

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

2nd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 5	Schedule 1
Sections 6 to 94	Schedule 2
Sections 95 to 101	Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 28

John Swinney

59 In section 28, page 13, line 31, at end insert—

- <(2A) An application for an individually assessed payment may be made by a person where—
- (a) an application for an individually assessed payment has previously been made in respect of the person,
 - (b) that application resulted in the applicant accepting a redress payment other than a level 5 payment, and
 - (c) Redress Scotland is satisfied that new evidence is available which the person had a reasonable excuse for not providing in connection with the previous application and which justifies allowing a further application.>

John Swinney

108 In section 28, page 14, leave out lines 15 to 18 and insert—

- <(a) the person has not previously received a redress payment of a particular type despite having made an application for it which has been brought to an end, but>

Section 29

John Swinney

60 In section 29, page 14, line 26, leave out <section 27(1)(b)> and insert <this Act>

John Swinney

109 In section 29, page 14, line 29, after first <with> insert <whichever is the later of—

()>

John Swinney

110 In section 29, page 14, line 29, at end insert—

<() the day falling 2 years after the Scottish Child Abuse Inquiry (established under the Inquiries Act 2005) publishes its final report.>

John Swinney

111 In section 29, page 14, line 31, at end insert—

- <(3) The Scottish Ministers must, within the period of 15 months ending with the day the application period is due to end under subsection (1)(b), carry out a review of whether the application period should be extended.
- (4) But subsection (3) does not apply if, at the beginning of the 15 month period—
- (a) the application period has already been extended by regulations under subsection (2), or
 - (b) a draft Scottish statutory instrument containing regulations under subsection (2) has been laid and is before the Scottish Parliament for approval.
- (5) As soon as reasonably practicable following completion of a review under subsection (3), the Scottish Ministers must—
- (a) publish the findings of the review,
 - (b) lay the findings of the review before the Scottish Parliament.>

Section 31

John Swinney

61 In section 31, page 15, line 21, leave out from <unless> to end of line 22

Section 32

John Swinney

62 In section 32, page 15, line 30, leave out <in the application> and insert <to Redress Scotland (in the application or otherwise)>

After section 33

Daniel Johnson

25* After section 33, insert—

<Principles for determining applications

- (1) The Scottish Ministers must by regulations set out principles to be followed by the panel appointed under section 33 in determining an application for a redress payment.
- (2) The first draft regulations under subsection (1) must be laid before the Scottish Parliament no later than 2 months after the day of Royal Assent.
- (3) The principles set out in regulations under subsection (1) must include—

- (a) the principle that the experience of an applicant may be assumed to be coherent with evidence gathered from other accounts of experience in the relevant care setting to which the application relates,
 - (b) the principle that evidence of the experience of an applicant may be inferred from—
 - (i) the accounts of other applicants,
 - (ii) existing accounts about the relevant care setting to which the application relates which may not explicitly establish abuse but is consistent with the applicant’s account,
 - (c) the presumption that an applicant is to be believed,
 - (d) the principle that the obligation to establish the facts of the application rests with the panel and not the applicant,
 - (e) a presumption that where possible, and where evidence is already available or obtainable elsewhere, an applicant need not repeat their account of abuse,
 - (f) the principle that the standard of proof be no higher than the balance of probabilities.
- (4) Regulations under this section are subject to the affirmative procedure.>

Section 34

John Swinney

63 In section 34, page 16, line 4, after <whether> insert <, on the balance of probabilities,>

Alex Neil

112 In section 34, page 16, line 9, at end insert—

<(2A) In determining an application, the panel is to start with the presumption that any information provided by the applicant in respect of the application is true and accurate to the best of the applicant’s knowledge and belief.>

John Swinney

64 In section 34, page 16, line 10, leave out <consider or make a determination on any issue of fault or negligence> and insert <rule on, and has no power to determine, any person’s civil or criminal liability>

