



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

## 2021 asp 15

### PART 5

#### OTHER SUPPORT FOR SURVIVORS OF ABUSE

##### *Payment of costs and expenses*

#### **91 Reimbursement of costs incurred in connection with applications**

- (1) The Scottish Ministers must by regulations make provision—
  - (a) requiring the reimbursement by them, on request, of the costs and expenses reasonably incurred by an applicant in connection with an application for a redress payment under section 29 (whether or not the application was successful, and whether or not it was subsequently withdrawn),
  - (b) enabling the reimbursement by them, on request, of the costs and expenses reasonably incurred in connection with a proposed application by a person who did not subsequently apply, where Ministers' assessment (or the assessment on a review) is that the request discloses exceptional or unexpected circumstances which justify the reimbursement of those costs and expenses.
- (2) Regulations under subsection (1) must make provision requiring the Scottish Ministers to—
  - (a) notify the person who made the request of Ministers' assessment of the amount (if any) to be reimbursed in response to the request, and
  - (b) provide the person with a summary of the reasons for their assessment.
- (3) Regulations under subsection (1) may, in particular, make provision about—
  - (a) the types of costs and expenses which may be reimbursed,
  - (b) limits on the amount that may be reimbursed in respect of specified types of costs and expenses,
  - (c) any process by which confirmation that anticipated costs and expenses are reasonable can be obtained before they are incurred,
  - (d) the time limit for making a request,

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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 91. (See end of Document for details)*

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- (e) the required content and form of a request,
- (f) the information and evidence to be provided in or with a request,
- (g) the factors to be considered by the Scottish Ministers in assessing the reasonableness of the costs and expenses for which reimbursement is requested,
- (h) reviews by Redress Scotland of assessments made by the Scottish Ministers by virtue of this section.

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**Commencement Information**

**II** S. 91 in force at 28.6.2021 by [S.S.I. 2021/234](#), reg. 2, [sch.](#)

**Changes to legislation:**

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