

Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill

1st Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the first day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Waiver

1, 38, 2, 40, 3, 43, 44, 45, 48, 5, 84, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 106, 107

Notes on amendments in this group

Amendment 3 pre-empts 43

Amendment 17 pre-empts amendment 100 in group “Initial determinations”

Redress Scotland: chief executive

34, 35, 36

Principle of dignity, respect and compassion

20

Scheme contributors: acknowledgement of harm

21

Scheme contributors: amount of contribution (publication, affordability, and use of charitable funds)

37, 39, 41, 42, 46, 47, 4, 49, 50, 105

Eligibility: abuse

51, 22, 52, 53

Eligibility: next of kin payments

54, 58, 23, 24

Previous payments

55, 56, 102, 103

Extending time periods

57, 85, 86, 87, 88, 89, 90, 91, 93, 96, 98

Second application in light of new evidence

59, 67, 74, 75, 76, 78, 80, 82, 83, 94

Interpretation

60, 101

Initial determinations

61, 65, 68, 77, 79, 81, 92, 95, 99, 100

Notes on amendments in this group

Amendment 100 is pre-empted by amendment 17 in group “Waiver”

Prioritisation of applications

62

Determination of applications

25, 63, 104

Findings of fact

64, 66, 97

Payment amounts

69, 70, 26, 27, 71, 72, 73

Notes on amendments in this group

Amendment 27 pre-empts amendments 71, 72 and 73

Payments to vulnerable people

28, 29, 30, 31

Information: access by applicant

32, 33

Advance payment scheme: report

18, 19

THIS IS NOT THE MARSHALLED LIST

Amendments in debating order

Waiver

Iain Gray

- 1 In section 1, page 2, leave out lines 8 and 9

John Swinney

- 38 In section 12, page 5, line 1, leave out <that date> and insert <the date on which the removal takes effect, and

() where a scheme contributor is removed from the list with retrospective effect in accordance with section (*Retrospective removal of scheme contributor from contributor list*), that fact.>

Iain Gray

- 2 In section 12, page 5, line 11, leave out from <and> to end of line 12

John Swinney

- 40 In section 12, page 5, line 17, at end insert <(whether with retrospective effect or otherwise),>

Iain Gray

- 3 In section 12, page 5, line 20, leave out subsection (7)

John Swinney

- 43 In section 12, page 5, line 22, at end insert <unless and to the extent that the removal has retrospective effect.>

John Swinney

- 44 In section 12, page 5, line 23, leave out subsections (8) and (9)

John Swinney

- 45 In section 13, page 5, line 34, at end insert—

<() remove a scheme contributor from the list with retrospective effect in accordance with section (*Retrospective removal of scheme contributor from contributor list*).>

John Swinney

- 48 After section 13, insert—

<Retrospective removal of scheme contributor from contributor list

- (1) The Scottish Ministers may remove a scheme contributor from the contributor list with retrospective effect only where the removal is a result of the contributor failing to make the financial contribution mentioned in section 12(1)(b) which the contributor had agreed to make.
- (2) Where the Scottish Ministers intend to remove a scheme contributor with retrospective effect, they must carry out an assessment of any contribution made by the contributor under the agreement and allocate it against redress payments as they consider appropriate.

THIS IS NOT THE MARSHALLED LIST

- (3) The allocation must—
- (a) be carried out in accordance with any statement published under section 13 about how a fair and meaningful financial contribution is to be calculated, and
 - (b) allow the Scottish Ministers to determine the date on which they consider any contribution made by the scheme contributor to be exhausted.
- (4) In determining the date on which a retrospective removal is to take effect, the Scottish Ministers must have regard to the date on which they consider that any contribution made by the scheme contributor is exhausted.>

Iain Gray

- 5 In section 36, page 17, leave out lines 26 to 30

John Swinney

- 84 In section 45, page 23, line 8, at end insert—

<() For the purpose of subsection (6), where a scheme contributor is removed from the contributor list with retrospective effect in accordance with section (*Retrospective removal of scheme contributor from contributor list*), the question of whether the scheme contributor is a relevant scheme contributor on a particular date is to be determined by reference to the contributor list as retrospectively amended.>

