



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payment on behalf of a person (whether or not the application was successful, and whether or not it was subsequently withdrawn).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.