

Questions & Answers for claimants
eligible to receive consolatory
payments under the Icelandic-Water
Trawlermen Compensation Scheme
2009

MARCH 2012

WITHDRAWN

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Icelandic-Water Trawlermen Scheme 2009 - Consolatory payments

1. Who can expect to receive consolatory payment of £1,000 under the trawlermen scheme 2009?

We intend to make payments to people who applied to the 2009 scheme, unless they:

- had finished fishing in Icelandic waters before 1 January 1974;
- have already been paid the £20,000 maximum under earlier schemes;
- were new claimants to the 2009 scheme who did not provide information relating to Icelandic waters fishing when the Department requested that they did so; or
- were personal representatives or executors of a deceased former trawlerman who did not provide evidence required by the Department of their status (for example a Letter of Administration or a Grant of Probate).

We will make reasonable efforts to make these payments in line with these exceptions, which follow the Parliamentary Ombudsman's recommendations about who should receive a consolatory payment.

2. How can I apply for a consolatory payment?

You do not need to apply for a consolatory payment.

If you are eligible, BIS will write to you over the coming weeks, inviting you to confirm your address, bank details and other key information. We are doing this as quickly and efficiently as possible. We expect to contact all eligible applicants in this category by the end of May 2012.

3. I have never applied to any trawlermen schemes. My dad was at sea, can I apply for the consolatory payment?

No, you are not eligible for a consolatory payment.

Only people who applied to the Icelandic Water Trawlermen Compensation Scheme 2009 (except the excluded groups listed under the answer to Question 1), are eligible for a consolatory payment.

4. I applied to the ex-gratia scheme and the 2000 scheme but was unaware of the 2009 scheme and therefore did not apply. Am I eligible for a payment as I lost out on the break rule under the 2000 scheme?

No, you are not eligible for a consolatory payment.
Please see the answer to Question 1 to see who is eligible.

5. I was paid £17,000 under the 2000 scheme and £3,000 under the ex-gratia scheme. Am I eligible for a consolatory payment?

No. You have already received the maximum payment of £20,000 (£17,000 + £3,000) under the two schemes and you are therefore not eligible for a consolatory payment.

6. I made a claim on behalf of my deceased husband/father under the 2009 Scheme. I was unable to provide the required supporting evidence that I am an appropriate person. Can I now apply for the consolatory payment?

No, you are not eligible for a consolatory payment.

7. Why has the Department taken the decision not to make a consolatory payment to former trawlermen who finished fishing in Icelandic waters before 1974?

Trawlermen who finished fishing in Icelandic waters before 1974 were one of four categories of trawlermen that the Ombudsman said should not receive a consolatory payment. The Ombudsman's report sets out explicitly whom the Department should pay and such trawlermen are not eligible for any payments.

8. What is the process for claiming the consolatory payment?

BIS aims to write before the end of May 2012 to all eligible applicants to the 2009 scheme who we are aware are eligible for a consolatory payment. These applicants will be invited to confirm their address, bank details and other key information. This step is necessary before BIS can make the £1k consolatory payment.

9. My dad was a trawlerman who applied to the scheme but has now died. What can I do?

If you are an appropriate person to receive a consolatory payment on behalf of a deceased trawlerman, please let us know the trawlerman's name and his national insurance number. If your late father would have been eligible for a consolatory payment, we will send you a form to complete and send back to us. You will need to provide us with evidence that you are the appropriate person to be claiming (see Question 11 below).

10. My mother applied to the 2009 scheme on behalf of my late father. But she has now died. What can I do?

If the person who applied to the scheme would have been entitled to a consolatory payment and has now died, it may be possible to make the payment to an appropriate person.

Please contact us with the name and national insurance of the trawlerman on whose behalf the claim was made, and the name of the person who applied to the 2009 scheme.

We would need evidence that you are entitled to receive the consolatory payment on behalf of the deceased trawlerman – see Question 11

11. If I am making a claim on behalf of a deceased trawlermen, what evidence do I need to provide to demonstrate that I am the appropriate person to receive the consolatory payment?

If you are responding on behalf of a deceased trawlerman, we will only be able to make the consolatory payment to you if you are an “appropriate person” as defined in the 2009 scheme rules. We will need evidence of a grant of probate, letters of administration or (in Scotland) a copy of the confirmation or certificate of confirmation or Dative Petition. Guidance on this is set out below.

Guidance on obtaining a Grant of Probate, Letters of Administration or a Dative Petition

For applicants on behalf of trawlermen who lived in England/Wales

Where a response is made by the personal representative of a former Icelandic water trawlerman a copy of the grant of probate or letters of administration must be supplied with the requested details.

If a grant of probate or letters of administration for the estate of the deceased has already been obtained, please enclose a copy with the completed form confirming bank details, etc. The person named as the executor or administrator of the estate is the one to whom consolatory payment under the scheme will be sent on behalf of the deceased.

If a grant of representation has not previously been issued, you can apply for one by completing the application form (including the appropriate HMRC form – the IHT 205) which are available on the Ministry of Justice website or from the Probate and Inheritance Tax Helpline (0845 3020900). All applications should be sent to the Newcastle upon Tyne District Probate Registry. You should make it clear on the form or in your covering letter that the application relates to this consolatory payment for this compensation scheme. You should note that if the only asset is this consolatory payment for this compensation scheme then you will not have to pay any fee for the grant.

For applicants on behalf of trawlermen who lived in Scotland:

Where a response is made on behalf of a deceased trawlerman whose estate is being administered and wound up in Scotland, you must supply a copy of the confirmation or certificate of confirmation with the requested details to prove that you are the executor.

If you hold a copy of the confirmation or certificate of confirmation that proves you are the executor, please enclose a copy when you return the form that we will send to you asking for bank details, etc.

If you do not hold a copy of the confirmation or certificate of confirmation, please contact your nearest Sheriff Court as soon as possible and apply for a **Dative Petition**. This will enable you to be officially appointed as the Executor of the deceased trawlerman, and will cost you £15. We have been advised by the Sheriff Court that this process will take up to two weeks, so we advise you to act now.

For all responses on behalf of a deceased trawlerman

Please **DO NOT** send original documentation to us without keeping a copy.

If you were successful under the 2009 scheme and have provided the required probate evidence to BIS, it will not be necessary to re-send them.

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