
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 44

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

PART 5

MODIFICATIONS OF THE ACT

Amendment of section 46 of the Act - waiver

23.—(1) Section 46 of the Act is amended as follows.

(2) In subsection (4), for paragraphs (a) and (b) substitute—

- “(a) beginning with the effective date of the waiver signed and returned in respect of the fixed rate payment or, where subsection (3)(b) applies, the previous individually assessed payment, and
- (b) ending with the date that, but for subsection (2), would be the effective date of a waiver signed and returned in respect of the further sum.”.

(3) In subsection (6)—

(a) before the definition of “relevant abuse” insert—

““effective date”, in relation to a waiver in respect of a redress payment, is—

- (a) in a case where a panel appointed under section 35 determines that the applicant is eligible for a redress payment, the date of that determination,
- (b) in a case where a panel appointed under section 55 to conduct a review determines that the applicant is eligible for a redress payment, the date of that determination,
- (c) in a case where a panel appointed under section 75 to reconsider a determination or, as the case may be, a panel appointed to conduct a review under section 76 determines that a person is or remains, eligible for a redress payment, the date on which it should have been determined that the applicant was eligible for a redress payment had the original determination not been materially affected by an error,”

(b) for the definition of “relevant scheme contributor” substitute—

““relevant scheme contributor” is a scheme contributor who is included in the contributor list on the effective date of a waiver signed and returned in accordance with subsection (1).”.