John Swinney

65 In section 34, page 16, line 14, leave out <fully>

John Swinney

66 In section 34, page 16, line 23, at beginning insert <For the purposes of other proceedings,>

Section 35

John Swinney

- 67 In section 35, page 17, line 4, after <28(2)> insert <or (2A)>

Section 36

Iain Gray

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

John Swinney

- 68 Leave out section 36

Section 38

John Swinney

- 69 In section 38, page 18, line 5, at end insert—
<() £50,000,>

John Swinney

- 70 In section 38, page 18, line 6, at end insert <, or
() £90,000,>

Daniel Johnson

- 26 In section 38, page 18, line 6, at end insert—
<() a sum above £70,000 as determined by the panel,>

Daniel Johnson

- 27 In section 38, page 18, line 8, leave out subsection (2)

John Swinney

- 71 In section 38, page 18, line 12, at end insert—
<() £60,000 (a level 3 payment),>

John Swinney

- 72 In section 38, page 18, line 13, leave out <3> and insert <4>

John Swinney

- 73 In section 38, page 18, line 13, at end insert <, or
() £100,000 (a level 5 payment).>

John Swinney

- 74 In section 38, page 18, line 14, after <where> insert <—
()>

John Swinney

- 75 In section 38, page 18, line 16, at end insert—
<() the application is an application for an individually assessed payment made by virtue of section 28(2A), any redress payment (other than a next of kin payment) which has previously been paid to the applicant is to be deducted from the individually assessed payment for which the applicant is eligible.>

Section 42

John Swinney

- 76 In section 42, page 21, line 1, leave out <fixed rate> and insert <redress>

John Swinney

- 77 In section 42, page 21, line 1, leave out from <(either> to end of line 3

John Swinney

- 78 In section 42, page 21, line 5, leave out <fixed rate> and insert <previous redress>

Section 45

John Swinney

- 79 In section 45, page 22, line 5, leave out <, 36>

John Swinney

- 80 In section 45, page 22, line 15, after <paid> insert <—
(a)>

John Swinney

- 81 In section 45, page 22, line 15, leave out from <(either> to end of line 16 and insert <under a previous application for one,>

John Swinney

- 82 In section 45, page 22, line 16, at end insert <or
(b) where the application is made by virtue of section 28(2A), an individually assessed payment.>

John Swinney

- 83 In section 45, page 22, line 21, after <payment> insert <or, where subsection (3)(b) applies, the previous individually assessed payment>

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

Section 46

Iain Gray

- 7 Leave out section 46

Section 47

John Swinney

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

Section 48

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)

Section 49

Kenneth Gibson

- 28 In section 49, page 24, line 18, leave out from first <is> to <made> in line 19 and insert <makes an offer of a redress payment to an applicant who>

Kenneth Gibson

29 In section 49, page 24, line 20, leave out <16> and insert <18>

Kenneth Gibson

30 In section 49, page 24, leave out lines 21 to 25

Kenneth Gibson

31 In section 49, page 24, line 27, at end insert—

- <(3) A direction under subsection (2) may, in particular, provide that the redress payment—
 - (a) is to be paid in instalments,
 - (b) is not to be paid until the applicant reaches the age of 18.
- (4) Where a direction under subsection (2) postpones the payment of the whole or part of the redress payment—
 - (a) Redress Scotland may at any time, at the request of or otherwise with the consent of the applicant, instruct the Scottish Ministers to make earlier payment to the applicant of the whole or part of the redress payment or, as the case may be, any remaining balance of it,
 - (b) on the applicant reaching the age of 18, the Scottish Ministers must pay the redress payment or, as the case may be, the balance of it (if any) to the applicant in accordance with paragraphs (a) and (b) of section 48(3).>

Section 50

John Swinney

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

Section 52

John Swinney

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

Section 56

John Swinney

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

Section 57

John Swinney

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

Section 60

John Swinney

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

Section 63

John Swinney

- 113 In section 63, page 32, line 38, leave out <individual> and insert <person>

Section 65

John Swinney

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

Section 67

John Swinney

- 92 In section 67, page 35, line 18, leave out subsection (2)

Section 68

John Swinney

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

Section 69

John Swinney

- 94 In section 69, page 36, line 20, after <payment> insert <or, in the case of an application made by virtue of section 28(2A), an individually assessed payment>

John Swinney

- 114 In section 69, page 36, line 31, leave out <legal fees and costs> and insert <costs and expenses>

