
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

The Redress for Survivors (Historical Child Abuse in Care) (Reconsideration and Review of Determinations) (Scotland) Regulations 2022

PART 3

COSTS AND EXPENSES IN CONNECTION WITH RECONSIDERATION AND REVIEW

Reimbursement of costs and expenses in connection with reconsideration and review

13.—(1) Subject to any appropriate limit specified in paragraph (3), the Scottish Ministers must, following a request in writing on a form provided by them for that purpose, reimburse a person in respect of a relevant cost and expense reasonably incurred by or in respect of a relevant person in connection with—

- (a) a reconsideration (whether or not the reconsideration resulted in a re-determination),
- (b) a review (irrespective of whether the determination under review was upheld, reversed or varied).

(2) In this regulation, “a relevant cost and expense” is a cost and expense incurred on or after 7 December 2021—

- (a) in relation to—
 - (i) obtaining information or evidence in connection with a reconsideration or, as the case may be, a review,
 - (ii) verifying such information for the purposes of a reconsideration or, as the case may be, a review,
- (b) in relation to a relevant person who has been invited by a review panel in accordance with section 56(1) of the Act, to make oral representations for the purposes of a review—
 - (i) the travel, subsistence and accommodation costs and expenses of—
 - (aa) the relevant person, and
 - (bb) a person accompanying the relevant person,
 - (ii) the costs and expenses of making arrangements for the care of children or other dependants of—
 - (aa) the relevant person, and
 - (bb) a person accompanying the relevant person, or
- (c) in relation to any other cost and expense which the Scottish Ministers are satisfied was incurred in connection with the reconsideration or, as the case may be, the review.

(3) For the purposes of these Regulations, “the appropriate limit” in relation to a relevant cost and expense mentioned in paragraph (2)(a) means—

- (a) £50, or
- (b) a sum greater than £50, where the Scottish Ministers consider that there are exceptional or unexpected circumstances which justify this.

(4) Where a reimbursement request relates to a cost or expense incurred in a currency other than Sterling, the person making the request must calculate the value of the cost and expense by reference to the Sterling equivalent on the date that the cost and expense was incurred.

(5) A reimbursement request must be made before the end of the period of 8 weeks beginning with the date on which notice of the outcome of the reconsideration or, as the case may be, the review, was received by the relevant person.

(6) A reimbursement request may be assessed by the Scottish Ministers despite the request for it not being made within the period mentioned in paragraph (5) if the Scottish Ministers are satisfied that the person had a good reason for not making the request sooner.

(7) On receipt of a reimbursement request, the Scottish Ministers must as soon as reasonably practicable decide—

- (a) whether any cost and expense mentioned in the request was reasonably incurred in connection with the reconsideration or review, and
- (b) in relation to a relevant cost and expense mentioned in paragraph (2)(a), the appropriate limit of that cost and expense.

(8) The Scottish Ministers must as soon as reasonably practicable—

- (a) notify the person who made the request of the Scottish Ministers' decision under paragraph (7), and
- (b) provide the person with a summary of the reasons for the decision.