# 1971 No. 108

# CORONERS

## EXPENSES

# The Coroners (Fees and Allowances) Rules 1971

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| *Made* - - - - | 19*th January* 1971 |
| *Coming into Operation* | 15*th February* 1971 |

In pursuance of the powers conferred upon me by section 1(1) of the Coroners Act 1954(a), I hereby make the following Rules:—

**1.** These Rules may be cited as the Coroners (Fees and Allowances) Rules 1971 and shall come into operation on 15th February 1971.

**2.**—(1) In these Rules any reference to a witness includes a reference to a person summoned as a witness.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament, and section 38(2) of that Act shall apply as if these Rules were an Act of Parliament and the Rules revoked by these Rules were enactments repealed thereby.

**3.** The Rules specified in the Schedule to these Rules are hereby revoked.

**4.**—(1) A medical practitioner who makes a post-mortem examination of a body by the coroner's direction or at the coroner's request and reports the result thereof to the coroner and who is not a witness at an inquest on that body shall be paid a fee of £6·25.

(2) A medical practitioner who makes a post-mortem examination of a body by the coroner's direction or at the coroner's request and reports the result thereof to the coroner and who is a witness at an inquest on that body shall be paid a fee of £10 in respect of the examination and of the first day on which he attends to give evidence at the inquest and in addition a further fee of £5 for each subsequent day on which he attends to give evidence at the inquest:

Provided that if he attends to give evidence at more than one inquest held on the same day on the bodies of persons whose deaths appear to have been caused by the same accident or occurrence, he shall be paid a fee of £6·25 in respect of the post-mortem examination of each such body made by him and in addition a fee of £5 in respect of each day on which he attends to give evidence at such inquests.

(3) A medical practitioner who travels to or from a place in connection with a post-mortem examination of a body made by the coroner's direction or at the coroner's request may, in addition to any fee paid to him under the preceding paragraphs of this Rule, be paid in respect of the journey—

(a) 1954 c. 31. (b) 1889 c. 63.

(*a*) if he travels by railway or other public conveyance and the journey to or from such place is in excess of two miles, the fare actually paid;

(*b*) if he travels by any other means, an allowance at the rate of 5p a mile for each mile, other than the first two miles, of the journey to or from such place:

Provided that no payment shall be made under this paragraph if in respect of such journey any payment may be made under Rule 10 of these Rules.

(4) A medical practitioner who is a witness at an inquest shall, for attending to give professional evidence otherwise than in connection with a post-mortem examination made by him by the coroner's direction or at the coroner's request, be paid a fee of £5 for each day on which he attends to give evidence at that inquest:

Provided that if he attends to give evidence at more than one inquest held on the same day, he shall be paid a fee of £3·10 in respect of his attendance at each inquest held on that day other than the first.

**5.** A witness practising as a member of the legal professions or as a dentist or veterinary surgeon may, for attending to give professional evidence whether at one or more inquests, be paid a professional witness allowance, not exceeding £10 a day:

Provided that if the witness attends on any day to give evidence at one inquest only and the period during which he is necessarily absent from his place of residence or practice to attend as aforesaid does not exceed four hours his professional witness allowance shall not exceed £5, unless he necessarily incurs expense in the provision for the occasion of a person to take care of his practice during his absence.

**6.** An expert witness at an inquest may, for attending to give expert evidence and for work in connection with its preparation, be paid an expert witness allowance of such amount as the coroner may consider reasonable having regard to the nature and difficulty of the case and the work necessarily involved.

**7.** A witness at an inquest to whom the preceding Rules do not apply, who attends to give evidence whether at one or more inquests and thereby loses remuneration or necessarily incurs expense (other than expense on account of travelling, lodging or subsistence) to which he would not otherwise have been subject, may be paid a loss allowance not exceeding £4 a day in respect of that loss or expense:

Provided that if the period during which the witness is necessarily absent from his place of residence, business or employment to attend as aforesaid does not exceed four hours, his loss allowance shall not exceed £2 unless he necessarily loses more than half a day's remuneration or the expense necessarily incurred exceeds £2.

**8.**—(1) A witness at an inquest (other than a witness who receives a fee or allowance under Rules 4 to 6 of these Rules) who attends to give evidence, whether at one or more inquests, may be paid a subsistence allowance not exceeding an amount calculated in accordance with paragraphs (2) and (3) of this Rule.

