

WITNESS EXPENSES

Introduction

The OISC will from to time require witnesses to attend hearings to give evidence. This document sets out the expenses that witnesses can claim in these circumstances, together with an application form.

If you have any queries you should contact the OISC Finance Manager on 0845 000 0046

WITNESS EXPENSES: CURRENT RATES

Rates effective from 1st May 2001

This leaflet gives the current rates and upper limits of allowances which apply to witnesses called to give evidence by the OISC. The rates and upper limits are reviewed from time to time and the amounts in force when you attended will be applied to your claim.

SECTION A: Subsistence expenses

Day subsistence

- Attendance not exceeding 5 hours - £2.25
- Attendance exceeding 5 hours but not exceeding 10 hours - £4.50
- Attendance exceeding 10 hours - £9.75

These are fixed allowances towards the cost of meals and refreshments and the appropriate amount will be paid automatically. The period of attendance includes the time spent travelling to and from court as well as the time spent at court. You may only claim for time when you had to attend. If you stayed at court after you had been released from giving evidence, no payments can be made for this time.

Overnight allowance:

- Attendance overnight in inner London (within 5 miles of Charing Cross) - £95.00;
- Attendance overnight elsewhere - £65.00.

The overnight allowance is a fixed amount towards the cost of meals, refreshments, accommodation and other expenses where you had to stay away from home. The overnight allowance covers an absence of 24 hours and day subsistence is then only paid if you were away for more than 24 hours.

SECTION B: Travel expenses

- **Public transport:** Rail, bus and tube fares at standard (i.e. second class) rates will be reimbursed in full.
- **Motor cars:** If you use your own motor car, you will be paid 25p for each mile. In addition, if you give a lift to another witness who is also required to attend court, a further 2p per mile will be paid for the first such passenger and 1p per mile for each additional passenger after the first. Exceptionally, if you can show that you had to use your own motor car instead of public transport, (for example, because there was no public transport, or there was a considerable saving of time and money, or because you are disabled or infirm), then a higher rate per mile may be paid. You will need to justify using your own motor car to be eligible for the higher rate.

- **Motor cycles:** Similar rules apply if you use your own motor cycle. The rate per mile, which will be paid, is 23.8p. Exceptionally higher rates may also be paid for motor cycles, if you can show it was necessary to use your own vehicle instead of public transport.
- **Car parking:** Car parking charges will only be paid if you can demonstrate that it was necessary to use your own motor vehicle.
- **Taxis:** The cost of taxi fares or other hired vehicles (including any reasonable tips) will only be paid in cases of emergency, illness or infirmity, or where no other reasonable means of transport available.
- **Other transport:** If you intend to use some other form of transport (e.g. Aeroplane), you are advised to contact the OISC (see claim form for address) for advice as to whether the cost will be allowed.

SECTION C: Advances received

Advance payments are only available in cases of urgent need. In an emergency, contact the OISC for advice.

SECTION D: Loss of earning – employed persons

The maximum amount of earnings lost which may be repaid is:

- For an absence from work not exceeding 4 hours - £29.75.
- For an absence from work exceeding 4 hours - £59.50.

These payments are not subject to Income Tax or other statutory deductions. To claim loss of earnings, you must get your employer to complete Section D of your claim certifying the earnings you have lost. Do this after you have attended court.

SECTION E: Loss of earnings – self employed persons

The maximum amount of earnings lost may be repaid is:

- For an absence from work not exceeding 4 hours - £29.75.
- For an absence from work exceeding 4 hours - £59.50.

To claim loss of earnings, you must provide some evidence of self-employment (e.g. Business card, letterhead, firm stamp) and you may be required to provide evidence of your loss.

NB Payments to compensate for temporary loss of profits are taxable as receipts of a business.

SECTION F: Other costs incurred

The maximum amount, which can be repaid for any other costs you incur, is £59.50 for each day of attendance. If you pay someone to work or act in your absence, for example paying someone else to look after young children, you must ask them to complete Section E

certifying the amount you have paid them. You may not claim for employing someone to work in your absence if you are also claiming loss of earnings.

If you have any other costs not shown in other sections of the claim, full details should be given and receipts or other proof should be attached to your claim.

SECTION G: Declaration

You must sign your claim. Failure to do so will delay your payment.

If you need any advice on the amounts, which you can claim, or help in completing your claim form, please speak to the OISC representative at Court or telephone the OISC office shown at the top of the claim form.

If you need to contact the OISC at any time about your claim, please telephone 0207 211 1500 and ask to speak to a member of the finance team.