



Houses of the
Oireachtas Commission
Coimisiún Thithe
an Oireachtais

**Guidelines on Inquiry Expenses
for the information of witnesses and other
persons affected by a Part 2 inquiry under the
Houses of the Oireachtas
(Inquiries, Privileges and Procedures) Act 2013**

November 2014

**Issued by the Houses of the Oireachtas Commission
in accordance with section 53 of the
Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013**

GUIDELINES ON EXPENSES¹

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INTRODUCTION

1. The Oireachtas Commission (“the Commission”) is mindful of its duty as a public service body to use public monies to carry out its functions in the most cost effective manner possible.
2. Expenses will therefore only be awarded if they meet the strict criteria laid out below.
3. Witnesses and any other person claiming expenses under these Guidelines should note that except in exceptional circumstances,² details of expenses paid out will be published on www.oireachtas.ie.

CORE EXPENSES

Who May Claim

4. Subject to the Act³ and these Guidelines, in general, all witnesses appearing before an Inquiry will be paid their core expenses. Core expenses for the purpose of these guidelines,

¹ The full title of these Guidelines is “Guidelines on Expenses for the Information of Witnesses and other Persons affected by a Part 2 Inquiry under the Houses of the Oireachtas (Inquiries, Privilege and Procedures) Act 2013”

² If you believe there are exceptional circumstances why details of expenses paid to you should not be published, please set same out in any application for expenses.

include subsistence expenses (to cover your food and drink and accommodation if relevant), and travel expenses. **Important note for witnesses attending pursuant to a direction:** Save in exceptional circumstances, payment of these core expenses will be deemed to satisfy the requirement of s.67(3) to pay you your “reasonable expenses”.

5. Save where otherwise provided by law, the Commission reserve the right to refuse to pay core expenses where in the opinion of the Commission:
 - a. it would be unfair or unreasonable to do so and/or
 - b. where it would not serve the public interest to do so.

Making a Claim and Evidence Required

Daytime Rates

6. The following are the subsistence Daytime Rates payable for those whose home is less than 48.27 km from the locations of the hearing:
 - a. For hearing days where you are required to be at the hearing for 10 hours or less you will receive €13.71
 - b. For hearing days where you are required to be in attendance for more than 10 hours you will receive €33.61
7. No vouching documentation is required to claim this figure. You will be paid one such amount for each day you are directed or invited to attend a Part 2 Inquiry hearing.

Overnight Rate

8. The subsistence Overnight Rate is as follows: If your home is more than 48.27 km from the location of the hearing you are entitled to claim €108.99 for each overnight period where you are absent from home as a result of the hearing. An overnight allowance covers a period of up to 24 hours from the time of departure.⁴
9. Vouching documentation to show amounts expended on overnight accommodation must be provided to make a claim for an overnight subsistence expenses. This should be done by providing original receipts as well as copies of all receipts. Both the original and copy must be signed and dated on the rear. In the absence of vouching documentation showing accommodation expenses incurred, only the relevant Daytime Rate will be payable.

Travel Expenses

10. Claims for Travel Expenses must be vouched by providing original receipts as well as copies of all receipts.⁵ Both the original and copy must be signed and dated on the rear. If you travel to the Inquiry by motor you may claim in line with the normal mileage rates for the civil service (See Appendix B). Any civil servants attending as a witness before the Committee should bear in mind relevant Circulars on travel, in particular that public transport should be relied on where possible.⁶

TIME APPEARING BEFORE A COMMITTEE⁷

11. In general, the Commission will not pay expenses for time incurred in appearing before a Committee to compensate you for time spent or for loss of earnings.

³ See for example s.55(1) and (2) for examples of where an application for reasonable expenses will be refused as provided for in s.54(3).

⁴ Note therefore that if you claim for an overnight amount, you cannot claim for a Daytime Rate amount within the same 24 hour period.

⁵ For example your bus or train ticket

⁶ See for example Circular 11/82 on Travel and Subsistence Regulations

⁷ **Please be aware that any expenses received under this head must be declared for taxation purposes.**

12. “Time appearing before a Committee” in this context means the time which you spend being questioned by a Committee. It also includes the time spent waiting to appear before the Committee on the days which you have been invited or are compelled to attend. It does not include any time spent at hearings to which you have not been invited or compelled to attend, in other words, which you attend as a visitor.⁸

Making a Claim

13. Claims for time appearing before a Committee will only be considered where:
- If you are in employment, where you prove to the satisfaction of the Commission that your employer refuses to pay you your salary for time spent at the hearings⁹ OR you are self-employed OR you are unemployed; AND
 - The Commission is satisfied that there are exceptional circumstances which warrant the payment.¹⁰
14. In all circumstances the Commission reserve the right to refuse to pay expenses for time appearing before a Committee where in the opinion of the Commission:
- it would be unfair or unreasonable to do so and/or
 - where it would not serve the public interest to do so.

