

**CONSULTATION**

The Icelandic-Water  
Trawlermen compensation  
scheme 2009 – Operational  
and Closure

JUNE 2010

## Executive Summary

1. The Department of Trade and Industry (now the Department for Business, Innovation & Skills) operated a scheme open to applications between 2000 and 2002, to compensate former UK-based trawlermen who had fished in Icelandic waters and lost their livelihoods when the industry collapsed following the settlement of the Cod Wars between the UK and Icelandic Governments in the 1970s. By March 2007 the Department had paid just under £43 million in respect of 4,400 claims from former trawlermen. This followed a first compensation scheme (operated by the Department of Employment from 1993 to 1995) which paid nearly £14 million to around 9,000 former trawlermen.
2. The Parliamentary Ombudsman reported on the DTI scheme in February 2007 following complaints from a number of claimants and their representatives. Her report "*Put together in haste: 'Cod Wars' trawlermen's compensation scheme*", found that some claimants had received unfairly low payments because of the rules on breaks in service. The Ombudsman made three findings of maladministration and five recommendations. She recommended in particular that DTI should review the eligibility criteria and scheme rules to ensure they were consistent with the policy intention underlying the scheme, and compensate any affected former trawlermen accordingly. A copy of her report can be found at [www.ombudsman.org.uk/pdfs/trawlermen\\_HC313\\_200702.pdf](http://www.ombudsman.org.uk/pdfs/trawlermen_HC313_200702.pdf).
3. The Department launched a consultation in February 2009 with the aim of running a final scheme to meet the Ombudsman's recommendations. The consultation exercise ran for 12 weeks and nearly 500 responses were received. During the consultation period and before it, Ministers and officials also had contact with port MPs and former members of the British Fisherman's Association and the Grimsby Fishing Vessel Owners Association. A summary of the responses to the questions posed in the consultation document is attached at Annex A, along with a list of respondents.
4. The Government took the response to the consultation fully into account in publishing the Scheme Rules in July 2009 (attached at Annex B). Following discussions with port MPs, it was agreed to widen the scheme to allow applications from

claimants that had not applied under the 2000 scheme, or under either previous scheme, and to consider nominations for further boats to be added to the list of those agreed as having fished in Icelandic waters. The Government agreed to add 19 vessels to the list in December 2009, and added a further 143 alternative names of vessels already accepted to the list in March 2010. The scheme was open to applications from 1 August 2009 to 30 April 2010. Around 3400 applications were received. To date around £3.7 million has been paid or is being paid, to just over 600 successful claimants.

5. Around 100 applicants have been unable for a variety of reasons to provide sufficient information to confirm whether they qualify for compensation under the scheme. The Government is currently exploring the possibility of using alternative forms of evidence to assess these claims. The appeals process for the scheme is still operational. Around 400 appeals have been received to date, of which around 200 have been processed.

**Summary of Responses to Questions in the Consultation Document**

**Icelandic Service and Evidence of Service**

**Q1. Do you agree that any additional payment should be calculated on the basis of aggregate service on Icelandic vessels, during the last twenty years of Icelandic service? If not, please say which system you would prefer, and why this would produce a fairer outcome.**

**Q2. Do you have any views on the method to be used to set the last date of Icelandic service?**

**Q3. Do you agree that the Government should rely on evidence from the fishing passports when making decisions about payments? If not, please say which other evidence you would prefer and why this would produce a fairer outcome?**

**Q4. Do you agree that service on Icelandic water vessels should continue to be defined by reference to the list of vessels previously agreed with industry representatives (with the addition of the Thessalonian)?**

**Q5. Do you have any other comments about the basis on which the new scheme will run?**

A large majority of responses answered these questions together.

**Aggregate service**

6. The breaks rule in the previous scheme was particularly criticised in the Parliamentary Ombudsman's report, because it meant that some trawlermen had received much smaller payments than they expected, or no payment at all. Under this rule, if a trawlerman had a 'relevant break' in his service (ie a period of more than 12 weeks with no service on Icelandic vessels, during which they worked on non-Icelandic vessels or outside the industry), then his service and the payment due under the previous scheme were only counted back to that point. A large majority of the respondents (76%) welcomed the Government's proposal to

remove the breaks rule altogether and replace it with a system which calculated the aggregate time served by each trawlermen on Icelandic water vessels during the last twenty years of their fishing career. A further 13% expressed no view.