Iain Gray

- 6 Leave out section 45

Iain Gray

- 7 Leave out section 46

Iain Gray

- 8 In section 48, page 23, line 37, leave out subsection (1)

Iain Gray

- 9 In section 48, page 24, line 6, leave out from <in> to end of line 9

Iain Gray

- 10 In section 48, page 24, line 14, leave out subsection (4)

Iain Gray

- 11 In section 69, page 36, leave out lines 37 to 39

Iain Gray

- 12 In section 75, page 41, line 16, leave out from <(including> to end of line 17

Iain Gray

- 13 In section 84, page 45, leave out lines 36 to 38

Iain Gray

- 14 In section 84, page 46, line 3, leave out from <(including> to <45> in line 4

THIS IS NOT THE MARSHALLED LIST

Iain Gray

- 15 In section 84, page 46, leave out lines 17 and 18

Iain Gray

- 16 In section 86, page 47, line 10, leave out from <either> to end of line 12

Iain Gray

- 17 In section 89, page 49, line 14, leave out from <and> to end of line 16

John Swinney

- 106 In section 98, page 55, line 8, at end insert—
<() section 46,>

John Swinney

- 107 In section 98, page 55, leave out line 15

Redress Scotland: chief executive

John Swinney

- 34 In schedule 1, page 59, line 9, at end insert—
<() Redress Scotland is to appoint, as a member of staff, a chief executive.
() Redress Scotland is to appoint each chief executive with the approval of the Scottish Ministers.
() The chief executive may not be a member of Redress Scotland.>

John Swinney

- 35 In schedule 1, page 59, line 10, after <appoint> insert <other>

John Swinney

- 36 In schedule 1, page 59, line 11, leave out <Those> and insert <The chief executive and other>

Principle of dignity, respect and compassion

Clare Adamson

- 20 After section 11, insert—
<**Principle of dignity, respect and compassion**
(1) The Scottish Ministers, Redress Scotland, scheme contributors and other relevant persons must, in exercising functions conferred on them under or by virtue of this Act, have regard to the principle that the following persons should be treated with dignity, respect and compassion—
(a) applicants for redress payments,

THIS IS NOT THE MARSHALLED LIST

- (b) persons who may be considering making applications for such payments,
 - (c) persons who are being or are eligible to be provided with support by virtue of arrangements made under section 86,
 - (d) persons who have requested or may be considering requesting reimbursement of costs and expenses by virtue of regulations under section 87,
 - (e) nominated beneficiaries.
- (2) For the purpose of subsection (1), “other relevant persons” are persons on whom functions are conferred under or by virtue of this Act, other than—
- (a) the Scottish Ministers, Redress Scotland and scheme contributors, and
 - (b) persons mentioned in paragraphs (a) to (e) of subsection (1).>

Scheme contributors: acknowledgement of harm

Daniel Johnson

21 In section 12, page 4, line 32, at end insert—

- <() who, in making or having agreed to make a contribution under this Act, acknowledge the wrongfulness of historical child abuse in care settings charged with a child’s safeguard, welfare and protection and their actions (or lack thereof) in contributing to this wrongful abuse.>

Scheme contributors: amount of contribution (publication, affordability, and use of charitable funds)

Jamie Greene

37 In section 12, page 4, line 38, at end insert—

- <() the financial contribution the scheme contributor is making or has agreed to make,>

Jamie Greene

39 In section 12, page 5, leave out line 10

Jamie Greene

41 In section 12, page 5, line 17, at end insert—

- <() including information in the list about payments made by a scheme contributor in respect of the financial contribution the contributor is making or has agreed to make,

() modifying such information,>

Jamie Greene

42 In section 12, page 5, line 19, at end insert—

THIS IS NOT THE MARSHALLED LIST

<() The Scottish Ministers must publish the contributor list (including the list as revised) at such intervals, and in such form, as they consider appropriate.>

Jamie Greene

46 In section 13, page 5, line 34, at end insert—

<() For the purpose of subsection (1)—

- (a) the statement of principles must include the matters which the Scottish Ministers will take into account in determining whether a financial contribution that a public authority, voluntary organisation or other person is making or proposing to make is fair and meaningful, and
- (b) those matters must include the circumstances in which a contribution that the authority, organisation or other person proposes to make over a period of time for reasons of affordability can be a fair and meaningful one.>