Iain Gray

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

Section 70

John Swinney

- 115 In section 70, page 37, line 16, leave out <the individual who is>

John Swinney

- 95 In section 70, page 37, line 23, leave out subsection (4)

Section 71

John Swinney

- 116 In section 71, page 37, line 32, leave out <that> and insert <to the extent that it>

Section 72

John Swinney

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

John Swinney

- 97 In section 72, page 39, line 1, at beginning insert <For the purposes of other proceedings,>

Section 73

John Swinney

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

Section 75

John Swinney

- 117 In section 75, page 41, line 9, leave out <legal fees> and insert <fees for legal work>

John Swinney

- 118 In section 75, page 41, line 11, at end insert—

<() make provision for the recovery of such fees for legal work and other costs and expenses where payment of those fees, costs and expenses was due to an error,>

Iain Gray

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

After section 78

Daniel Johnson

- 32 After section 78, insert—

<Applicant access to evidence

- (1) An applicant has the right to any evidence obtained by the panel under sections 34(2) or 78 in relation to the determination of their application.

- (2) Nothing in this section authorises a disclosure of any information—
 - (a) that would be likely to identify any person other than the applicant,
 - (b) that would be in contravention of the data protection legislation.
- (3) In this section, “the data protection legislation” has the meaning given by section 3(9) of the Data Protection Act 2018.>

Section 83

Daniel Johnson

- 33 In section 83, page 44, line 23, at beginning insert <Subject to section (*Applicant access to evidence*)>

Section 84

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

Iain Gray

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

Section 85

John Swinney

- 119 In section 85, page 46, leave out lines 29 to 31 and insert—
<() are, or may be, considering making an application for a redress payment, or
() have decided to make, or have made, such an application.>

Section 86

John Swinney

- 99 In section 86, page 47, line 8, leave out <(including by virtue of an initial determination under section 36)>

Iain Gray

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

Section 88

John Swinney

120 Leave out section 88 and insert—

<Duty on Scottish Ministers to pay fee for legal work in making an application

- (1) The Scottish Ministers must, on request, pay the prescribed sum to a solicitor in respect of the legal work reasonably undertaken in making an application for a redress payment on behalf of a person (whether or not the application was successful, and whether or not it was subsequently withdrawn).
- (2) Where the Scottish Ministers have cause to believe that the legal work to which a request relates may not have been reasonably undertaken in making an application for a redress payment, it is for Redress Scotland to decide the question.
- (3) For the purpose of subsection (1), where legal work is undertaken in connection with advice and assistance on whether to pursue litigation as an alternative to making an application for a redress payment, that work is not to be treated as having been undertaken in making an application for a redress payment unless advice and assistance was also given on any of the matters mentioned in subsection (4).
- (4) Those matters are—
 - (a) a person’s eligibility to make an application for a redress payment,
 - (b) which type of redress payment to apply for,
 - (c) the application process,
 - (d) whether to accept an offer of a redress payment and sign a waiver under section 45,
 - (e) whether to request a review of the offer under section 52,
 - (f) the review process.>

After section 88

John Swinney

121 After section 88, insert—

<Duty on Scottish Ministers to pay certain fees for legal work in exceptional cases

- (1) The Scottish Ministers must, on request, pay the prescribed sum to a solicitor in respect of the legal work mentioned in subsection (2) where Redress Scotland’s assessment is that there are exceptional or unexpected circumstances which justify the payment of the prescribed sum.
- (2) That legal work is the legal work Redress Scotland considers is reasonably undertaken in connection with a proposed application by a person who sought legal advice on the person’s eligibility to apply for a redress payment, but did not subsequently apply.
- (3) The Scottish Ministers must, on request, pay to a solicitor such additional sum as is specified by Redress Scotland in respect of the legal work reasonably undertaken in making an application for a redress payment, or in connection with a proposed application, where Redress Scotland’s assessment is that there are exceptional or unexpected circumstances which justify the payment of an additional sum.>

John Swinney

122 After section 88, insert—

<Sections (*Duty on Scottish Ministers to pay fee for legal work in making an application*) and (*Duty on Scottish Ministers to pay certain fees for legal work in exceptional cases*): further provision

