



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

2021 asp 15

PART 1

OVERVIEW AND MEANING OF “REDRRESS SCHEME”

1 Overview of Act

- (1) This Act is arranged as follows.
- (2) This Part provides an overview of all the redress-related activity provided for by this Act and defines the “redress scheme”.
- (3) Part 2 makes provision—
 - (a) establishing Redress Scotland,
 - (b) about the functions of Redress Scotland and the Scottish Ministers in relation to the redress scheme,
 - (c) requiring a list of contributors to the redress scheme to be established and maintained, and
 - (d) to facilitate charities becoming scheme contributors where they wish to do so.
- (4) Part 3 makes provision—
 - (a) about the core eligibility criteria which must be met for a person to apply for a redress payment, and
 - (b) about the further eligibility criteria which apply when the person who was abused has died and the person’s next of kin wishes to make an application.
- (5) Part 4 makes provision—
 - (a) about the requirements which apply to applications for a redress payment and how Redress Scotland will determine such applications,
 - (b) about the different types of redress payments which can be offered (a fixed rate payment, an individually assessed payment or a next of kin payment),
 - (c) for certain previous payments made in respect of abuse to be deducted from any redress payment which is offered,

- (d) for the signature of a waiver to be required where an applicant wishes to accept a redress payment,
 - (e) about how long an offer of a redress payment is to remain valid, and how payment is to be made where the offer is accepted,
 - (f) for a right to a review in respect of the determination of an application for a redress payment,
 - (g) about how applications will be determined where the person who would otherwise be offered the redress payment, or (if not the same person) the person who was abused, has a serious criminal conviction,
 - (h) about what will happen if the applicant dies,
 - (i) for the recovery of redress payments made in error and the reconsideration of determinations which may have been materially affected by error,
 - (j) about how information required or provided in relation to an application is to be obtained, shared, and kept confidential.
- (6) Part 5 makes provision—
- (a) about the provision of support in connection with applications,
 - (b) about the provision of support to certain persons following an application under this Act or under the advance payment scheme,
 - (c) requiring the making of regulations about the reimbursement of costs and expenses associated with an application,
 - (d) about the payment of fees for legal work in connection with applications,
 - (e) for the recovery of payments, other than redress payments, made in error.
- (7) Part 6 makes provision about the reporting that is or can be required of scheme contributors and certain other persons in relation to their redress activity.
- (8) Part 7 makes provision—
- (a) for the establishment of the Survivor Forum,
 - (b) for the dissolution of the National Confidential Forum,
 - (c) for the dissolution of Redress Scotland once the redress scheme has ended,
 - (d) about the interpretation of this Act,
 - (e) for the issuing of guidance and the making of regulations,
 - (f) for the commencement of this Act and about its short title.