7. Under the new scheme's Rules the Department has therefore calculated the total number of weeks served on Icelandic water vessels by each claimant during the last twenty years of their Icelandic fishing career, and multiplied this by the current payment rate (£19.23/week, equivalent to £1,000/year). Where this calculation produced a higher amount than that paid under the previous schemes, the new scheme paid out the difference. No attempt was made to recover the difference where this calculation produced a lower amount. Interest and compensatory payments were also made under the new scheme (discussed below).

### **Last date of service**

8. Only 16% of respondents expressed any view on this question. Some of these argued that people that had left the industry before 1 January 1974 should be eligible under the scheme. The consultation paper proposed that (as under the previous scheme) only those that served on an Icelandic vessel on or after 1 January 1974 (ie just after the first Cod Wars Treaty of November 1973) should qualify for payment. The underlying argument here is that only those whose livelihoods were adversely affected by the Cod War Treaties (1973 and 1976) should be eligible for compensation. The Government therefore decided to retain the date at 1 January 1974 in the new scheme's Rules.

### **Evidence of service**

9. Fishing passports set out the vessel name and dates for each fishing trip throughout a trawlermen's career. A large majority of respondents (74%) agreed with the Government's proposal to use fishing passports as the primary source of evidence of service on vessels as these were reliable and of good quality. A further 12% expressed no view. In almost all cases under the new scheme they have enabled an assessment to be made of how long each trawlermen spent on Icelandic waters vessels. However around 100 claimants have been unable to provide copies of their

passports and we are currently exploring the possibility of using alternative forms of evidence to assess these applications.

### **List of Icelandic water vessels**

10. Under the previous scheme, boats were accepted as 'Icelandic vessels' where there was evidence to show that they had fished twice in Icelandic waters at any time. Following long and extensive discussions with the industry, a final list of around 730 Icelandic waters vessels was agreed in March 2004. The Government proposed to use this list for the new scheme, with the addition of one boat (the Thessalonian) which had been omitted from the list due to an administrative error.

11. A large majority of respondents (72%) accepted this proposal, and an additional 15% expressed no view. However, a small number of respondents nominated a total of 25 new vessels for inclusion in the list of Icelandic waters vessels. In the interests of fairness, the Government wrote to all respondents who had nominated a vessel during the consultation and invited them to submit any further evidence in support of their nominations and to nominate any additional vessels if they wished. A similar letter was also sent to everyone that responded to the consultation. A further 11 vessels were nominated at this stage. After careful consideration, the Government added 19 vessels to the list in December 2009. Following further representations, the Government added a further 143 alternative names of vessels already accepted to the list in March 2010.

### **Qualifying period**

**Q6. Do you agree that the Qualifying Test should be amended in this way? If not, please say how you believe the test should be framed and why you believe this would produce a fairer outcome?**

12. Under the previous scheme, claims were only successful if trawlermen had two years of continuous service on Icelandic vessels ending on or after 1 January 1974. Continuous service was defined in the scheme rules and turned on the 'breaks rule', as criticised by the Parliamentary Ombudsman. If a trawlerman had a "relevant break" towards the end of their career, they could fail to qualify for any payment. Responding to the criticism in the

Ombudsman's report, the Government proposed a qualifying test under the new Scheme which would require at least two years aggregate service on Icelandic vessels during the period of the Cod Wars, defined as the four years from 1 January 1973 to 31 December 1976. Over half the respondents to the consultation (58%) agreed that the qualifying test should be amended in this way. A further 22% expressed no view.

13. A minority of respondents (20%) opposed the new test. Some respondents were concerned that the new test was intended to reduce the costs of the new scheme; this is not the case. Others pointed out that some people who had passed the previous qualifying test would be unable to pass the new one. After careful consideration, the Government believed it was right to proceed with the aggregate service approach, because it was important to remove the breaks rule (as criticised by the Ombudsman) and because this was consistent with the approach adopted for calculating compensation (see paragraphs 6 and 7). The revised test was therefore incorporated into the new scheme rules.

### **Applications under the new scheme**

**Q7. Do you agree that claims under the new scheme should be restricted to those that applied under the previous scheme?**

**Q8. Do you agree that six months should be sufficient for people to submit claims under the new scheme?**

**Q9. Do you have any comments on the way in which the new scheme is to be publicised or on the applications process?**

### **New claims**

14. The consultation document proposed that only people who had applied under the previous scheme should be able to apply under the new one. This reflected the fact that the previous scheme offered two years for applications to be submitted, and it was a reasonable assumption that the great majority of people would have applied under the previous scheme if they thought they had a viable claim. A majority of respondents (56%) agreed that

the new scheme should be restricted in this way and not opened to new claimants.