- (1) A request under section (*Duty on Scottish Ministers to pay fee for legal work in making an application*)(1) or (*Duty on Scottish Ministers to pay certain fees for legal work in exceptional cases*)(1) or (3) is referred to in this Act as a “fee payment request”.
- (2) A fee payment request may be made only by a solicitor who has acted for a person in relation to an application for a redress payment, or a proposed application, submitting a request to the Scottish Ministers.
- (3) The Scottish Ministers may by regulations—
 - (a) make further provision about fee payment requests, including about—
 - (i) the time limit for making a request,
 - (ii) any steps that must be taken prior to making a request (including any assessment of whether those steps have been taken and notification and review of the outcome of that assessment),
 - (iii) the required content and form of a request, and
 - (iv) the information and evidence to be provided in or with a request,
 - (b) make provision about legal work, undertaken in connection with particular types of advice and assistance, which is or is not to be regarded as reasonably undertaken for the purpose of assessing whether a sum is to be paid.
- (4) For the purpose of sections (*Duty on Scottish Ministers to pay fee for legal work in making an application*)(1) and (*Duty on Scottish Ministers to pay certain fees for legal work in exceptional cases*)(1), “prescribed”, in relation to a sum, means prescribed by the Scottish Ministers in regulations under this subsection.
- (5) Regulations under subsection (3) may modify any enactment (including this Act).
- (6) Regulations under subsection (4) may prescribe sums or scales of sums and the conditions under which such sums will be payable.>

John Swinney

123 After section 88, insert—

<Assessment, notification and review of certain fee payment requests

- (1) The Scottish Ministers must, as soon as reasonably practicable after receiving it, send Redress Scotland—
 - (a) any fee payment request made under section (*Duty on Scottish Ministers to pay fee for legal work in making an application*)(1) which gives rise to a requirement for a decision of the type mentioned in section (*Duty on Scottish Ministers to pay fee for legal work in making an application*)(2),
 - (b) any fee payment request made under section (*Duty on Scottish Ministers to pay certain fees for legal work in exceptional cases*)(1),
 - (c) any fee payment request made under section (*Duty on Scottish Ministers to pay certain fees for legal work in exceptional cases*)(3).

- (2) On receipt of a request under subsection (1), Redress Scotland must assess it and inform the Scottish Ministers of the outcome of that assessment.
- (3) Once the Scottish Ministers have been informed of the outcome of Redress Scotland's assessment under subsection (2), they must, as soon as reasonably practicable—
 - (a) notify the solicitor who made the request of the outcome, and
 - (b) provide the solicitor with a summary, provided by Redress Scotland, of Redress Scotland's reasons for its assessment.
- (4) A solicitor may ask Redress Scotland to review its assessment where—
 - (a) in the case of a fee payment request mentioned in subsection (1)(a), the outcome is that no sum is to be paid,
 - (b) in the case of a fee payment request mentioned in subsection (1)(b), the outcome is that no sum is to be paid,
 - (c) in the case of a fee payment request mentioned in subsection (1)(c), the outcome is that—
 - (i) no additional sum is to be paid, or
 - (ii) the additional sum to be paid is lower than the sum requested.
- (5) The Scottish Ministers may by regulations make further provision about reviews by Redress Scotland of assessments of fee payment requests, including about—
 - (a) the time limit for requesting a review,
 - (b) the required content and form of a request for a review,
 - (c) the outcome of a review and the powers available to a review panel,
 - (d) the notification of the outcome of a review,
 - (e) the suspension of the payment of a sum in respect of the work until a request for a review is determined, and
 - (f) the payment of a sum in respect of the work where the outcome of a review is that the sum is to be paid.>

Kenneth Gibson

124 After section 88, insert—

<Restriction on additional legal fees

- (1) This section applies where a solicitor receives a payment under section (*Duty on Scottish Ministers to pay fee for legal work in making an application*) or (*Duty on Scottish Ministers to pay certain fees for legal work in exceptional cases*) in respect of the legal work reasonably undertaken—
 - (a) in making an application for a redress payment on behalf of a person, or
 - (b) in connection with a proposed application by a person who sought legal advice on the person's eligibility to apply for a redress payment, but did not subsequently apply.
- (2) Other than a payment made under or by virtue of this Act, the solicitor may not accept any payment (directly or indirectly) in respect of the legal work undertaken in making the application for a redress payment or, as the case may be, in connection with the proposed application for one.

