

SCHEDULE

Regulation 2

Form and Content of Waiver Under Section 47 of the Act

**REDRESS FOR SURVIVORS (HISTORICAL CHILD ABUSE IN CARE) (SCOTLAND) ACT 2021**

**WAIVER**

This waiver relates to the redress scheme established by the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 (“the Act”).

I [full name of applicant]

living at [address of applicant]

Agree that:

(1) I have been given a list of relevant scheme contributors. “Relevant scheme contributors” are the scheme contributors on the contributor list on the date that it was determined by a panel of Redress Scotland that I am eligible for the redress payment to which this waiver relates (“the relevant date”). If a scheme contributor is later removed from the contributor list with retrospective effect, the question of whether they were on the list on the relevant date is to be based on the list as retrospectively amended. “Scheme contributor” and “contributor list” have the meanings set out in section 14(2) of the Act.

(2) I have been given the information specified in regulation 3 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 (Form and Content of Waiver etc.) Regulations 2021.

(3) If I have already commenced civil proceedings, I will abandon them to the extent that they are relevant civil proceedings (within the meaning of section 46(6) of the Act).

(4) Where I have already commenced relevant civil proceedings, I acknowledge that under section 50(2)(b) of the Act my right to a redress payment will not arise until the Scottish Ministers are satisfied that I have abandoned or will abandon such relevant civil proceedings, and that they will require a copy of the order of the court which dismisses the case or such other document as they may specify in order to be satisfied of this.

(5) I waive and forever discharge any claim or right to bring any relevant civil proceedings against relevant scheme contributors and the Scottish Ministers in any jurisdiction. This applies whether or not any right of action currently exists or may exist in future (whether under common law, statute, contract, or otherwise). It also applies whether such claims or rights are, or could be, known to me or in my contemplation at the time I sign this waiver. However, it does not prevent me from bringing future civil proceedings against a scheme contributor who has been removed from the contributor list with retrospective effect, with the result that they are no longer a relevant scheme contributor.

Signed -----

Dated -----