



## Information for witnesses

The Adjudication Panel for Wales ("the Adjudication Panel") is an independent body established under Part III the Local Government Act 2000 ("the 2000 Act"). The Adjudication Panel's role is to form tribunals to consider whether elected members or co-opted members of county, county borough and community councils, fire and national park authorities in Wales ("relevant authorities") have breached their authority's statutory code of conduct.

This guidance sets out how you may be asked to be a witness at the tribunal hearing, the procedure that will be followed and how you can claim your expenses for attending a hearing.

### How are witnesses called to tribunal hearings?

Witnesses may be called by the member that has allegedly breached the code of conduct. Where a member has requested that you attend, it will be for the member to advise you of the hearing and to confirm your attendance. The member will be sent a form that they can complete to provide information about you and any special requirements that you may have. You will also be able to confirm whether you wish to provide evidence in Welsh or English.

Witnesses can also be called by the tribunal themselves. Where the tribunal wish to call witnesses the Registrar will contact you to advise of the hearing and to confirm your attendance. A form will be sent to you to complete. You will be asked to confirm your attendance and be given an opportunity to advise us of any special requirements and whether you wish to provide your evidence in Welsh or English.

### Witness Summons

The tribunal also has the power to summons witnesses should it be required. The tribunal can do this of its own volition or on the request of the member. The tribunal will only issue a witness summons where a witness has refused to attend.

### The role of the Witness

The accused member will be entitled to give evidence, call witnesses, question any witnesses and address the tribunal both on the evidence and generally on the subject matter of the adjudication.

The tribunal may limit the number of witnesses called by the accused person where, in the tribunal's opinion, this is conducive to the efficient and judicial hearing of the case. The circumstances in which a tribunal may impose such a limitation include, for example, where it appears to the tribunal that such witnesses will not be presenting significant new

evidence or facts, or where an excessive number of witnesses are being called by the accused person to give character testimony.

Witnesses will not be allowed to sit in the public gallery prior to being called to give evidence by the tribunal. A designated waiting area will be available for witnesses until they are called.

Evidence before the tribunal may be given orally or, if the tribunal orders it, by affidavit or written statement. At any stage during the proceedings the tribunal can require the attendance of any person making a written statement.

The tribunal can receive evidence of any fact that appears to it to be relevant even though such evidence would be inadmissible in proceedings before a court of law. The tribunal shall not refuse to admit any evidence that is admissible at law and is relevant.

The accused person and witnesses may be required to give evidence on oath or affirmation. Witnesses may be released with the agreement of the accused person or his/her representative after giving evidence.

## **Expenses for witnesses**

Witnesses may incur travel and subsistence expenses and may need to take time off from work if required to attend a case tribunal convened by the Adjudication Panel for Wales. The Adjudication Panel will pay on request a witness' reasonable travel and subsistence expenses and compensation for loss of work time if that witness has been required to attend a tribunal.

Travel and subsistence expenses and compensation for loss of work time agreed will only be paid at the rates set out in this scheme.

The Adjudication Panel will not pay the expenses of any third party who attends a case tribunal with a witness, such as a friend, family member or legal representative.

There is a presumption that witnesses will use public transport (standard class) unless the Adjudication Panel agrees, in advance, that alternative arrangements are more economical or necessary.

A witness may claim compensation for loss of time if they have lost income to attend a case tribunal. Compensation will be paid in accordance with the financial loss allowance rates paid by the Court Service to witnesses.

Claimants must provide full documentation to support their claim. In the case of loss of income, evidence must be provided to show that income was lost.

## **Other expenses incurred**

The Adjudication Panel, if requested in advance, may agree to pay additional and necessary expense incurred by a person required to attend a case tribunal. Examples would include photocopying costs and child-minding fees.

Claimants must provide the Adjudication Panel with full documentation to support their claim.

## **Expenses in relation witness summons**

Under paragraph 8 of the ‘Adjudications by Case Tribunals or Interim Case Tribunals (Wales) Regulations 2001 (SI 2001 No. 2288)’, a person who is summoned to appear before a tribunal formed by the Adjudication Panel for Wales is not required to do so unless the necessary expenses of doing so are paid to them.

## **For further information please contact**

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Adjudication Panel for Wales  
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**Website:** <http://apw.gov.wales>

## Appendix A

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### Schedule of Allowances

#### 1. Travelling Allowances

- a) Bus or train: The standard class return fare or any available cheap fare.
- b) Motor cycles: 24p per mile
- c) Motor vehicles: 45p per mile
- d) If you carry another witness as a passenger: 5p per mile per passenger
- e) Taxi Cab
  - i In cases of urgency where no public transport is reasonably available: Actual fare plus reasonable gratuity
  - ii If public transport is reasonably available: Rate as for public transport above

#### 2. Subsistence Allowance

- a) More than 5 hours: £4.50
- b) More than 10 hours: £9.75

#### 3. Financial Loss Allowance<sup>1</sup>

- a) Where the period of time over which earnings or benefit are lost or additional expense is incurred is not more than four hours, the lesser of the amount of the loss/expense or the sum of £33.50.
- b) Where the period of time is more than four hours, the lesser of the amount of the loss/expense or the sum of £67.00 a day.

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<sup>1</sup>Financial loss allowance as paid by the Court Service to witnesses