Jamie Greene

47 In section 13, page 5, line 35, leave out <subsection (1)> and insert <this section>

Iain Gray

4 In section 14, page 6, line 5, at end insert—

<() The making of the financial contribution must—

- (a) be affordable to the charity whilst still remaining a fair and meaningful contribution, and
- (b) not jeopardise the services the charity provides.>

John Swinney

49 In section 14, page 6, line 6, leave out <or in section 15>

John Swinney

50 Leave out section 15

John Swinney

105 In section 98, page 55, leave out line 4

Eligibility: abuse

John Swinney

51 In section 17, page 7, line 7, leave out <means> and insert <includes>

Rona Mackay

22 In section 17, page 7, line 12, leave out from <does> to end of line 14 and insert <includes corporal punishment to the extent that, at the time it was administered, it was not permitted under or by virtue of any enactment or rule of law because it was—

- (a) excessive, arbitrary or cruel,

THIS IS NOT THE MARSHALLED LIST

- (b) administered for an improper motive, or
- (c) not so permitted for another reason.>

John Swinney

52 In section 18, page 8, line 7, at end insert—

- <() The Scottish Ministers may make regulations under subsection (4) only if satisfied, so far as reasonably practicable, that doing so will not have the effect that persons who would otherwise be eligible to apply for redress payments will cease to be so eligible.>

John Swinney

53 In section 20, page 9, line 17, at end insert—

- <() For the purpose of subsection (1), it is immaterial whether the child was within or outside Scotland during the period of absence from the relevant care setting.>

Eligibility: next of kin payments

John Swinney

54 In section 22, page 9, line 37, leave out <17 November 2016> and insert <1 December 2004>

John Swinney

58 In section 26, page 12, line 16, after <is> insert <or was>

Ross Greer

23 In section 26, page 12, line 18, leave out from <, provided> to end of line 21

Ross Greer

24 In section 26, page 12, line 35, at end insert <and had been so living for a period of at least 6 months.>

Previous payments

John Swinney

55 In section 22, page 10, line 10, leave out from <died> to end of line 11 and insert <had not previously been paid a fixed rate payment,>

John Swinney

56 In section 23, page 10, line 29, leave out <died without a fixed rate payment having already been accepted> and insert <had not previously been paid a fixed rate payment>

John Swinney

102 In section 96, page 54, line 4, after first <payment> insert <—

- ()>

THIS IS NOT THE MARSHALLED LIST

John Swinney

103 In section 96, page 54, line 5, at end insert—

<() a person who has accepted a redress payment which is still to be paid (in instalments or otherwise) is to be treated as having received it or been paid it, as the case may be.>

Extending time periods

John Swinney

57 In section 24, page 11, line 18, leave out <4> and insert <8>

John Swinney

85 In section 47, page 23, line 24, leave out <12 weeks> and insert <6 months>

John Swinney

86 In section 50, page 24, line 33, leave out <4> and insert <8>

John Swinney

87 In section 52, page 26, line 8, leave out <4> and insert <8>

John Swinney

88 In section 56, page 28, line 5, leave out <12 weeks> and insert <6 months>

John Swinney

89 In section 57, page 28, line 34, leave out <12 week> and insert <6 month>

John Swinney

90 In section 60, page 31, line 16, leave out <4> and insert <8>

John Swinney

91 In section 65, page 34, line 13, leave out <4> and insert <8>

John Swinney

93 In section 68, page 35, line 31, leave out <4> and insert <8>

John Swinney

96 In section 72, page 38, line 30, leave out <4> and insert <8>

John Swinney

98 In section 73, page 39, line 32, leave out <4> and insert <8>

© Parliamentary copyright. Scottish Parliamentary Corporate Body

The Scottish Parliament's copyright policy can be found on the website - www.scottish.parliament.uk or by contacting Public Information on 0131 348 5000.

Published in Scotland by the Scottish Parliamentary Corporate Body

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk
