

**LANDS TRIBUNAL FOR NORTHERN IRELAND**  
**LANDS TRIBUNAL & COMPENSATION ACT (NORTHERN IRELAND) 1964**  
**THE LAND ACQUISITION & COMPENSATION (NORTHERN IRELAND) ORDER 1973**  
**THE LAND COMPENSATION (NORTHERN IRELAND) ORDER 1982**

**IN THE MATTER OF A REFERENCE**

**R/21/2002**

**BETWEEN**

**JIM WATT – CLAIMANT**

**AND**

**NORTHERN IRELAND HOUSING EXECUTIVE**

**Re: 24 Euston Parade, Belfast**

**COSTS**

1. This is a claim by the Claimant, who lives in England, for his travelling expenses. Written submissions were received from Mr Gary Patterson of McKinty and Wright, solicitors and Sharon Kirk, solicitor of Northern Ireland Housing Executive.
2. The claim is for expenses for some 16 visits by sea or air to Northern Ireland from his home, a total of £3642.80. The Housing Executive suggests that 3 visits by air would have sufficed and, in any event some visits lasted a number of days and clearly the purpose was not confined to the subject matter of the case. It suggests a total of £330.00.
3. All of the Claimant's visits involved meeting with his solicitors, legal costs have been agreed and as these included the related costs of the solicitor's attendances it was suggested that the stance of the Housing Executive was undermined. However, the solicitors' itemised bill only expressly referred to 3 attendances.
4. The dispute flowed from the compulsory acquisition of the property at the end of 1996. It was referred to the Lands Tribunal in April 2002 and heard in 2004. Despite the presumption in favour of a claimant recovering his costs, in practice that is less than a guarantee that there will be no shortfall. This particular case was of low value but the

claimant was drawn into legal issues of general importance that would be difficult for any layperson to comprehend.

5. The Tribunal concludes that in these exceptional circumstances, the following seven visits for face-to-face meetings were proportionate and reasonable:
  - One attendance at a Housing Executive Compensation Workshop;
  - One conference with solicitor and valuer;
  - Two conferences with solicitor;
  - Two consultations with counsel; and
  - Attendance as a witness at the Hearing (not disputed);
  
5. As the matter took a number of years to reach resolution, it is understandable that much of the expenditure cannot be vouched.
  
6. The claimant did not claim for accommodation costs because none were actually incurred but did claim for an amount of £60 for a meal in lieu of accommodation on each visit. The Housing Executive proposed a subsistence amount of £25. The Tribunal concludes that a reasonable amount should be much closer to the Housing Executive's figure and awards £30 for subsistence.
  
7. Mr Watt made a number of visits by air and a number of visits by car and ferry. Broadly speaking where the visit was by air the airline ticket cost about £65 and travel to and from the airport was claimed at £20. These figures were not disputed. Where the visits were made by car the ferry ticket was about £170 and a claim for petrol of some £80 was added to this. In the view of the Tribunal the claimant might reasonably be expected to travel by air in these circumstances rather than by car and therefore bases the proportionate and reasonable amount on air travel.
  
8. The Tribunal accepts that some visits were not confined only to the subject matter of the case. The Tribunal awards one half of travel costs and subsistence, rounded to £60 as the proportionate and reasonable amount of the expense of three such visits attributable to meetings with his advisors.
  
9. After Claimant had booked his flight, a meeting in connection with a Mention was postponed due to the unavailability of counsel for the Housing Executive. The Tribunal

accepts that the flight costs should be recoverable but not that it was reasonable for him to proceed to travel.

10. The conclusion of the Tribunal is that the claimant is entitled to the following:
  - £55 as the airfare for the mention postponed;
  - £460 as air fares, travel to and from airport and subsistence for four visits (£115 for each); and
  - £180 as the reasonable proportion of three visits that included other purposes (£60 for each).
11. The total amount therefore is £695.
12. In the circumstances the Tribunal is satisfied that this amount is not disproportionate.
13. The Tribunal awards travel costs and expenses of £695.

#### **ORDERS ACCORDINGLY**

**24<sup>th</sup> August 2006**

**Mr M R Curry FRICS IRRV MCI.Arb Hon.FIAMI  
LANDS TRIBUNAL FOR NORTHERN IRELAND**

#### **Appearances:**

**Mr Gary Patterson of McKinty & Wright, solicitors, appeared for the claimant.**

**Ms Sharon Kirk, solicitor, NIHE Legal Department appeared for the respondent.**