



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

2021 asp 15

PART 5 **S**

OTHER SUPPORT FOR SURVIVORS OF ABUSE

Payment of fees for legal work

95 Assessment, notification and review of certain fee payment requests **S**

- (1) The Scottish Ministers must, as soon as reasonably practicable after receiving it, send Redress Scotland—
 - (a) any fee payment request made under section 92(1) which gives rise to a requirement for a decision of the type mentioned in section 92(2),
 - (b) any fee payment request made under section 93(1),
 - (c) any fee payment request made under section 93(3).
- (2) On receipt of a request under subsection (1), Redress Scotland must assess it and inform the Scottish Ministers of the outcome of that assessment.
- (3) Once the Scottish Ministers have been informed of the outcome of Redress Scotland's assessment under subsection (2), they must, as soon as reasonably practicable—
 - (a) notify the solicitor who made the request of the outcome, and
 - (b) provide the solicitor with a summary, provided by Redress Scotland, of Redress Scotland's reasons for its assessment.
- (4) A solicitor may ask Redress Scotland to review its assessment where—
 - (a) in the case of a fee payment request mentioned in subsection (1)(a), the outcome is that no sum is to be paid,
 - (b) in the case of a fee payment request mentioned in subsection (1)(b), the outcome is that no sum is to be paid,
 - (c) in the case of a fee payment request mentioned in subsection (1)(c), the outcome is that—
 - (i) no additional sum is to be paid, or

Changes to legislation: There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Section 95. (See end of Document for details)

- (ii) the additional sum to be paid is lower than the sum requested.
- (5) The Scottish Ministers may by regulations make further provision about reviews by Redress Scotland of assessments of fee payment requests, including about—
- (a) the time limit for requesting a review,
 - (b) the required content and form of a request for a review,
 - (c) the outcome of a review and the powers available to a review panel,
 - (d) the notification of the outcome of a review,
 - (e) the suspension of the payment of a sum in respect of the work until a request for a review is determined,
 - (f) the payment of a sum in respect of the work where the outcome of a review is that the sum is to be paid.

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Commencement Information

- I1** S. 95(1)-(4) in force at 7.12.2021 by S.S.I. 2021/419, **reg. 2**
- I2** S. 95(5) in force at 28.6.2021 by S.S.I. 2021/234, **reg. 2, sch.**

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