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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 44**

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

**PART 2**

**LEGAL FEES IN CONNECTION WITH RECONSIDERATION AND REVIEW**

**Payment of fees for legal work in connection with reconsideration and review**

**2.—(1)** The Scottish Ministers must, on request, pay—

- (a) the relevant sum to a solicitor in respect of legal work reasonably undertaken for a relevant person in connection with—
  - (i) a reconsideration (whether or not the reconsideration resulted in a re-determination),
  - (ii) a review (irrespective of whether the determination under review was upheld, reversed or varied), and
- (b) such additional sum as is specified by Redress Scotland in respect of the legal work mentioned in paragraph (a), where Redress Scotland's assessment is that there are exceptional or unexpected circumstances which justify the payment of an additional sum.

(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 connection with a reconsideration or review, it is for Redress Scotland to decide the question.

(3) The relevant sum for the corresponding description of legal work specified in the second column of the table of fees in Part 1 of the schedule of these Regulations is that specified in column A of that table, whether or not that work is conducted before or after the reconsideration and irrespective of its outcome.

(4) Unless paragraph (5) applies, the relevant sum for the corresponding description of legal work specified in the second column of the table of fees in Part 2 of the schedule is that specified in column A of that table, whether or not that work is conducted before or after the review and irrespective of its outcome.

(5) This paragraph applies if—

- (a) a request for a review is withdrawn in accordance with section 59(2) of the Act before a determination is made under section 77, or
- (b) the relevant person dies, or in the case of a person other than an individual, ceases to exist, after a request for a review is made under section 76 of the Act, but before the review is determined under section 77.

(6) Where paragraph (5) applies, the relevant sum for the corresponding description of legal work specified in the second column of the table of fees in Part 2 of the schedule is that specified in column B of that table.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(7) Where the work done by the solicitor constitutes a supply of services in respect of which value added tax is chargeable, an amount equal to the amount of value added tax chargeable will be added to the applicable sum payable by virtue of this regulation.