
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 77 of the Act – outcome of a section 76 review

26.—(1) Section 77 of the Act is amended as follows.

(2) In subsection (2)(a), after “person” insert “is or”.

(3) After subsection (4) insert—

“(4A) Subsections (4B) and (4C) apply where the review panel determines under this section that an offer of a redress payment is to be made (whether or not an offer of a redress payment was made under the determination under section 75(5)(b) which was the subject of the request for a review).

(4B) In assessing the amount of the redress payment (if any) to be offered, no account is to be taken of any redress payment which has previously been paid in respect of the original determination which was referred for reconsideration under section 75 but no entitlement to any such amount arises by virtue of section 50(2).

(4C) Section 75D or, as the case may be, 75E applies to an offer made under a determination under this section as it applies to an offer made under a determination under section 75(5)(b) subject to the following modifications—

(a) references to the relevant person are to be read as references to the person who requested the review,

(b) references to the reconsideration panel are to be read as references to the review panel appointed to conduct the review under section 76.”.

(4) In subsection (5), for paragraph (b) substitute—

“(b) provide the person with—

(i) a summary, provided by Redress Scotland, of the review panel’s reasons for reaching that determination,

(ii) information in relation to the effect of the panel’s determination on a previous offer of a redress payment made under the determination under section 75(5)(b),

(iii) where the panel’s determination makes an offer of a redress payment, information about the period for which the offer remains valid by virtue of section 49(3) and the options available to the person in respect of it.”.