

**GUIDANCE NOTE (GN16/23): APPLICANT EXPENSES AND LEGAL COSTS**

**JULY 2023**

**Background**

1. The Victims’ Payments Regulations 2020 (Regulations) establish the Troubles Permanent Disablement Payment Scheme. The powers of the Victims’ Payments Board (VPB) are strictly defined in the Regulations and the VPB cannot act outside of those powers and obligations.
2. There is limited provision made in the Regulations for the reimbursement of reasonable expenses incurred by an applicant when making an application or bringing an appeal under the Regulations. The relevant provision is regulation 51 which makes provision for expenses incurred by applicants/appellants as follows:

*“The Board may reimburse the expenses of travel, subsistence and accommodation reasonably incurred by a person in making an application or bringing an appeal under these Regulations.”*

1. The Regulations **do not** make provision for the VPB to reimburse legal costs incurred by an applicant.
2. This Guidance Note sets out how the VPB will reimburse reasonable expenses regarding travel, subsistence and accommodation incurred by an applicant when making an application or bringing an appeal under the Regulations.

**Applicant/Appellant Expenses**

1. The VPB will reimburse reasonable expenses incurred by an applicant when making an application or bringing an appeal. Such expenses may include travel, accommodation and subsistence, for example, the need to travel for an appointment with the medical assessment service provider as arranged by the VPB, or travelling to attend an oral hearing with regard to a determination or appeal under the Regulations. Expenses incurred when seeking assistance from victim support service organisations will not be reimbursed by the VPB.
2. Each case will be considered on its own merits as to what constitutes a reasonable expense.

**Advance Authorisation of exceptional or unusual expenditure**

1. Approval should be sought from the VPB prior to incurring any expense associated with an application or oral hearing if it differs from the standard rates set out below, or is an unusual but necessary expense not covered below. Such approval should be sought by emailing [vpb@justice-ni.gov.uk](mailto:vpb@justice-ni.gov.uk) providing details of the proposed expenditure and seeking advance authorisation for same. The VPB will notify the applicant as to whether the expenditure will be authorised and the arrangements for seeking reimbursement if applicable. If advanced authorisation is not sought the expenses may not be reimbursed.

**Making a claim for expenses**

1. When seeking reimbursement, the applicant will be expected to make the necessary payment and submit a claim to the VPB, providing proof of receipt as outlined in the claim form. The Form at Annex A should be completed having regard to the guidance included in this note and emailed to [vpb@justice-ni.gov.uk](mailto:vpb@justice-ni.gov.uk).
2. An explanation must accompany the claim if a receipt cannot be submitted where required.

**Travel**

1. Any reimbursement for reasonable travel expenses incurred will be based on the most efficient and economic form of travel, taking into account an applicant’s particular circumstances. Expenses for travel could include travel by private motor vehicle, public transport or taxi.
2. Reimbursement for travel in a private motor vehicle or motorcycle will be in accordance with Northern Ireland Civil Service (NICS) Travel and Subsistence rates.
3. Parking costs considered to be reasonable and necessary will only be covered where a more economic form of travel was unavailable or inappropriate. Please note the guidance on this aspect outlined below.
4. Consideration will also be given to applicants residing outside Northern Ireland to travel, for example, to a medical assessment or oral hearing in this jurisdiction. This may include the reasonable cost of an air or boat fare.

**Public transport**

1. The VPB will repay in full all reasonable costs incurred in relation to travel by rail, bus, coach and tube at standard class rates.

**Motor Vehicle**

1. If an applicant/appellant uses their own vehicle, the VPB will make reimbursement at the rate of **45p** per mile. This is in accordance with the NICS Travel and Subsistence rates. An application should include the following information on the claim form:

* the total number of miles travelled
* why public transport could not be used (for example, because there was no public transport, or because it saved the applicant a considerable amount of time and money, or because the applicant is disabled or elderly)
* confirmation the applicant holds a valid driving licence and motor insurance policy and the vehicle used is in a roadworthy condition

1. If the applicant/appellant was a passenger in someone else’s vehicle reimbursement of expenses will be at the same rate as above provided the required information above is included in the application form.

**Motorcycle**:

1. Similar rules to those above apply if an applicant/appellant uses their own motorcycle, and the same information is required. In accordance with the NICS Travel and Subsistence policy, VPB will make reimbursement at the rate of **24p** a mile for travel on their own motorcycle.

**Parking**:

1. Full receipted cost may be reimbursed if the VPB is satisfied that such charges were actually and necessarily incurred.
2. The VPB will normally only pay parking charges if a more economic means of transport was not available or was inappropriate due to the applicant/appellant’s personal circumstances. Receipts must be provided.

**Taxi**:

1. The VPB will only pay the cost of taxi fares or other hired vehicles in an emergency, or if a more economic form of transport is not available or was inappropriate due to the applicant/appellant’s personal circumstances. This may include being ill, disabled or elderly, or due to their remote location. An applicant/appellant will need to provide the following information:

* the reason why the applicant/appellant could only travel by taxi and why public transport or use of a private vehicle was not available,
* receipts to support the claim. (Please note that the VPB will not pay for the cost of a taxi to wait while you are at an appointment or hearing).