15. However, a minority of respondents (32%) believed the scheme should be opened up to claimants who had failed to apply under the previous schemes. It was argued that some people had been advised by local panels not to apply under the previous scheme, but might qualify under the new scheme. Others might now qualify because they served on the vessels added to the list (see paragraphs 10 and 11 above). The Government therefore agreed to widen the scheme so that applications would be accepted from people that had not applied under the 2000 scheme, provided they could submit evidence to support their claim under the new scheme's rules.

### **Six months claims deadline**

16. An overwhelming majority of respondents (82%) agreed that six months represented a reasonable amount of time to submit a claim for compensation. In the event the period was extended to nine months because of the time needed to finalise the vessels list (see above). People therefore had until 30 April 2010 to submit claims under the new scheme.

### **Publicity for new scheme**

17. An overwhelming majority of respondents (85%) did not offer any views or comments on how best to publicise the scheme. The new scheme was advertised extensively through local newspapers at each of the four principal ports (Hull, Grimsby, Aberdeen and Fleetwood), contacts at the British Fishing Association (BFA), and the BIS website. Details of the scheme were also sent to the MPs representing these ports.



## **Other issues**

**Q10. Do you have any view on these other issues – interest payments, consolatory payments and the appeals process?**

**Q11. Do you have any other comments on issues raised in this consultation paper?**

**Q12. Do you have any comments on the draft scheme rules?**

## **Interest payments and consolatory payments**

18. Most respondents (84%) made no comment in response to these three questions.

19. The new scheme therefore provided (as proposed in the consultation paper) for the addition of simple interest at the rate of 4 per cent/year to all payments due under the new scheme. In addition, a consolatory payment of £200 was made to all successful claimants under the new scheme.

## **Appeals process**

20. Under the previous scheme, claimants were allowed to pursue any concerns with Departmental officials and then an Independent Adjudicator. The new scheme included a similar appeals mechanism. This new appeals process will only look at appeals in connection with the new Scheme.

## **Detailed papers for the scheme**

21. Details of the scheme, including copies of the scheme rules and the vessels list, can be found at

<http://www.bis.gov.uk/policies/employment-matters/strategies/trawlermen>

## List of Respondents

Alan Johnson MP	Frank Doran MP	Joan Humble MP
Austin Mitchell MP	Anne Begg MP	Shona Mclsaac MP
Stanley Webster Noble	Mr Albert Brown	Thomas William Rowbottom
Ron Bateman	W H Brayshaw	A Malton
Margaret Royall	Graham D Wright	Christopher Harrison
Margaret Riley	Barbara Rayworth	S B Anderson
Michael Ball	Peter Harrison	Sandra Wiseman
Robert Stokes	Paul Easingwood	Rosalind Wood
Terence Cousins	Jacob Winston	Robert James Forrest
H J Preston	L Westcott	Keith Dockerty
Alan Hall	Martin Pullen	George Robinson
Mrs Jean Cooper	Christopher Lowery	Glenis Earl
George MacDonald	L Stok	David Myers
Mr D Broddley	Patrick Rust	Robert Martin
Edward Collins	Edward Chard	Kevin Moore
David Shore	Charles Kerr	Raymond Turner
Doris Irene Revell	Graham Pullen	A E Audsley
Joan Shelton	M Walmsley	Thomas Newmarch
Kevin Shelton	Colin Platten	Leslie Bennett
Kenneth Price Hill	Raymond Reeves	George Lee
Kenneth Lockley	Peter Sawden	W Stark
Jack Noble Kerr M.B.E	Selma Reynolds	Peter May
William John Cheffins	R Townsend	Arthur Lee
John Symonds	Ole Dam	Janice Burke
Thomas Anderson	Leo Dam	Michael Greendale
Mary Catherine Shepherd	John A Malton	Donald Garden
Michael Creagan	Harold Frederick Roberts	Michael Heath
James Stevenson	David Charles Curtis	Beryl Birley
Graham Hobson	W Stead	Trevor Tullock
Kenneth Rodgers	Moira Rose White	J A Myers
Arthur Darwood	Mrs V Thompson	B Smith
M Pigott	Stephen James McKenzie	Colin Burrows
Robert George E	Rodney William P	Peter Raine
William Heath	Frank Bowden	Stephen Myerscough
Keith Godman	Charles Alan McWilliam	Robert Brightmore
Barrie Craven	Leon O'Flaherty	Michael Lightfoot
Thomas Clive Graham	Paula Hunt	Raymond Blount
George Milner	William John Bunting Stewart	Brian Goodfellow
Barry Peck	Michael L	Ronald H
Ronald Woodhouse	T J Smith	Marlene Preston
Rita Jessop	D Atkinson	Raymond Douse
Charles Wilson	Harry Dickinson	Stephen Robert Cooper

Charles William Crawford	Trevor Murray	Mr Robert Buchan
Mrs P Harris	Stephen Mason	Thomas William Rowland
B Turner	John Cowell	F Langdale
Terence Sainsbury	Frances Dickinson	Raymond Jessop
Anthony Newton	John Thornton	Alan Maurice Hardy
Brian Bailey	Peter Seaman	Mrs Colleen R
Harold Fox	George Taylor	Kenneth McLennan
Anthony Key	George Thomas Taylor	Mr David Smith
William A Cheyne	David Brown	Brian Kitchman
John Cheyne	James Addison	James Smith
Maria Weber	Terence Revell	Mr Stephen Walsh
Stan E Braid	Henry Ford	Mr J G MacSymons
Richard King	Patricia Hardy	Mr Peter Orr
William Hugman	Bryan Taylor	Sydney Johnson
Brian Fello	Allan Hunter	J G Marriott
Richard Coates	Derek Brown	Susan Wood (James Gillan Wood)
Bernard Brennan	Ian Hunter	Thomas Start
John Dodd	John Newrick	Skipper L Grant
James Buckley	John Walsh	Mr Raymond Cook
Henry Morgan	Terence N	Michael Jessop
John Gowan	Pete Baldwin	Mrs Joan L O'Keefe
Mr Terence Joseph Taylor	Terence Platten	Pamela Sands
Mrs L Greaves	Michael Creagan	Kenneth Taylor
Donald Ball	George Milner	Norman Steer
Keith Parker	Colin Clive Jessop	Brian Ibrahim Hassan
Allen Theodore Allard	Mrs Joan Medex	Rodney Harding
Peter John Allard	Mrs Hilary Graves	Mr J Sharp
Charles Cunningham	Mr A Dicks	Mr John Thomas O'Keefe
Brian Peter Greenham	John Franklin	Mr Kenneth David Bartlett
John Frederick Simpson	Thomas H Patterson	Mail News & Media
Mr J C Gray	Mrs Maureen Taylor	Harry Kemp
Brian R	Mr Stanley Arnett	F Hopkinson
Fred Peacham	Peter Welburn	Mr Terence Powdrell
Colleen Stovin	Geoffrey Rowan	Peter Charles Richardson
R C Vicars	Edith Smith	George William Richardson
A Sweeting	John Waddingham	Anthony Robin St. Clare
Peta Wilson	Raymond Young	Ms Maureen Richardson
James Harrison	F Smith	Terence Fleming
Arthur Lea	S Bannister	George Drayton
Allan Welburn	Colin Nee	Mr G G Piggott
Barbara Bissett	Mrs Wendy A Coultas	Pieter Schaap
Kenneth Radford	Albert Ball	Lawrence Dooley
John Oliver	Thomas Edward Doran	Michael Berg