- (3) But subsection (2) does not prevent payment being accepted for any legal work undertaken in connection with advice and assistance on whether to pursue litigation as an alternative to making an application for a redress payment to the extent that such advice and assistance goes beyond that which is necessary or appropriate as part of the legal work undertaken in making an application or, as the case may be, in connection with a proposed application.>

Section 89

Iain Gray

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

John Swinney

- 125 Leave out section 89

Section 90

John Swinney

- 126 Leave out section 90

After section 90

John Swinney

- 127 After section 90, insert—

<Liability for certain payments made in error

Liability for payments, other than redress payments, made in error

- (1) This section applies where a payment mentioned in subsection (2) is made by the Scottish Ministers due to a relevant error.
- (2) The payment referred to in subsection (1) is a payment made—
 - (a) in respect of a report commissioned under or by virtue of section 79(1),
 - (b) by virtue of arrangements made under section 85 or 86 for or in connection with the provision of support,
 - (c) by virtue of regulations under section 87 providing for the reimbursement of costs and expenses incurred in connection with the making of an application for a redress payment or a proposed application for such a payment,
 - (d) under section (*Duty on Scottish Ministers to pay fee for legal work in making an application*) or (*Duty on Scottish Ministers to pay certain fees for legal work in exceptional cases*) in respect of fees for legal work undertaken in making an application for a redress payment or in connection with a proposed application for such a payment.
- (3) A person—
 - (a) to whom the payment was made, or

- (b) who received payment in respect of the report, support or, as the case may be, the matter in relation to which costs or expenses were reimbursed,
is liable to pay the Scottish Ministers the value of the payment to the extent that it is paid due to a relevant error.
- (4) A person's liability under subsection (3) is the difference in value between—
- (a) the payment made to or received by the person, and
 - (b) the payment (if any) that would have been made or received had the relevant error not been made.
- (5) Where the Scottish Ministers seek to recover a sum due to them by a person under subsection (3), the sum may be paid—
- (a) in such instalments as are agreed at the request of, or otherwise with the consent of the person, or
 - (b) otherwise, as a single payment.
- (6) But the Scottish Ministers may not seek to recover any sum—
- (a) where the payment is in respect of a report commissioned under or by virtue of section 79(1), from the applicant in relation to whom the report was obtained,
 - (b) where the payment is in respect of support provided by virtue of arrangements made under section 85 or 86, from the person to whom the support was provided,
 - (c) where the payment is in respect of reimbursement of costs or expenses by virtue of regulations under section 87, from the person who requested the reimbursement,
 - (d) where the payment is in respect of fees for legal work paid under section (*Duty on Scottish Ministers to pay fee for legal work in making an application*) or (*Duty on Scottish Ministers to pay certain fees for legal work in exceptional cases*), from the applicant or other person on whose behalf the work was undertaken.
- (7) In this section, references to a relevant error are to—
- (a) an error when making the payment,
 - (b) an error which the Scottish Ministers consider led to the decision to make the payment being made—
 - (i) incorrectly, or
 - (ii) correctly but on the basis of incorrect or misleading information, in a way which materially affected the decision.
- (8) But an error in making a redress payment in relation to which a payment mentioned in subsection (1) was made is not a relevant error for the purpose of this section.>

John Swinney

128 After section 90, insert—

<Power to make further provision about payments, other than redress payments, made in error

- (1) The Scottish Ministers may by regulations make further provision about or in connection with the consideration by them as to whether decisions to make payments to which section (*Liability for payments, other than redress payments, made in error*) applies were materially affected by error.

