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ORAL HEARING EXPENSES INFORMATION

Please Read Carefully

When attending an oral hearing the claimant and in Child Support, Council Tax, and Housing benefit cases the respondent are entitled to claim for any expenses incurred. These expenses fall within three main categories: -

1. **Travel**: The cost incurred either by public or private transport from home to the hearing and return.
2. **Subsistence**: The actual time spent travelling and attending hearing.
3. **Loss of earnings**: Any loss of earnings incurred because of attending court.

All claims must be made on the 'Expenses Claim Form' (OH7) and **must** be accompanied by all appropriate supporting documents. You should bring this form with you to the hearing.

1. Travel

Public Transport

For journeys by public transport, the actual cost of the **standard return fare only** will be reimbursed. Return tickets or other cheap bookings should be purchased whenever possible. All dated receipts and/or tickets **must** be presented to the clerk at the hearing.

Private transport

If you travel by your own private car or motorcycle, you can claim expenses at the current mileage rate of **25.5 pence** per mile, but only in so far as that total amount does not exceed the cost of the journey by the cheapest form of public transport.

If you park your vehicle and incur parking fees, these can only be paid if they are considered reasonable and on the production of a receipt.

Taxi

If you wish to use a taxi for any part of your journey because of inability to travel by public transport, **this must be authorised by this office prior to the hearing by completing form OH6. A taxi fare will only be authorised on production of a doctor's letter, stating that you are unable or are too ill to travel by public transport, to justify the need for such means of transport.** You must also supply receipts for any taxi claimed, as you will only be reimbursed upon proof of expenditure.

Travelling Companions and Persons Assisting at the Hearing

With **prior authorisation** from this office, travel and subsistence may be paid for a travelling companion if you are not fit to travel alone. A letter of explanation will be required if you wish a companion to travel with you and a doctor's letter of verification will be required if your reason is that you are **medically unfit to travel alone**.

Witnesses

Witnesses can only be heard before the Commissioner with his leave. If you wish to bring a witness you should contact this office in advance and state whether the witness wished to claim travel, subsistence or loss of wages.

Persons Abroad

Expenses and allowances become payable from the place of arrival in Great Britain most convenient to the venue of the hearing. Claims for payment of any of the above allowances must be authorised in advance of attending the hearing and made on the appropriate form OH6.

2. Subsistence

Daily

A daily subsistence allowance may be claimed for any time spent travelling to and from a hearing. This is measured from the beginning of the journey (Home) to the end (Home) and must be a direct journey only.

Time	Rate of Allowance
Over 5 hours but less than 10 hours	£4.25
Over 10 hours or more	£ 9.30
Over 12 hours but not overnight	£13.55

Overnight

Where for reasons of health or where you will not be able to reach this office in time by travelling on the same day as the hearing, it may be possible to claim an overnight allowance towards the cost of staying in a hotel. You must give full detail of why you are making this claim and obtain **prior authorisation** by completing the form OH6. This is in respect of any hotel accommodation and incidental expenses you may incur. Any claim for overnight expenses must be accompanied by the hotel receipt and is claimed **instead of** daily subsistence.

Edinburgh	Rate of allowance – Up to a maximum of
	£51.65

3. *Loss of Earnings*

In addition to claiming Travel and Subsistence you may also claim for any earnings lost by attending an oral hearing. Any claim for loss of earnings must be submitted on form OH8 (see below).

Employed

However compensation cannot be paid in respect of a full day if you could reasonably have worked before or after attendance. In your own interest you should therefore make arrangements with your employer to ensure a minimum loss of working time. If you intend to claim you must ask your employer to complete a “Certificate of Loss of earnings” form OH8. The certificate, which should bear the employers official stamp, should be produced when making the claim. If however one cannot be obtained prior to the hearing, arrangements can be made for you to send the claim to us at a later date.

Self Employed

Any claim for loss of earnings must be accompanied by either: -

1. A solicitor’s or Accountant’s letter giving details of trading name, trading address and a recent balance sheet,

OR

2. Copies of recent tax returns.

Period of Absence from work		Rate of Allowance
(1)	When the period during which loss or expenses is incurred, is not more than 4 hours	£22.40
(2)	Where the period during loss or expenses is incurred, exceeds 4 hours	£44.80

4. **General**

Representatives

Travel and subsistence can only be paid to a representative if that person is not an Advocate, Barrister, Solicitor full-time Official of a Trade Union, Organisation, Association or if they are not being paid for their representational duties. They will be entitled to claim if they work for a Voluntary Organisation, which does not pay wages. This office cannot reimburse a representative his or her lost wages for the day of the hearing if they are merely a friend, who has agreed to act for the claimant on a voluntary basis.

Any claim for payment must be accompanied by a signed letter on official headed paper from the organisation verifying that no wages are to be paid.

Any such claim can only be approved if **prior authorisation** has been given.

If you are in doubt about any of the above please contact: -

The Commissioners' Office in Scotland
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126 George Street
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EH2 4HH

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