K Smith	Peter Fish	F M Eaves
W J Knight	Leslie Swales	Joseph McCarthy
Robert Pooley	David Kitchen	Peter Billam
John Pooley	Diane Bramley	Ivo Rumsby
Peggy Jones	Elsie Bacon	William Wells
Henry Sanigar	Albert Hollington	J Fuller
James Vincent	Mrs P Skipworth	G Oglesby
Pauline Hunter	Jeffery Colbert	David Adams
Brian Collett	John Evans	Edward Sanders
Sarah Wilbourne	Grimsby Association of Fishermen and Trawlermen	Marina Reeve
Norah Knudsen	Alan Godbold	T Cleary
Lily Platten	Charles M	N Foster
Michael Edmond	Michael Geraghty	S Brown
Dennis Mcloughlin	Alan Fish	W M Watkinson
Trevor Sayers	Susan Nash	Carol Marr
Mark Carty	William Brooks	Stephen Platten
Steven Spencer	Steven Birkett	George Cunningham
Maurice Moore	Geoff Blundell	G Barker
John Howell	Mark Hamer	Barry Hunter
Robert Goddard	Annie Bell	Dorothy Cable
Graham Howard	J O'Rourke	Charles Tombs
Kenneth Owers	Ivan Chilvers	W J Bowman
Kevin Long	William Wade	Colin Sansam
Geoffrey Gauthorpe	Robert Martin	Harry Chard
David Vickers	Peta Chard	J W Neve
Peter Ford	Steven McDaid	Robert Sinclair
Robert M	Kathleen Walker	S Olley
Mrs Clarke	Robert Penketh	Gordon Milne
William Burrows	Peter Waudby	Douglas Broadey
David Eskrett	Jeffrey Stockdale	M Hussey
Mrs B Smirk	Sandra Brown	Graham Hussey
Geoffrey Cooper	Rodney Couch	Robert Ebbs
Mr K A Madden	Ronald Myerscough	Kevin Smith
Leslie Alan Lins	David Lawrence	John Barker
James Stockell	Brian Hunter	Richard Lomas
Mrs M Benzie	Elizabeth Sherbourne	Stuart Grant
Mr Andy Meadows	Barry Denness	Ken Ford
Kathleen Simpson	D A Hack	Andrew Parrot
Steven Jackson	Alan Cass	Albert Hargreaves
Colin Sharlotte	Glenys Smith	Owen Fletcher
John Pilkington	Peter Harrison	H Scotter
J Hudson	John Start	Richard Baines
Charles Powell (Jnr)	Anthony Sharp	Michelle Tillison
Barry Rudd	Michael Eaton	Michelle Martin
John Stoney	Howard Walters	Captain J Corbett-Gowie
Joan Buckley	William Jopling	Mary Germaney

Anthony Patrick Sweeney	Pete Benson	John Turner
Wayne W A Stewart	Wallace Wilson	Stephen Chapman
Barbara J Clark	Ronald Skipworth	Christine Tominey
Charles Edwards	Derek Ruddock	Allan Mckernan
John E Knaggs	Carole Sheehan	George Clarke
Robert Carlton	Colin Wilson	Arthur Harrington
Roger Pepper	Shirley Ann Meyer	Kenneth Walsham
George James Walsham	Stephen Paul B	Melanie Jane Drever
Harry Eddom	James Scott	Wendy Dagger
Roy Barnes	Andrew Leiper	Angela Lewis
Jeffrey Pullen	David George B	Edward Lawrence
Elaine Rayworth	Colleen C Paddison	Douglas C Catto
Keith Milner	Iris Denison	Cheryl Gallant
Kenneth Mclennan	David Strugnell	Ronald Barber
Derek Sumner	Alexander Gowan	Eric Huntingford
Ian Wallwork	Ronald Woodhouse	Raymond McGregor
Robert Cook L	Elizabeth Bradford	Mark Abram
Jean Bates	William Desmond H	Martin Hayhurst R
Dennis Reid	Peter May	Lana Smith
John Burns Craig	Michael Donovan	Stuart Thomson
James Bonar	Maria Gostick	Kevin Smith
Daniel Vincent F	Robert Smith	Alan Piggott
Thomas Watson	Richard George Lawson	Richard Barlow
Harold Earnest Ewels	James Anthony Dunks	June Dingle
Colin Lee	Colin Sharlotte	Charles W Lister
Raymond Hawker	Thomas Fisher	Kenneth Ford
Anthony David Perrins	Julie Chadwick	Daniel Platten
D Matthews	Bryan Moore	Wendy Johnson
Stephen Rodger	Tracey Taylor	John William Walsh
John Lee	Malcolm Hoe	

# ICELANDIC WATER TRAWLERMEN SCHEME 2009

## SCHEME RULES

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### Section 1. Definitions

1. In these rules-

**"claimant"** means a **former trawlerman** or an **appropriate person**;

**"the Department"** means the Department for Business, Innovation and Skills;

**"former trawlerman"** means an individual who worked at sea on one or more **Icelandic waters vessels** for one or more owners of such vessels and, for the avoidance of doubt, includes an individual remunerated by a share in the profits or gross earnings of an **Icelandic waters vessel** on which he worked;