Evidence Required

15. Please fill in the form at Appendix A.

MISCELLANEOUS EXPENSES

16. In this section “Miscellaneous expenses” refers to expenses other than legal costs, core expenses or time appearing before a committee.
17. Save in exceptional circumstances, the Commission will not make payment on claims for Miscellaneous Expenses.

Making a Claim

18. Claims for Miscellaneous Expenses will only be considered where:
- The Commission is satisfied that there are exceptional circumstances which warrant the payment; AND,
 - The Commission is of the opinion that such expenses were reasonably incurred.
19. In all circumstances the Commission reserve the right to refuse to pay any claim for Miscellaneous Expenses where in the opinion of the Commission:
- it would be unfair or unreasonable to do so and/or
 - where it would not serve the public interest to do so.

⁸ For example: If the Clerk to the Committee sends you a notice asking you to attend at 1pm on a certain date, and if you are called in at 3pm with your questioning finishing at 4pm, you may claim for **3 hours**. If you choose to wait to hear the rest of the evidence which runs until 6pm, you may still only claim for 3 hours. Where you are required to appear for more than one day, no claim can be made for any period where the Committee was not in session. If you are asked to attend on a certain day, and the Committee do not in fact question you that day, you may only claim up until the time you are informed by the Clerk that you will not be needed.

⁹ This can be proved by providing the Commission with a letter from your employer. See further the claim form at Appendix A

¹⁰ In this case, exceptional circumstances could include, where you are self-employed and have no other source of income during the course of attendance at the hearing, or where you can show some other serious financial disadvantage by appearing before the Committee.

Evidence Required

20. Claims for Miscellaneous Expenses must be evidenced by providing original receipts as well as copies of all receipts. Both the original and copy must be signed and dated on the rear. Please fill in the appropriate section of the form at Appendix A.

PROCEDURE FOR MAKING A CLAIM

21. Claims may be submitted on an ongoing basis but no more frequently than every 28 days. Claims may only be made in respect of expenses **already incurred**. Please use the claim form available at Appendix A below.
22. A decision will be made on whether to make an award within 28 days of any application. The Commission may make a full or partial award of the amounts claimed, or (where relevant) may decide not to make an award.
23. The applicant will be notified directly of the decision in writing. If an award is to be made, payment will issue on the same date as the decision.

Appeal

24. If the Applicant disagrees with the decision, he or she may appeal the decision to the Commission within 28 days. The appeal must contain reasons why the applicant disagrees with the decision.
25. A response will issue from any appeal to the Commission within 28 days. If applicable, payment will issue on the same date as the decision.

RECOUPMENT OF EXPENSES BY THE COMMISSION AND “AGGRIEVED PERSONS”

26. If you fail to cooperate with the inquiry,¹¹ you may face a direction from the Commission¹² to pay for any expenses incurred by the Inquiry Committee or an aggrieved person¹³ which would not have been incurred but for your lack of cooperation.
27. In the case of an aggrieved person, they must commence this process by sending a request to the Commission in the Form set out at **Appendix C**.¹⁴
28. Before issuing the direction, the Commission will seek a determination from the Court confirming the Commission’s direction¹⁵, and, following the obtaining of this order from the Court, it will issue the direction along with the relevant documents.¹⁶ In the case of the aggrieved person, if the inquiry terminates without a final report being produced, the Commission may rely on any available interim reports in order to form the aforementioned belief.¹⁷
29. For full details on this procedure please have reference to the Inquiries Act.
30. If it is the case that certain amounts claimed by an aggrieved person overlap with amounts previously paid out by the Commission to the aggrieved person, the Commission reserve the right to seek reimbursement of those monies in the event that the aggrieved person successfully recovers same from the person whose acts or omissions were at issue.

¹¹ See the categories of behaviour at a.55(1)(a) to (e)

¹² See s.55(1)

¹³ Within the meaning of s.55(2) of the Inquiries Act

¹⁴ See s.55(2)

¹⁵ See s.96(3) and (4)

¹⁶ See s.55(7) for the definition of “relevant documents” which includes a requirement to send a copy of the order of the Court under s.96(3).

