
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 58

The Restitution Fund (Scotland) Order 2021

Making payments out of the Fund

5.—(1) No payments may be made from the Fund by the operator prior to the date falling six months after this Order comes into force.

(2) A payment from the Fund may only be made by the operator to a relevant person where—

- (a) the relevant person has made a written application to the operator for payment, and
- (b) the operator has approved that application for payment.

(3) Without prejudice to the operator's ability to approve or reject applications for payment from the Fund, the operator may reject an application for payment from the Fund where the operator considers that there are insufficient monies in the Fund.

(4) Subject to paragraph (5), payments made from the Fund in accordance with paragraph (2) may be made subject to such conditions as the operator considers appropriate.

(5) All payments made from the Fund in accordance with paragraph (2) must be made subject to conditions which require—

- (a) the payment to be used for a specified purpose or purposes, and
- (b) the recipient of the payment to repay the monies (or a portion of the monies) to the operator, in accordance with the operator's requirements, if a condition attaching to the payment is not complied with.

(6) For the purposes of paragraph (2), a written application includes an application submitted to the operator electronically.