



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

## 2021 asp 15

### PART 4

#### FINANCIAL REDRESS: REDRESS PAYMENTS

### CHAPTER 6

#### PROVISION OF INFORMATION AND EVIDENCE

#### **79 Power of the Scottish Ministers to require the provision of evidence**

- (1) The Scottish Ministers may, for a purpose mentioned in subsection (2), by notice in writing require a person, other than an applicant, to provide the Scottish Ministers on or before a specified date with—
  - (a) specified information, documents, objects, or other items of evidence,
  - (b) evidence in the form of a written statement.
- (2) The purposes referred to in subsection (1) are the determination of any matter by—
  - (a) a panel appointed under section 35 to determine an application,
  - (b) a review panel appointed under section 55 to conduct a review,
  - (c) a reconsideration panel appointed under section 75 to reconsider a determination.
- (3) A person to whom a notice under subsection (1) is given may, before the end of the period of 4 weeks beginning with the date on which the notice was received by the person, make a claim to the Scottish Ministers that—
  - (a) the person is unable to comply with the notice, or
  - (b) it is not reasonable in all the circumstances to require the person to comply with the notice.
- (4) The Scottish Ministers must, as soon as reasonably practicable after receiving a claim made under subsection (3), provide the claim, and any information accompanying it, to Redress Scotland.

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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 79. (See end of Document for details)

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- (5) Where a claim is made under subsection (3), Redress Scotland may confirm, revoke or vary the notice to which the claim relates.
- (6) A person who is required by a notice to provide documents must do so in a redacted form if—
- (a) the documents contain information about another person which is irrelevant to the determination of the application to which the notice relates, and
  - (b) the disclosure of that information would breach an obligation of confidence.
- (7) A notice does not have effect to the extent that—
- (a) complying with the notice would involve the disclosure of information which would contravene the data protection legislation, or
  - (b) the person to whom the notice applies would be entitled to refuse to comply with the notice in or for the purposes of proceedings in a court in Scotland.
- (8) In this section, “the data protection legislation” has the meaning given by section 3(9) of the Data Protection Act 2018.

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**Commencement Information**

**II** S. 79 in force at 7.12.2021 by S.S.I. 2021/419, reg. 2

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