



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

## 2021 asp 15

### PART 4

#### FINANCIAL REDRESS: REDRESS PAYMENTS

### CHAPTER 3

#### APPLICATIONS AFFECTED BY CONVICTIONS FOR SERIOUS OFFENCES

#### **61 Applicants etc. with convictions for serious offences: definitions**

(1) For the purposes of section 60—

“imprisonment” includes detention in a young offenders institution or detention centre, detention in a Borstal institution and penal servitude,

“murder” includes, in relation to murder committed outside Scotland, aiding, abetting, counselling, procuring or inciting murder,

“rape”—

(a) means rape—

- (i) at common law,
- (ii) under section 1 of the Sexual Offences Act 1956,
- (iii) under section 1 of the Sexual Offences Act 2003,
- (iv) of a child under 13 (under section 5 of that Act),
- (v) by virtue of article 18 of the Criminal Justice (Northern Ireland) Order 2003 (SI 2003/1247 (N.I. 13)),
- (vi) under article 5 of the Sexual Offences (Northern Ireland) Order 2008 (SI 2008/1769 (N.I. 2)),
- (vii) of a child under 13 (under article 12 of that Order),
- (viii) under section 1 of the Sexual Offences (Scotland) Act 2009,
- (ix) of a young child (under section 18 of that Act), and

(b) includes, in relation to rape committed outside Scotland, aiding, abetting, counselling, procuring or inciting rape,

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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 61. (See end of Document for details)

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“relevant offence” means—

- (a) a violent offence, being an offence inferring personal violence other than—
    - (i) murder,
    - (ii) rape, or
    - (iii) a sexual offence,
  - (b) a sexual offence listed in schedule 3 of the Sexual Offences Act 2003 other than rape (but including attempted rape and conspiracy to commit rape).
- (2) The Scottish Ministers may by regulations modify subsection (1) to—
- (a) add an offence,
  - (b) vary the description of an offence,
  - (c) remove an offence.

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**Commencement Information**

**II** S. 61 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 61.