

# THE ICL PUBLIC INQUIRY

Inquiry Chairman: The Right Honourable Lord Gill

## Inquiry Protocol: Travel and Subsistence Expenses

*In order to operate most effectively and most efficiently, an Inquiry such as this needs to operate flexibly. Procedures may need to be adopted, or may need to be adapted, to enable this. The procedure outlined is not intended to cover every eventuality or every procedural issue that will arise. When procedural decisions need to be taken, they will be taken by the Inquiry Chairman with the assistance of the Inquiry legal team and of representations or submissions from others, if the Chairman considers that would be appropriate and desirable.*

### **Power to make an award**

1. The Chairman may award reasonable amounts to a person for expenses properly incurred, or to be incurred, in attending the Inquiry (S40(1)).
2. In doing so he must have regard to the financial resources of the Applicant (Rule 18) and the public interest so far as relating to the making of an award (rule 18)

### **Eligibility**

3. A person is eligible to be considered for an award only if:
  - a. he or she is a person attending the Inquiry to give evidence or to produce any document or other thing, or
  - b. a person who, in the opinion of the Inquiry Chairman, has such a particular interest in the outcome of the Inquiry as to justify such an award;
  - c. expenses incurred by witnesses giving evidence in the context of their employment, or former employment are expected to be reimbursed, where appropriate, by that employer, or former employer as the case may be.

### **Applications**

4. Applications for awards may be made at any time in writing. Application forms will be made available.
5. Amounts for travel and subsistence exceeding £100 in total for the entirety of the period of the Inquiry, other than in exceptional circumstances, will require evidence as to the Financial Resources of the Applicant.
6. There are separate protocols for applications for Legal Representation at Public Expense and for compensation for loss of time.

### **Awards**

7. Subject to an individual not giving or providing evidence in the course of their employment or their former employment, the Chairman will make an award of Travel and Subsistence expenses (subject to the limits indicated and having regard to the rules) where an individual has been required to attend the Inquiry as a witness to give evidence or produce a document or other thing.
8. The Chairman will determine an application for an award for Travel & Subsistence expenses from any other person who considers they are eligible for an award within a reasonable time, and will notify the applicant in writing, and where the applicant has a recognised legal representative, the recognised legal representative.
9. As Travel & Subsistence expenses will be met from public funds strict rules will apply. The rates, guidelines and limits on the sums which will be paid will be those annexed.

### **Claims**

10. Claim forms must be submitted to the Inquiry within one month of the Travel & Subsistence expenses having been incurred or otherwise forfeit their right to claim. Claims will not be received any later than one month after closing submissions. The Claim must be submitted to the Chairman at the address stated below.
11. An applicant must provide evidence that the expenditure has been properly incurred (e.g. bus tickets).
12. The Claim must be submitted to the Chairman at the address stated below.

(Arrangements will be put in place for claims to be received by hand, during the course of the oral hearings, by the Inquiry Secretariat Office at the hearing venue. A receipt will be given).

### **Procedure for the assessment of amounts payable under an award**

13. The Solicitor to the Inquiry will assess within 21 days any claims submitted following an award for Travel & Subsistence expenses and notify the applicant in writing of her determination.
14. Where the Solicitor determines that the full amount of an applicant's claim should be paid, that assessment will be the final assessment.
15. Amounts must be excluded where any condition set by the Chairman has not been complied with.
16. Any item to which the Solicitor objects will be identified and the nature of objection specified and an amount will be proposed for each item in respect of which a reduction is sought.
17. The applicant will then have 21 days to respond in writing to the points of dispute. The applicant must provide the Solicitor to the Inquiry with a written response to the points of dispute within 21 days of their having been sent to the applicant.
18. The Solicitor to the Inquiry and the Applicant may agree in writing to extend the 21 day periods allowed for.

19. In the event the applicant does not respond to the points of dispute within 21 days of the date when the points of dispute were sent and there has been no agreement in writing to extend the deadlines allowed for, the Solicitor will issue a final assessment.
20. In the event the Applicant responds to the points of dispute the Solicitor must reconsider the initial assessment of the amount of the award and following re-assessment must issue the final assessment within a reasonable time.

