



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

2021 asp 15

PART 5

OTHER SUPPORT FOR SURVIVORS OF ABUSE

Payment of fees for legal work

92 Duty on the Scottish Ministers to pay fee for legal work in making an application

- (1) The Scottish Ministers must, on request, pay the prescribed sum to a solicitor in respect of the legal work reasonably undertaken in making an application for a redress payment on behalf of a person (whether or not the application was successful, and whether or not it was subsequently withdrawn).
- (2) Where the Scottish Ministers have cause to believe that the legal work to which a request relates may not have been reasonably undertaken in making an application for a redress payment, it is for Redress Scotland to decide the question.
- (3) For the purpose of subsection (1), where legal work is undertaken in connection with advice and assistance on whether to pursue litigation as an alternative to making an application for a redress payment, that work is not to be treated as having been undertaken in making an application for a redress payment unless advice and assistance was also given on any of the matters mentioned in subsection (4).
- (4) Those matters are—
 - (a) a person's eligibility to make an application for a redress payment,
 - (b) which type of redress payment to apply for,
 - (c) the application process,
 - (d) whether to accept an offer of a redress payment and sign a waiver under section 46,
 - (e) whether to request a review of the offer under section 54,
 - (f) the review process.

Changes to legislation: There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Section 92. (See end of Document for details)

.....

Commencement Information

II [S. 92](#) in force at 7.12.2021 by [S.S.I. 2021/419](#), **reg. 2**

Changes to legislation:

There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Section 92.