- (2) Regulations under subsection (1) may, in particular, make provision about—
 - (a) the procedure for such consideration,
 - (b) review of decisions following such consideration,
 - (c) requiring or enabling the payment by the Scottish Ministers of fees for legal work and other costs and expenses reasonably incurred by a person in connection with such consideration or review,
 - (d) the recovery of such fees for legal work and other costs and expenses where payment of those fees, costs and expenses was due to an error.
- (3) Regulations under subsection (1) may modify any enactment (including this Act).>

Before section 91

Iain Gray

18 Before section 91, insert—

<Advance payment scheme report

- (1) Before the end of the period of 2 months beginning with the day this section comes into force, the Scottish Ministers must lay before the Scottish Parliament a report outlining—
 - (a) how soon they anticipate Redress Scotland will be operational,
 - (b) any adjustments they intend to make to the advance payment scheme before Redress Scotland is operational, in particular in response to how anyone eligible for an advance payment may be or has been impacted by coronavirus.
- (2) In this section, “coronavirus” has the meaning given in section 1 of the Coronavirus (Scotland) Act 2020.>

Before section 94

Daniel Johnson

129 Before section 94, insert—

<The Survivors Forum

- (1) The Scottish Ministers must establish a forum consisting of survivors of historical child abuse in care.
- (2) The forum is to be known as the Survivors Forum.
- (3) The function of the Survivors Forum is to provide a forum for survivors to contribute to—
 - (a) the continuous improvement of the delivery of the redress scheme,
 - (b) providing scrutiny of the assessment and awards process,
 - (c) ensuring the redress scheme makes the process as straightforward as possible for applicants, and
 - (d) ensuring survivors are well supported in relation to the redress scheme.
- (4) The Scottish Ministers may by regulations make further provision in relation to the Survivors forum.
- (5) Regulations under subsection (4) may, in particular, make—

- (a) provision relating to reimbursement of members of the Survivors Forum for expenses incurred while acting as such,
- (b) such modifications to enactments as the Scottish Ministers consider necessary or expedient in consequence of the establishment of the Survivors Forum.>

Section 95

John Swinney

- 130 In section 95, page 52, line 34, leave out from <period> to <29(2)> in line 35 and insert <application period>

John Swinney

- 131 In section 95, page 52, line 38, leave out <88> and insert <(Duty on Scottish Ministers to pay fee for legal work in making an application) or (Duty on Scottish Ministers to pay certain fees for legal work in exceptional cases)>

Section 96

John Swinney

- 101 In section 96, page 53, line 15, at end insert—
<“application period” is to be construed in accordance with section 29,>

John Swinney

- 132 In section 96, page 53, line 19, leave out <88(5)> and insert <(Sections (Duty on Scottish Ministers to pay fee for legal work in making an application) and (Duty on Scottish Ministers to pay certain fees for legal work in exceptional cases): further provision)(1)>

John Swinney

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

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.>

Section 97

John Swinney

- 104 In section 97, page 54, line 16, at end insert—
<() the determination of applications under section 34, including the standard of proof to be applied,>

Alex Neil

- 104A As an amendment to amendment 104, line 3, at end insert <and the operation of the presumption mentioned in subsection (2A) of that section,>

John Swinney

- 133 In section 97, page 54, line 24, leave out <, 88(3) and 89(5)> and insert <and (*Duty on Scottish Ministers to pay certain fees for legal work in exceptional cases*)(1) and (3)>

Section 98

John Swinney

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

John Swinney

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

John Swinney

- 134 In section 98, page 55, line 10, at end insert—
<() section (*Power to make further provision about payments, other than redress payments, made in error*)(1),>

Daniel Johnson

- 135 In section 98, page 55, line 10, at end insert—
<() section (*The Survivors Forum*),>

John Swinney

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

John Swinney

- 136 In section 98, page 55, leave out line 17

John Swinney

- 137 In section 98, page 55, line 18, leave out <89(6)> and insert <(Sections (*Duty on Scottish Ministers to pay fee for legal work in making an application*) and (*Duty on Scottish Ministers to pay certain fees for legal work in exceptional cases*): further provision)(4)>

John Swinney

- 138 In section 98, page 55, line 19, leave out <90(3)> and insert <(Assessment, notification and review of certain payment requests)(5)>

John Swinney

- 139** In section 98, page 55, line 23, leave out <section> and insert <sections (*Sections (Duty on Scottish Ministers to pay fee for legal work in making an application) and (Duty on Scottish Ministers to pay certain fees for legal work in exceptional cases): further provision*)(3) and>

Section 100

Iain Gray

- 19** In section 100, page 55, line 34, after <sections> insert <(Advance payment scheme report),>

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