
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

The Redress for Survivors (Historical Child Abuse in Care) (Reconsideration and Review of Determinations) (Scotland) Regulations 2022

PART 5

MODIFICATIONS OF THE ACT

Withdrawal of section 76 review request etc.

27. After section 77 of the Act, insert—

“Withdrawal of review request

77A.—(1) This section applies where—

- (a) a request for a review under section 76 is withdrawn in accordance with section 59 (as applied by section 76(6)), and
- (b) the request relates to a review of a determination under section 75(5)(b) under which an offer of a redress payment was made.

(2) The period for which the offer remains valid under section 49(3), or any longer period which had been determined under that section prior to the request for a review being made, is to be extended by the number of days in the period—

- (a) beginning with the date on which the request for a review was made, and
- (b) ending with the date on which the request was withdrawn.

Liability for redress payment where offer on redetermination rejected

77B.—(1) This section applies where—

- (a) an offer of a redress payment was made under the original determination (“the original offer”),
- (b) the offer had been accepted in accordance with section 50(1) and payment (in whole or in part) had been made,
- (c) the reconsideration panel determines under section 75(5)(b) or, as the case may be, a review panel determines under section 77 that an offer of a redress payment is to be made (“the new offer”), and
- (d) the relevant person or, as the case may be, the person who requested the review rejects the new offer.

(2) The person is liable to pay the Scottish Ministers the value of any redress payment paid in respect of the original offer (whether or not that person is also liable to pay any amount by virtue of section 74).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Redress for Survivors (Historical Child Abuse in Care) (Reconsideration and Review of Determinations) (Scotland) Regulations 2022 No. 44*

- (3) Where the Scottish Ministers seek to recover a sum due to them by a person under subsection (2), the sum may be paid—
- (a) in such instalments as are agreed at the request of, or otherwise with the consent of, the person, and
 - (b) otherwise, as a single payment.”