



MUCKAMORE ABBEY HOSPITAL INQUIRY

MAHI PROTOCOL No. 5

PROTOCOL ON WITNESS EXPENSES

Introduction

1. This Protocol governs when the Chair may make an award to a person in respect of expenses incurred in attending the Inquiry, such as travel, other incidental expenses and financial loss.
2. This Protocol does not apply to applications for funding for legal costs, which is governed by a separate Protocol: "Protocol No. 3 - Funding of Legal Representation", which is available on the Inquiry website.
3. This Protocol will not necessarily cover every eventuality that may arise. The Inquiry may need to depart from the Protocol in the interests of fairness or in order to discharge its statutory functions.
4. This Protocol may also need to be amended in the course of the Inquiry's work, in which case the amended version will be published at the earliest opportunity on the Inquiry's website.

Statutory Provisions

5. Section 40 of the Inquiries Act 2005 allows the Chair of the Inquiry to award reasonable amounts to a person for:
 - (a) compensation for loss of time, or
 - (b) expenses properly incurred, or to be incurred,in attending, or otherwise in relation to, the Inquiry.
6. A person is only eligible for an award if they are:
 - (a) a person attending the Inquiry to give evidence or to produce a document or other thing, or
 - (b) a person who, in the opinion of the Chair, has such a particular interest in the proceedings or outcome of the inquiry as to justify such an award.

7. In deciding whether to make an award, and in deciding the amount of any award, the Chair will act with fairness and with regard to the need to avoid any unnecessary cost (as required by section 17 of the Inquiries Act 2005).

Travel expenses

8. The Chair will consider paying travel expenses for persons attending the Inquiry to give evidence or produce a document or other thing where the Inquiry considers it reasonable to meet those costs.
9. If a person attending the Inquiry requires a companion to accompany them (such as a support-worker or family member) then that person's travel expenses may also be reimbursed by the Inquiry where the Inquiry considers it reasonable to meet those costs.
10. In considering whether it is reasonable to pay for travel expenses, the Chair will consider the individual circumstances of the applicant, whether the costs were properly and reasonably incurred and whether the costs are reasonable and proportionate in their amount.
11. The Inquiry will not normally pay for overnight accommodation, unless there are exceptional circumstances which justify such an award. Any person wishing to make an exceptional claim for overnight accommodation must contact the Solicitor to the Inquiry to seek approval before incurring the cost. The Inquiry will not reimburse the costs of overnight accommodation which have not obtained prior approval by the Inquiry.
12. All claims must be made within 1 month of the claimant's attendance at the Inquiry.
13. As any payment of travel expenses by the Inquiry would be met by public funds, journeys should be made in the most cost effective manner possible. The use of public transport is encouraged. How to make a claim depends on the method of transport used.
 - i. Public Transport*
14. The Inquiry will usually repay in full a rail or bus fare at a standard rate on the production of a ticket to the Inquiry Secretary.
 - ii. Private Car*
15. If you wish to make a claim for travel expenses and you have travelled by private car, you must submit a claim using the form on the Inquiry's website. For journeys made using a private car, the Inquiry will pay a maximum of 25p a mile. If a claimant gives a lift to another witness or person who has to attend the Inquiry, the Inquiry will pay an extra 2p per mile for the first passenger and an extra 1p per mile for every other passenger.

iii. Taxi

16. If you wish to make a claim for travel expense and you have travelled by taxi, you must submit a claim using the form on the Inquiry's website. The Inquiry will usually only pay the cost of taxi fares if a witness or person who has to attend the Inquiry is ill, disabled or elderly, or has no alternative means of transport. Receipts must be attached to support a claim.

