
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

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

PART 4

PAYMENTS AND REIMBURSEMENTS MADE IN ERROR

Liability for payments made and costs and expenses reimbursed due to error

19.—(1) A person is liable to pay the Scottish Ministers the value of any payment of fees or, as the case may be, any costs and expenses reimbursed under these Regulations to the extent that the payment or reimbursement was due to a relevant error.

(2) A person's liability under paragraph (1) is the difference in value between—

- (a) the payment made, or as the case may be, the costs and expenses reimbursed to the person, and
- (b) the payment or, as the case may be, the costs and expenses (if any) that would have been paid or reimbursed to the person had the relevant error not been made.

(3) Where the Scottish Ministers seek to recover a sum due to them by a person under paragraph (1), 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.

(4) In this regulation, “relevant error” means—

- (a) an error when making a payment of fees or reimbursing costs and expenses under these Regulations, or
- (b) an error which the Scottish Ministers consider led to a decision to make a payment or to reimburse costs and expenses under these Regulations—
 - (i) incorrectly, or
 - (ii) correctly but on the basis of incorrect or misleading information,

in a way which materially affected the decision.