(2) In respect of any period other than a period in respect of which a subsistence allowance is payable under paragraph (3) of this Rule, the subsistence allowance shall not exceed—

(*a*) if the period on any one day during which a witness is necessarily absent from his place of residence, business or employment for the purpose of attending to give evidence does not exceed four hours, 45p in respect of that day;

(*b*) if the said period on any one day exceeds four hours but does not exceed eight hours, 95p in respect of that day;

(*c*) if the said period on any one day exceeds eight hours but does not exceed twelve hours, £1·75 in respect of that day;

(*d*) if the said period on any one day exceeds twelve hours but does not exceed sixteen hours, £2·50 in respect of that day;

(*e*) if the said period on any one day exceeds sixteen hours, £2·95 in respect of that day.

(3) If a witness is necessarily absent from his place of residence overnight for the purpose of attending to give evidence, the subsistence allowance shall not exceed £5·50 in respect of each period of twenty-four hours or fraction thereof during which he is so absent overnight:

Provided that for such an absence overnight for the purpose of attending to give evidence in the City of London or an inner London borough he may be paid a supplementary allowance not exceeding 50p a night.

**9.** A witness at an inquest, who receives a fee or allowance under Rules 4 to 6 of these Rules and is necessarily absent from his place of residence overnight for the purpose of attending as a witness may be paid a night allowance not exceeding £3·75 a night:

Provided that for such an absence overnight for the purpose of attending to give evidence in the City of London or an inner London borough he may be paid a supplementary allowance not exceeding 50p a night.

**10.**—(1) Where a witness travels to or from an inquest by railway or other public conveyance, he may be paid in respect thereof the fare actually paid:

Provided that, unless for a special reason the coroner otherwise directs, only second class fare shall be allowed for travel by railway.

(2) Where a witness at an inquest travels to or from the inquest by a hired vehicle, he may be paid in respect thereof—

(*a*) in a case of urgency or where no public service is available, the amount of the fare and any reasonable gratuity paid; and

(*b*) in any other case, the amount of the fare for travel by the appropriate public services.

(3) Where a witness at an inquest travels to or from the inquest by a private conveyance, he may be paid in respect thereof—

(*a*) in any case where the witness travels by motor vehicle and the coroner is satisfied that the use of the vehicle results in a substantial saving of time or is otherwise reasonable, a sum not exceeding—

(i) in the case of a vehicle of engine capacity not exceeding 1000 c.c., 3½p a mile each way;

(ii) in the case of a vehicle of engine capacity exceeding 1000 c.c. but not exceeding 1750 c.c., 4½p a mile each way;

(iii) in the case of a vehicle of engine capacity exceeding 1750 c.c., 5p a mile each way; and

(*b*) in any other case, a sum not exceeding 2p a mile each way.

(4) There may be paid—

(*a*) in respect of his travelling expenses to a witness at an inquest who, in the opinion of the coroner, is suffering from a serious illness, or

(*b*) in respect of the carriage of heavy exhibits,

such sums, in excess of the sums payable under the preceding paragraphs of this Rule, as appear to the coroner to have been reasonably incurred.

**11.**—(1) Notwithstanding anything contained in the preceding Rules no sum shall be paid under these Rules in respect of—

(*a*) a member of a police force attending an inquest in his capacity as such;

(*b*) a whole-time officer of a prison attending an inquest in his capacity as such;

(*c*) a prisoner produced at an inquest in custody;

(*d*) a coroner's officer attending an inquest in his capacity as such.

(2) In this Rule "prison" means a prison, remand centre, detention centre or Borstal institution.

*R. Maudling*,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
19th January 1971.

## SCHEDULE

Rule 3

RULES REVOKED

| Rules | References |
|---|---|
| The Coroners (Fees and Allowances) Rules 1966. | S.I. 1966/11 (1966 I, p. 9). |
| The Coroners (Fees and Allowances) Rules 1967. | S.I. 1967/38 (1967 I, p. 107). |
| The Coroners (Fees and Allowances) (Amendment) Rules 1969. | S.I. 1969/213 (1969 I, p. 554). |
| The Coroners (Fees and Allowances) (Amendment) Rules 1970. | S.I. 1970/174 (1970 I, p. 754). |

## EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules consolidate with amendments the Rules specified in the Schedule. The only amendments of substance are the increases in the allowances (other than the London weighting) payable to witnesses at inquests under Rule 8 (subsistence allowance), Rule 9 (night allowance), and Rule 10(3) (travelling allowance when private vehicle is used).