



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.

Status: This is the original version (as it was originally enacted).

- (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.