**"appropriate person"** means-

(a) for a **former trawlerman** who is deceased, his personal representative or, in Scotland, his executor;

(b) for a **former trawlerman** who is bankrupt, the trustee in bankruptcy;

(c) for a **former trawlerman** whose estate has been sequestrated in Scotland, the trustee on that estate;

(d) for a **former trawlerman** who by reason of mental disorder is incapable of managing or administering his property and affairs;

(i) the person with power of attorney; or

(ii) the Deputy appointed by the Court of Protection; or

(iii) any person named by order of the Court as being responsible for the **former trawlerman's** property and affairs;

(e) for a **former trawlerman** who is acting by his attorney, the person with power of attorney;

**"aggregate service"** means the aggregate total period of time spent working at sea on any **Icelandic waters vessel** during the **relevant period**;

**"last working day"** means the **former trawlerman's** last day spent working at sea on an Icelandic waters vessel;

**"relevant period"** means the period of twenty years ending on either the **last working day** or 31<sup>st</sup> December 1979 (whichever is earlier);

**"Icelandic waters vessel"** means a vessel listed in Annex 1 or a vessel added to that list in accordance with the requirements of Annex 2;

**"fishing passport"** means a registration card for fishermen or fishermen's service book;

**"previous compensation schemes"** means-

(a) the Compensation Scheme for Former Icelandic Waters Trawlermen opened by the Department of Trade and Industry on 2nd October 2000 ("**the 2000 Scheme**"); and

(b) the Ex-gratia Compensation Scheme for Redundant Fishermen opened by the Department of Employment on 9 November 1993;

**"the Contractor"** means the person who has a contract with **the Department** to provide operational support for the purpose of this compensation scheme.

## Section 2. Who may claim

2.1 A **former trawlerman** or an **appropriate person** may claim compensation under this scheme.

2.2 A **former trawlerman** may claim compensation for his **aggregate service**

2.3 An **appropriate person** may claim compensation for the **aggregate service** of the **former trawlerman** on whose behalf he or she is acting.

## Section 3. How to claim

3.1 A claim for compensation must be made using the appropriate application form and must satisfy the requirements of this section.

3.2 The appropriate application form for a claim made by or on behalf of a **former trawlerman** who submitted a claim (or on whose behalf a claim was submitted) under either of the **previous compensation schemes** is Form A.

3.3 The appropriate application form for any other claim is Form B.

3.4 For a claim made using Form B, the **former trawlerman's** fishing passport must be provided unless the requirements of rule 3.5 are met.

3.5 The requirements of this rule are-

(a) the **claimant** can demonstrate to the satisfaction of **the Department** that the **former trawlerman's** fishing passport has been lost; and

(b) the alternative evidence confirms to the satisfaction of **the Department** the dates on which the **former trawlerman** worked at sea **on Icelandic waters vessels** in the **relevant period**.

3.6 Any claim made by an **appropriate person** must, unless the requirements of rule 3.7 are satisfied, be supported by the following evidence of the **appropriate person's** status:

(a) if the appropriate person is a personal representative, a copy of the grant of probate or of the letters of administration for the estate of the deceased **former trawlerman**;

(b) if the appropriate person is executor of the estate of a deceased **former trawlerman** whose estate is being administered and wound up in Scotland, a copy of the confirmation or certificate of confirmation;

(c) if the appropriate person is the former trawlerman's trustee in bankruptcy-



- (i) in a case where the trustee is the Official Receiver, written confirmation by the Official Receiver of that fact; or
- (ii) in all other cases, a copy of the certificate of the trustee's appointment;
- (d) if the appropriate person is the permanent trustee (in Scotland) on the sequestered estate of a former trawlerman, a copy of the act and warrant or other order appointing the trustee;
- (e) if the appropriate person is claiming on behalf of a former trawlerman who is incapable by reason of mental disorder of managing or administering his property and affairs:
  - (i) a copy of the relevant court order,
  - (ii) a copy of the instrument creating the power of attorney, or
  - (iii) written confirmation from the Office of the Public Guardian's Register that the appropriate person has power of attorney;
- (f) if the appropriate person has power of attorney for a former trawlerman:
  - (iv) a copy of the instrument creating the power of attorney; or
  - (v) written confirmation from the Office of the Public Guardian's Register that the appropriate person has power of attorney.