**Other transport**:

1. If an applicant plans to use some other form of transport (such as travelling by air or sea), advance authorisation should be sought by emailing [vpb@justice-ni.gov.uk](mailto:vpb@justice-ni.gov.uk); setting out the reason for travel, form of transport and estimated costs. An applicant can contact VPB for advice regarding whether the proposed cost is a reasonable expense that will be covered. Only economy class fares will be reimbursed.

**Accommodation**

1. The following expenses may be payable for accommodation where an applicant/appellant would not be able to travel in and out of Northern Ireland on the same day. Advance authorisation must be obtained from VPB prior to booking any accommodation by emailing [vpb@justice-ni.gov.uk](mailto:vpb@justice-ni.gov.uk); setting out the reason why overnight accommodation is required, the details of the accommodation and estimated costs.

* Overnight accommodation allowance **£100.00**

**Subsistence**

1. Reasonable expenses incurred by an applicant/appellant for refreshments in relation to their attendance at a medical appointment or oral hearing will be reimbursed. The period of attendance includes the time taken by an applicant/appellant to travel to and from the appointment or hearing. The VPB will reimburse subsistence at the following rates:

Day subsistence

* Attendance lasting between five hours and 10 hours **£4.25**
* Attendance lasting between 10 hours and 12 hours **£9.30**
* Attendance lasting more than 12 hours **£13.55**

Overnight subsistence

* Night subsistence allowance **£18.30**
* Personal incidental allowance **£5.00**

1. If an applicant/appellant stays with family or friends, the following single payment only will be reimbursed.

* Night subsistence allowance **£25.00**

**Legal Costs**

1. There is no provision contained in the Regulations for the VPB to reimburse any legal costs incurred by an applicant/appellant in respect of their application.

ANNEX A – EXPENSES CLAIM FORM



**EXPENSES CLAIM FORM**

**Please read the Guidance Note (GN13/23) on the Victim Payments Board website before filling in this form. Completed forms should be emailed to** [**vpb@justice-ni.gov.uk**](mailto:vpb@justice-ni.gov.uk)

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| --- | --- | --- | --- | --- |
| Section 1 : Your Details | | | | |
| Name | |  | | |
| Address (including postcode) | |  | | |
| Daytime phone number |  | | Mobile phone number |  |
| Remittance email address |  | |  |  |
| **Case Reference Number** |  | | | |
| **For UK Bank Accounts**   |  |  | | --- | --- | | Bank / Building Society Name |  | | Account Name (eg John Smith) |  | | Bank Account Number (8 digits) |  | | Sort Code (6 digits) |  | | Building Society Roll Number |  |   **For non-UK Bank Accounts**   |  |  | | --- | --- | | Bank Name |  | | Branch Name |  | | Bank Address |  | | Bank Number (French Banks Only) |  | | Swift / BIC Code |  | | IBAN Number |  | | | | | |
| **Your declaration**  I confirm that the details in this form are true and that I am entitled to claim expenses in accordance with Guidance Note 13/23.  Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   Date­\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | | |

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| **Section 2 : Travel costs** | | | | | | | | | |
| Complete this section if you have incurred transport costs. Tick the appropriate box for the mode of transport used and complete the required details for that mode of transport. | | | | | | | | | |
| **Train** |  | **Bus** |  | **Air** |  | **Sea** |  |  | |
| Please attach receipts and tickets if you travelled by train, bus, air or sea. | | | | | | | | | |
| **Car** |  | **Motorcycle** |  | **Bicycle** |  |  |  | |  |
| If you travelled by private car, motorcycle or bicycle, how many miles **in total** did you travel. | | | | | | | | |  |
| If you had to pay **parking fees**, please write the amount here and attach ticket/receipt. You will need to detail why a more economic form of transport was not appropriate or available in Section 4 below. | | | | | | | | | £ |
| **Taxi**  We will normally only pay your taxi fare in an emergency, or if you are ill, disabled or elderly or if you had no other method of transport available for some other reason, such as the remoteness of your location. | | | | | | | |  | |
| When claiming taxi fares, please explain in Section 4 why you travelled by taxi, write the amount of your fare here and attach a receipt. | | | | | | | | £ | |
| **Declaration** **if claiming for car mileage**  I hold a valid driving licence and motor insurance policy and my vehicle is in a road worthy condition.  I confirm that, to the best of my knowledge and belief, the facts given in this claim are correct.   Signed: Date: | | | | | | | | | |

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| **Section 3 : Subsistence and accommodation allowances** | | | | | |
| This section allows you to claim a subsistence allowance for your attendance at a relevant appointment or oral hearing. | | | | | |
| |  |  |  |  | | --- | --- | --- | --- | | I attended on/from (dates) |  | to |  | | | |  |  | | --- | --- | | On these dates I was away from home for: | | | between 5 hours and 10 hours on | day(s) | | between 10 hours and 12 hours | day(s) | | over 12 hours on | day(s) | | | | |
| Did you need to stay overnight? | YES | |  | NO |  |
| Is advance authorisation in place? | YES | |  | NO |  |
| If no, please attach your receipt, and provide your overnight address, the reason for your overnight stay and why advance authorisation was not sought. | | | | | |

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| **Section 4: Other Information for consideration by the VPB:** |
| Please use this section to provide additional information as required above and to detail any exceptional or unusual expenditure for which advance authorisation has been obtained. |