), for “the date on which the offer was received by the applicant” there is substituted “the date on which the relevant person received notification of the determination under section 75(5)(a)”, and
  - (c) in section 58(3)(b) and (4), the references to the review panel are to be read as references to the reconsideration panel.]

#### Textual Amendments

- F1** Ss. 75A-75E inserted (9.2.2022) by [The Redress for Survivors \(Historical Child Abuse in Care\) \(Reconsideration and Review of Determinations\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/44\)](#), regs. 1(1), 25

**Changes to legislation:**

There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Section 75A.