Subsistence allowance

17. Subsistence allowance is intended to compensate for necessary additional costs associated with attending to give evidence to the Inquiry. A claim for subsistence allowance must be made using the form on the Inquiry's website.
18. Should the Inquiry accept a claim for subsistence allowance, the following maximum rates will apply (per day):
 - Attendance time not exceeding 5 hours: £4.25
 - Attendance time exceeding 5 hours: £9.30
19. Receipts must be attached to support a claim for subsistence allowance.
20. The Inquiry will not make an award in respect of expenses incurred if a person finishes giving evidence to the Inquiry but decides to stay on at the Inquiry.

Financial Loss

21. The Inquiry may make an award of compensation for persons who attend the Inquiry to give evidence or produce a document or thing and who suffer financial loss as a result of doing so. A financial loss means any other expenditure, other than travel, which a person would not otherwise have incurred. It includes claims for loss of earnings and claims for child/dependant care allowance.
22. Claims for financial loss must be made using the form on the Inquiry's website. Further guidance in respect of particular types of claims for financial loss is provided below.

i. Loss of earnings

23. Any award by the Inquiry may not fully reimburse the loss of earnings incurred. Its purpose is to provide some compensation and relief from any hardship incurred as a result of attending the Inquiry.
24. Claims for loss of earnings can only be made for losses actually incurred. Claimants must provide documentation vouching for the loss.
25. If an employee wishes to make a claim for loss of earnings a letter from the employer certifying that the loss has actually taken place (i.e. that they have

not paid the employee for that day or that the employee was required to take a day's holiday to attend the Inquiry) must be attached to the claim form.

26. If a self-employed person wishes to make a claim for loss of earnings, evidence of loss must be attached to the claim form.
27. The following maximum limits apply to all claims for loss of earnings (per day):
 - For a period of absence not exceeding 4 hours: £33.50
 - For a period of absence exceeding 4 hours: £67.00

This means that, even if you incur a loss of earnings greater than £67.00, the maximum amount which the Inquiry will pay if your claim is accepted is £67.00.

ii. Child/dependant care allowance

28. Any award by the Inquiry may not fully reimburse the loss incurred in arranging care for a child or dependant whilst a person attends the Inquiry. Its purpose is to provide some compensation and relief from hardship incurred as a result of attending the Inquiry. All awards for losses incurred as a result of the need to arrange care for a child or dependant is subject to an upper limit of £67.00. This means that, even if you incur a loss greater than £67.00, the maximum amount which the Inquiry will pay if your claim is accepted is £67.00.
29. Claims for child care/dependants allowance can only be made for losses actually incurred. Claimants must provide documentation vouching for the loss.
30. No award for financial loss can exceed the upper limit of £67.00 in total. Therefore, whilst a person may make a claim for both loss of earnings and child care/dependant allowance, the total amount paid by the Inquiry will not exceed £67.00.
31. The Inquiry will not make an award in respect of any additional financial loss incurred if a person finishes giving evidence to the Inquiry but decides to stay on at the Inquiry.

Other costs

32. A person who thinks that they will incur, or have incurred, costs which are not covered in this Protocol, they should contact the Solicitor to the Inquiry. The Solicitor to the Inquiry may request such further information as is considered necessary to assess any claim.

Submission of claims

33. All claims must be made in the form which appears on the Inquiry's website:
[Witness Expenses Claim Form | Muckamore Abbey Hospital Inquiry \(mahinquiry.org.uk\)](https://mahinquiry.org.uk/Witness_Expenses_Claim_Form_|_Muckamore_Abbey_Hospital_Inquiry)
34. All claim forms, together with supporting documentation must be sent by email to: info@mahinquiry.org.uk. Alternatively, it can be sent by post to:

Muckamore Abbey Hospital Inquiry
1st Floor
Corn Exchange
31 Gordon Street
Belfast
BT1 2LG

Payment

35. All payments will be made by BACS transfer.
36. The Inquiry's decision on the amount of any payment is final.

Point of contact

37. Any issue arising from or query relating to this Protocol should be addressed to the Solicitor to the Inquiry using the following email address:
solicitor@mahinquiry.org.uk

Issued under the authority of the Chair of the Inquiry on 17 June 2022.