### **Compliance with requirements under this protocol**

21. Any requirement under this protocol that a document is given or sent to the Inquiry is satisfied by that document being:
  - a. sent to the Inquiry's designated postal address by first class post;
  - b. faxed from the sender's designated fax number to the Inquiry's designated fax number or
  - c. sent by email in Word format to the Inquiry's designated email address.

The Inquiry's contact details for each of the above methods of communication are set out below.

22. Any requirement under this Section that a document is given or sent to the applicant is satisfied by that document being:
  - i) sent to the applicant's designated postal address by first class post;
  - ii) faxed to the applicant's designated fax number; or
  - iii) sent by email to the applicant's designated email address, provided the applicant has notified the Solicitor in writing that documents sent by email will be accepted.

### **Payment of an award**

23. Payments will be made by a Bankers' Automated Clearing System (BACS) transfer. To enable payment to be made, an applicant will be required to complete the appropriate documentation which will be provided by the Inquiry.
24. When completed and signed, the documentation should be returned to the Inquiry Secretary to whom any queries relating to the processing of payments should also be directed.
25. Consideration is being given as to whether it may be possible to settle small Travel & Subsistence claims in cash during the Inquiry hearings at the Venue.

### **Questions**

26. Should you require more information or wish to discuss any aspect of arrangements for claiming for loss of time or Travel & Subsistence expenses, please call the Inquiry Secretary.

**Inquiry's contact details**

27. The Inquiry's contact details are as follows:

The Inquiry Secretary  
Inquiry Secretariat  
The ICL Inquiry  
3rd Floor,  
Lothian Chambers,  
59-63 George IV Bridge,  
Edinburgh,  
EH1 1RN.  
Email: [info@theICLinquiry.org](mailto:info@theICLinquiry.org)  
Telephone: 0131 240 6863  
Fax: 0131 240 6811

Issued under the authority of the Chairman on 2 May 2008

**Failure to adhere to, and comply with, any of the matters or procedures set out in this Protocol could result in payment being delayed or refused.**

# Inquiry Protocol: Travel and Subsistence Expenses

## ANNEXE Rates and Guidelines

### General

1. As travel and subsistence expenses will be met from public funds, strict rules will apply. Journeys should therefore be made in the most cost-effective manner, making best use of any discounted tickets that may be available.
2. The deliberate submission of a false claim is a serious offence.

### Mode of Travel

3. Travel should be by public transport so far as practicable.
  - a. Rail
    - i. The cost of standard-class travel by rail via the most direct route will be re-imbursed. Receipts or tickets must be submitted as part of any claim.
  - b. Private Car
    - i. Travel by private car (where public transport is not available or not practicable) will be re-imbursed for the most direct route at the following rates.
    - ii. 40 pence per mile if you are insured for using your car for business purposes;
    - iii. 30 pence per mile if you are not insured for using your car for business purposes.
    - iv. If you travel with someone else who has been asked to attend the Inquiry, you are not entitled to claim mileage for the journey. However, the person with whom your travel is entitled to claim a passenger supplement of 5 pence per mile.
    - v. The cost of car parking necessarily incurred in connection with attendance on Inquiry business will be re-imbursed against proof of payment.

### Subsistence

4. It should normally be possible to complete business connected with the Inquiry during the course of a normal working day. If you are required by the Inquiry Chairman to attend the Inquiry, and if lunch is not provided for you, a daily subsistence allowance may be claimed to cover the cost of meals and refreshments. The rates of allowance, which are calculated on the time away from your office or home (whichever is the least), are:

- a. £4.90 for a period of more than five hours from time of departure from home or office until return (whichever is the shorter);
  - b. £10.70 for a period of over ten hours.
5. If, exceptionally, an overnight stay in Glasgow/Edinburgh is necessary, the prior agreement of the Inquiry Secretary must be obtained. Details of the subsistence rates for overnight stays, or hotels with which rates have been negotiated, will be provided when a request is made.

### **Loss of time**

6. There is a separate protocol for claims for loss of time.
7. If you are in employment, you should discuss with your employer any request by the Inquiry Chairman to attend the Inquiry. If you are not giving evidence in the context of your current employment and your employer is not prepared to allow you to attend as part of your normal working hours and deducts wages for the time you are not in work, you may be able submit a claim to cover loss of time.
8. Proof of loss of time will be required as part of a claim.