3.7 The requirements of this rule are:

- (a) that the appropriate person can demonstrate to the satisfaction of **the Department** that in all the circumstances it is not reasonably practicable to provide the evidence required by rule 3.6; and
- (b) (unless the appropriate person is the **former trawlerman's** personal representative or, in Scotland, his executor) that the appropriate person provides other evidence which satisfies **the Department** as to his or her status.

3.8 The appropriate application form, completed and signed, together with all supporting evidence required by this section must be sent to **the Department** (using the address shown on the application form) no later than 30 April 2010.

## **Section 4. How claims will be considered**

4.1 **The Department** or **the Contractor** will consider a claim only if it is made in accordance with these rules.

4.2 Claims will be considered by assessing the application form, supporting documents and evidence of service on an **Icelandic waters vessel**.

4.3 Compensation will not be paid for a claim unless, according to the evidence, the **former trawlerman's aggregate service** amounts to at least two years:

(a) in the period beginning on 1st January 1973 and ending on 31st December 1976; or

(b) if the last working day occurred before 31st December 1976, in the period of four years ending on the last working day.

4.4 Compensation will not be paid where, according to the evidence, the **last working day** occurred before 1<sup>st</sup> January 1974.

4.5 If **the Department** or **the Contractor** needs further information in order to assess the claim, **the Department** or **the Contractor** will notify the **claimant**, specifying the information needed and the date by which it must be submitted. A claim will not be considered if the requested information is not provided by the date specified.

4.6 The **claimant** will be notified in writing whether or not the claim has been successful and, if not successful, will be notified of the reason or reasons why the claim has not succeeded.

## **Section 5. How compensation will be calculated**

5.1 Where compensation is payable under these rules, it will be calculated in accordance with the provisions of this section.

5.2 **The Department** or **the Contractor** will calculate (rounded up to the nearest complete week) **aggregate service** according to what is demonstrated by the evidence available of service on **Icelandic waters vessels**.

5.3 The number of complete weeks **aggregate service**, as calculated under rule 5.2, will be multiplied by £19.23.

5.4 If any compensation was paid to or in respect of the **former trawlerman** under the **previous compensation schemes**, the total amount of such compensation will be deducted from the amount arrived at under rule 5.3.

5.5 If, after any deduction made under rule 5.4, the amount arrived at exceeds zero, **the Department** will pay that amount (“the basic award”), together with an interest award and a compensatory award of £200.

5.6 The interest award will be 32% of the basic award.

## **Section 6. Payment of compensation**

6.1 Where compensation is payable under this scheme, payment will be made in pounds sterling in all cases.

6.2 Payment will be made by cheque or direct bank transfer, according to the preference expressed on the application form.

6.3 **The Department** may at its discretion recover any monies paid in excess of the amounts required to be paid under this scheme.

## **Section 7. Appeals**

7.1 If the **claimant** is dissatisfied, either because the claim has been rejected or because the **claimant** considers a higher amount of compensation should have been paid, he or she may appeal in writing, setting out the reasons for the dissatisfaction, to **the Department's** Assistant Director responsible for this compensation scheme.

7.2 An appeal under rule 7.1 will not be considered unless it is sent no more than 90 days after the date of **the Department's** written notification under rule 4.6.

7.3 If **the Department's** Assistant Director agrees that the application should have been accepted or that a higher amount of compensation should have been paid, the additional amount due will be paid in accordance with section 6 and the **claimant** will be informed of the decision.

7.4 If **the Department's** Assistant Director does not uphold the appeal under rule 7.1, he or she will notify the **claimant** in writing.

7.5 If the **claimant** is dissatisfied, either because the Assistant Director has not upheld the appeal under rule 7.1 or because the Assistant Director has upheld that appeal, but the **claimant** considers that a higher amount of compensation should have been paid, the **claimant** may then appeal to an Independent Adjudicator appointed by **the Department**.

7.6 An appeal to the Independent Adjudicator under rule 7.5 will not be considered unless it is sent no more than 90 days after the date of the Assistant Director's written notification under rule 7.4.

7.7 The Independent Adjudicator will notify the **claimant** of his or her decision in writing. If the Independent Adjudicator agrees that the application should have been accepted or that higher compensation should have been paid, the additional amount due will be paid in accordance with section 6.

7.8 Once the Independent Adjudicator has notified the **claimant** of his or her decision under rule 7.7, neither the Independent Adjudicator nor the Assistant Director will consider the appeal any further.