¹⁷ See s.55(2)

APPENDIX A: CLAIM FORM FOR EXPENSES¹⁸

Name: _____

Address: _____

Occupation¹⁹: _____

CORE EXPENSES

DAYTIME RATE

Relevant Dates	Specify if Claiming Over or Under 10 Hours	Amount Claimed (€)

Total Amount Claimed: _____

OVERNIGHT RATE

Dates	Place	Number of Nights	Amount Claimed (€)

Total Amount Claimed: _____

KILOMETRES TRAVELLED IN YOUR CAR

Date	To	From	Kilometres	Engine Capacity	Rate	Amount Claimed (€)

¹⁸ From the Guidelines on Expenses for the Information of Witnesses and Others Persons Affected by a Part 2 Inquiry under the Houses of the Oireachtas (Inquiries, Privilege and Procedures) Act 2013 (Referred to within this form as "The Expenses Guidelines")

¹⁹ If unemployed, insert "none" here

OTHER TRAVEL EXPENSES

Date	To	From	Amount

TIME APPEARING BEFORE COMMITTEE

Date	Commencement Time ²⁰	End Time ²¹	Total Hours	Amount Claimed (€)

MISCELLANEOUS EXPENSES

Number ²²	Expense	Amount Claimed (€)
1		
2		
3		
4		
5		

- To claim your Core Expenses, where relevant please include any travel receipts and/or receipts for accommodation. Please also ensure you meet all criteria set out in the Expenses Guidelines to qualify for such expenses.
- To claim for Time Appearing before a Committee and Miscellaneous Expenses, please append hereto a submission explaining why you meet the criteria set out in the Expenses

²⁰ I.e. the time at which you have been instructed to attend

²¹ I.e. the time the Committee dismisses you, either through finishing questioning or by you being informed by the Clerk that you are no longer needed. If you have not previously been dismissed, the Committee rising for the day is also considered to be a dismissal for that day.

²² Please place these numbers on any receipt which you wish to include

Guidelines. Please include bank statements, receipts and any other relevant corroborating evidence to support any claim. In your submission please also include reasons why you think such expenses were reasonably incurred, and address whether it is in the public interest that you be awarded such expenses.

- Failure to properly substantiate your claim may lead to it being refused.
- By submitting a claim for expenses you acknowledge and accept that the details of amounts paid may be published by the Commission. If you believe that there are exceptional circumstances why details of expenses paid to you should not be published, please set same out in your application.

I hereby declare that the particulars contained in this form and any supporting documentation attached thereto are in all respects true and correct to the best of my knowledge and belief and that the expenses claimed therein are in strict accordance with the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act, 2013, the Expenses Guidelines and with any other relevant guidelines or legal provision.

Signed: _____ Date: _____

Completed forms should be addressed as follows: Expenses Claim, Claims Management Section, Leinster House

APPENDIX B: MOTOR TRAVEL RATES

Motor Travel Rates per kilometre			
Motor Travel Rates in a Calendar Year			
Engine Capacity	Up to 1200 cc	1201cc to 1500 cc	1501cc and Over
	Cent	Cent	Cent
Up to 6437km	39.12	46.25	59.07
6438km and Over	21.22	23.62	28.46

APPENDIX C: CLAIM FORM FOR AGGRIEVED PERSONS

Name: _____

Address: _____

Please schedule expenses claimed as follows and append that schedule to this form:

- (1) Specify which acts or omissions under section 55(1)(a) to (e) you are relying on;
- (2) Provide the following details in respect of any expenses claimed:
 - a. dates,
 - b. descriptions,
 - c. amounts claimed; and
 - d. any other relevant details.
- (3) Please provide original receipts as well as copies of all receipts vouching the expenses claimed under (2) where available. Both the original and copy must be signed and dated on the rear;
- (4) Outline in as much detail as possible, the reasons why you believe you would not have incurred the expense but for the action of the person concerned;
- (5) If certain of the amounts set out in (2) have been previously reimbursed by the Commission or another body, please give detail of such payment.

Please note that the Commission will take into consideration the whether a claim is fully and properly substantiated in line with (1) to (5) in deciding whether to issue a direction under s.55(2) and/or in applying to the Court under s.96(3).

I hereby declare that the particulars contained in this form and any supporting documentation attached thereto are in all respects true and correct to the best of my knowledge and belief and that the expenses claimed therein are in strict accordance with the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act, 2013, the Expenses Guidelines and with any other relevant guidelines or legal provision.

Signed: _____ Date: _____

Completed forms should be addressed as follows: Expenses Claim, Claims Management Section, Leinster House