
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 234 (C. 13)

REDRESS SCHEME

The Redress for Survivors (Historical Child Abuse in Care)
(Scotland) Act 2021 (Commencement No. 1) Regulations 2021

<i>Made</i>	- - - -	<i>9th June 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>11th June 2021</i>
<i>Coming into force</i>	- -	<i>28th June 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 109(2) of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 (Commencement No. 1) Regulations 2021 and come into force on 28 June 2021.

(2) In these Regulations, “the Act” means the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021.

Appointed day

2. The day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the schedule (the subject matter of which is described in column 2 of that table) is 28 June 2021.

St Andrew’s House,
Edinburgh
9th June 2021

JOHN SWINNEY
A member of the Scottish Government

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SCHEDULE

Regulation 2

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject Matter</i>
Section 1	Overview of Act
Section 2	Meaning of “redress scheme”
Section 3	Establishment
Section 4	Status
Section 5	Membership, procedures and powers etc.
Section 6	Independence
Section 8	Functions of the Scottish Ministers
Section 10	Provision of administrative support to Redress Scotland
Section 11	Duty on the Scottish Ministers and Redress Scotland to co-operate
Section 12	Sharing of information between the Scottish Ministers and Redress Scotland
Section 13	Principle of dignity, respect and compassion
Section 14	Scheme contributors
Section 15	Statement of principles in relation to contributor list
Section 16	Retrospective removal of scheme contributor from contributor list
Section 17	Financial contributions by charities
Section 23	Power to create exceptions to eligibility
Section 47	Form and content of waiver
Section 78	Power to make further provision about reconsiderations
Section 87	Confidentiality of information
Section 89	Provision of support to persons in connection with an application
Section 90	Provision of support to certain persons eligible for a payment etc.
Section 91	Reimbursement of costs incurred in connection with applications
Section 94(3) to (6)	Sections 92 and 93: further provision
Section 95(5)	Assessment, notification and review of certain fee payment requests
Section 98	Power to make further provision about payments, other than redress payments, made in error
Section 102	The Survivor Forum
Section 103	Dissolution of the National Confidential Forum
Section 106	Guidance
Schedule 1	Redress Scotland
Schedule 2	The National Confidential Forum

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force the provision of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 (“the Act”) listed in the schedule on 28 June 2021. These provisions, and the matters they relate to, are:

- Section 1 – providing an overview of the Act,
- Section 2 – confirming the meaning of “redress scheme” in the Act,
- Section 3 – establishing “Redress Scotland”,
- Section 4 – confirming the status of Redress Scotland,
- Section 5 – introduces schedule 1, which confirms membership, staffing, procedures, powers and duties of Redress Scotland,
- Section 6 – making provision about the independence of Redress Scotland,
- Section 8 – making provision about the functions of Scottish Ministers in relation to the redress scheme,
- Section 10 – requiring the provision of administrative support from the Scottish Ministers to Redress Scotland,
- Section 11 – requiring the Scottish Ministers and Redress Scotland to co-operate with one another in exercising their functions in relation to the redress scheme,
- Section 12 – allowing the Scottish Ministers and Redress Scotland to share information in particular circumstances where it is necessary and does not breach data protection legislation,
- Section 13 – requiring the Scottish Ministers, Redress Scotland, scheme contributors and other relevant persons to have regard to the principles of dignity, respect and compassion when exercising their functions,
- Section 14 – requiring the Scottish Ministers to maintain a list of contributors to the redress scheme,
- Section 15 – requiring the Scottish Ministers to prepare and publish a statement of principles in relation to the contributor list,
- Section 16 – allowing the Scottish Ministers to retrospectively remove a scheme contributor from the contributor list,
- Section 17 – making provision about financial contributions by charities to the Scottish Ministers for the purpose of redress payments being made under the Act,
- Section 23 – making regulations about exceptions to eligibility under the redress scheme,
- Section 47 – making regulations about the form and content of any waiver,
- Section 78 – making regulations about or in connection with reconsiderations,
- Section 87 – making provision about the confidentiality of information and when relevant information must not be disclosed,
- Section 89 – allowing the Scottish Ministers to make arrangements about the provision of support, which is emotional, psychological or practical support, to persons in connection with an application,

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Section 90 – allowing the Scottish Ministers to make arrangements about the provision of support, which is emotional or psychological support, to certain persons in relation to the redress scheme,

Section 91 – making regulations about the reimbursement of costs incurred in connection with applications,

Section 94(3), (4), (5) and (6) – making regulations about fee payment requests made by solicitors, and about legal work undertaken which is or is not to be regarded as having been reasonably undertaken,

Section 95(5) – making regulations about reviews by Redress Scotland of assessments of fee payment requests made by solicitors,

Section 98 – making regulations about payments, other than redress payments, made in error,

Section 102 – requiring the Scottish Ministers to establish and maintain a forum, known as the Survivor Forum,

Section 103 – dissolving the National Confidential Forum provided for under the Mental Health (Care and Treatment) (Scotland) Act 2003,

Section 106 – issuing guidance about the operation of the Act,

Schedule 1 – making provision about membership, staffing, procedures and duties of Redress Scotland and modification of other Acts,

Schedule 2 – making further provision in consequence of dissolution of the National Confidential Forum.

The Bill for the Act received Royal Assent on 23 April 2021. Sections 105 (interpretation), 107 (regulation-making powers), 108 (ancillary provision), 109 (commencement) and 110 (short title) came into force the following day.