

Private and Confidential - Formal Legal Advice

Mr Alexander McGarry
34 Whistleberry Drive
Hamilton
ML3 0PS

13th July 2026

Dear Alexander,

Ref: Scottish Historical Abuse Redress Scheme
Individually Assessed Redress Payment – Advice on Waiver of Right to Sue

1. Introduction and Scope of Advice

I write to provide you with formal legal advice in relation to the **Waiver of Right to Raise Civil Proceedings** (“the waiver”) which you are required to sign before any **individually assessed redress payment** can be made to you under the Scottish Historical Abuse Redress Scheme (“the Scheme”).

This letter explains the legal effect of the waiver, the consequences of signing it, and the alternatives available to you. This advice is provided to enable you to make an informed decision as required by the statutory framework governing the Scheme.

2. Individually Assessed Redress – Context

You have received an offer of redress following an **individual assessment** of your application. This assessment has taken into account, amongst other matters:

- the nature, circumstances and duration of the abuse;
- the impact of the abuse on you; and
- any relevant documentary or supporting evidence.

An individually assessed redress payment is intended to recognise the seriousness and effects of the abuse you suffered and may be higher than a fixed-rate payment. However, acceptance of this payment is conditional upon compliance with the waiver requirement explained below.

3. Statutory Requirement to Sign the Waiver

Before redress can be paid, you must sign the waiver in favour of:

- the Scottish Ministers; and
- any organisation or person designated as a **relevant scheme contributor** in connection with the abuse.

This requirement arises directly from the governing legislation of the Scheme. The Scottish Ministers **cannot lawfully authorise payment** unless a valid waiver has been signed following independent legal advice.

4. Legal Effect of the Waiver

By signing the waiver, you will:

- permanently give up your right to raise or continue any **civil court proceedings for damages** relating to the abuse that forms the basis of your redress application;
- be prevented from bringing a civil claim against the Scottish Ministers or any relevant scheme contributor in respect of that abuse, whether now or in the future.

The waiver is **final and irrevocable** once signed and the redress payment has been made.

The waiver **does not**:

- prevent criminal investigations or prosecutions;
- affect any previous criminal convictions; or
- limit your access to support services, counselling, or other non-financial assistance.

5. Alternatives to Signing the Waiver

You are **not obliged** to sign the waiver. If you choose not to do so:

- no redress payment will be made under the Scheme;
- you will retain the right to pursue a civil damages claim through the courts, subject to issues such as prescription, evidential challenges, potential defences, and litigation risk.

Civil litigation can be lengthy, uncertain, and adversarial, and may expose you to costs risk. The redress scheme, by contrast, offers a non-adversarial and trauma-informed alternative, but only on the basis that civil claims are waived.

6. My Advice to You

It is my duty to remain neutral and to ensure you understand your rights and options. I do not decide whether you should sign the waiver; that decision rests with you alone.

You should only sign the waiver if you are satisfied that:

- you understand the rights you are giving up;
- you are content to accept redress instead of pursuing a civil claim; and
- you are comfortable that this represents an appropriate resolution for you.

I strongly advise that you take sufficient time to consider this advice and ask any questions you may have before reaching a decision.



7. Next Steps

If you decide to proceed, I will:

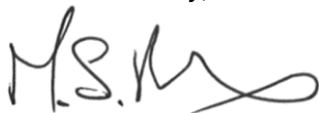
- go through the wording of the waiver with you in detail if you would like further clarity and;
- confirm your understanding of the waiver

If you wish to proceed with the award offer the waiver document needs completing and returning to Redress Scotland in accordance with the Scheme requirements.

If you decide not to proceed, no further action will be taken under the Scheme unless you instruct me otherwise.

Please contact me if you wish to discuss any aspect of this advice or if you would like clarification on the implications of the waiver.

Yours sincerely,



Matthew Reynard

Solicitor

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