



Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021

2021 asp 15

PART 4

FINANCIAL REDRESS: REDRESS PAYMENTS

CHAPTER 5

REDRESS PAYMENTS OR DETERMINATIONS MADE IN ERROR

74 Liability for redress payments made in error

- (1) A person is liable to pay the Scottish Ministers the value of any redress payment to the extent that it is paid to the person due to a relevant error.
- (2) A person's liability under subsection (1) is the difference in value between—
 - (a) the redress payments that are paid to the person, and
 - (b) the redress payments (if any) that would have been paid 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 subsection (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 section, references to a relevant error are to—
 - (a) an error when making a payment of a redress payment,
 - (b) an error which Redress Scotland determines under section 75, or, as the case may be, on a review under section 76, led to a determination under this Part being made—
 - (i) incorrectly, or
 - (ii) correctly but on the basis of incorrect or misleading information, in a way which materially affected the determination.