
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 222

The Education (Assisted Places) (Scotland) Regulations 2001

PART V

REIMBURSEMENT CLAIMS AND CONDITIONS OF PAYMENT

Reimbursement claims

22.—(1) Claims for reimbursement of fees remitted and grants made and charges remitted in pursuance of these Regulations (hereinafter referred to as “reimbursement claims”) may be submitted to the Scottish Ministers by a participating school in respect of such periods, not being less than a term, as appear to it appropriate and, with their consent, claims may be submitted on the basis of an estimate of fees or charges so remitted or grants made (“provisional claims”); but where a provisional claim is submitted, the school shall, as soon as is reasonably practicable, submit a reimbursement claim in respect of the period in question which is not based on such an estimate and that claim shall supersede the provisional claim.

(2) As soon as is reasonably practicable after they are satisfied as respects a reimbursement claim, the Scottish Ministers shall reimburse the school in pursuance of the claim in accordance with these Regulations without prejudice, however, where they consider it expedient to do so, to their making earlier payments on account in pursuance of the reimbursement claim or in pursuance of a provisional claim in respect of the same period.

(3) Any overpayment or underpayment which appears to the Scottish Ministers to have occurred shall be adjusted as soon as is reasonably practicable by payments between the Scottish Ministers and the school concerned and, in particular, but without prejudice to that generality, where the amount of any reimbursement claim under these Regulations is less than the amount paid to the school under a provisional claim, the Scottish Ministers shall be entitled to recover the amount overpaid from that school and, without prejudice to any other method of recovery available to them, they may deduct that amount from the amount of any other reimbursement claim falling to be paid to that school in accordance with these Regulations.

Conditions of payment

23.—(1) Any reimbursement under these Regulations shall be subject to the condition that the Scottish Ministers shall be satisfied that the participating school, to which such reimbursement is made, shall comply or shall have complied with the requirements specified in these Regulations.

(2) If the Scottish Ministers are satisfied that a participating school has failed to observe any of the conditions or requirements specified in these Regulations in relation to any school year, they may—

- (a) refuse to make payment in whole or in part of any claim falling to be paid to that school in respect of that year in accordance with the Regulations; or
- (b) withhold payment of such claim or such part thereof as they consider appropriate for such period or periods as they consider appropriate,

and, where a reimbursement claim has been paid to such a school in advance of the Scottish Ministers being so satisfied, the Scottish Ministers shall be entitled to recover from the school such sum as they

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consider appropriate, being a sum equal to the whole or such part of the payment made in respect of such claim as they think expedient, and, without prejudice to any other method of recovery available to them, they may deduct such sum from the amount of any other reimbursement claim falling to be paid to that school in accordance with these Regulations.