STATUTORY INSTRUMENTS

1975 No. 1026

CRIMINAL PROCEDURE, ENGLAND AND WALES

COSTS AND EXPENSES

The Costs in Criminal Cases (Allowances) Regulations 1975

Made - - - - 22*nd June* 1975

Coming into Operation 14*th July* 1975

In exercise of the powers conferred upon me by section 17(1) of the Costs in Criminal Cases Act 1973**(a)**, I hereby make the following Regulations:—

1. These Regulations may be cited as the Costs in Criminal Cases (Allowances) Regulations 1975 and shall come into operation on 14th July 1975.

2.—(1) In these Regulations—

"the Act" means the Costs in Criminal Cases Act 1973;

"witness" means a person properly attending to give evidence, whether or not he gives evidence.

(2) In these Regulations, a reference to any enactment shall be construed as a reference to that enactment as amended, extended or applied by any subsequent enactment.

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as if these Regulations were an Act of Parliament and the Regulations revoked by these Regulations were enactments repealed thereby.

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

4. These Regulations shall apply to costs payable out of central funds under the Act.

5. There may be allowed in respect of a witness practising as a member of the legal or medical profession or as a dentist or veterinary surgeon for attending to give professional evidence, whether in one or more cases, a professional witness allowance not exceeding £20·17 a day:

(a) 1973 c. 14. **(b)** 1889 c. 63.

Provided that if the witness attends on any day to give evidence in one case 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 £10·08 unless he necessarily incurs expense in the provision of a person to take care of his practice during his absence.

6. There may be allowed in respect of an expert witness for attending to give expert evidence and for work in connection with its preparation an expert witness allowance of such amount as the court may consider reasonable having regard to the nature and difficulty of the case and the work necessarily involved.

7. There may be allowed in respect of a witness, who attends to give evidence (other than professional or expert evidence), whether in one or more cases, and thereby—

(*a*) incurs any expenditure (other than on travelling, lodging or subsistence) to which he would not otherwise be subject, or

(*b*) suffers any loss of earnings, or of benefit under the enactments relating to National Insurance, which he would otherwise have received,

a loss allowance not exceeding £6·70 a day in respect of that expense or loss:

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 £3·35 unless he necessarily loses more than half a day's remuneration or the expense necessarily incurred exceeds £3·35.

8.—(1) There may be allowed in respect of a witness (other than a witness who receives an allowance under Regulation 5 or 6 of these Regulations) who attends to give evidence, whether in one or more cases, a subsistence allowance not exceeding an amount calculated in accordance with paragraphs (2) and (3) of this Regulation.

(2) In respect of any period other than a period in respect of which a subsistence allowance is payable under paragraph (3) of this Regulation, 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, 75p in respect of that day;

(*b*) if the said period on any one day exceeds four hours but does not exceed eight hours, £1·65 in respect of that day;

(*c*) if the said period on any one day exceeds eight hours but does not exceed twelve hours, £2·90 in respect of that day;

(*d*) if the said period on any one day exceeds twelve hours but does not exceed sixteen hours, £4·10 in respect of that day;

(*e*) if the said period on any one day exceeds sixteen hours, £4·90 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 £10·40 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 there may be allowed a supplementary allowance not exceeding £1 a night.

9. There may be allowed in respect of a witness, who receives an allowance under Regulation 5 or 6 of these Regulations and is necessarily absent from his place of residence overnight for the purpose of attending as a witness, a night allowance not exceeding £7·50 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 there may be allowed a supplementary allowance not exceeding £1 a night.

10.—(1) There may be allowed in respect of a seaman, who is detained on shore for the purpose of attending to give evidence and thereby misses his ship, for the time during which he is, and is likely to be, necessarily detained on shore—

(*a*) an allowance not exceeding, unless for special reason the court allows a greater sum, £6·70 a day in respect of loss of wages, together with

(*b*) an allowance not exceeding the sum actually and reasonably incurred for his maintenance.

(2) Nothing in the last five preceding Regulations shall apply to a person in respect of whom an allowance is made under this Regulation.

11.—(1) Where a witness travels to or from court by railway or other public conveyance there may be allowed in respect thereof the fare actually paid:

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

(2) Where a witness travels to or from court by a hired vehicle there may be allowed in respect thereof—

(*a*) in a case of urgency or where no public service is reasonably 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) Subject to paragraph (4) below, where a witness travels to or from court by a private conveyance there may be allowed in respect thereof—

(*a*) in any case where the witness travels by motor-cycle, a sum not exceeding—

(i) in the case of a motor-cycle of engine capacity not exceeding 150 c.c., 1·8p a mile each way;

(ii) in the case of a motor-cycle of engine capacity exceeding 150 c.c. but not exceeding 244 c.c., 2·3p a mile each way;

(iii) in the case of a motor-cycle of engine capacity exceeding 244 c.c., 3·1p a mile each way;

(iv) in the case of a motor-cycle of engine capacity exceeding 500 c.c., 3·1p a mile each way, except where the court is satisfied that the use of the motor-cycle results in a substantial saving of time or is otherwise reasonable, in which case the allowance shall be a sum not exceeding 3·9p a mile each way; and

(*b*) in any case where the witness travels by motor car, a sum not exceeding 3·1p a mile each way, except where the court is satisfied that the use of the motor car results in a substantial saving of time or is otherwise reasonable, in which case the allowance shall be a sum not exceeding—

(i) in the case of a motor car of engine capacity not exceeding 1000 c.c., 6·5p a mile each way;

(ii) in the case of a motor car of engine capacity exceeding 1000 c.c. but not exceeding 1750 c.c., 7·8p a mile each way;

(iii) in the case of a motor car of engine capacity exceeding 1750 c.c., 8·5p a mile each way.

(4) The rates specified in paragraph (3) above shall be increased—

(*a*) by a supplement of 0·5p a mile for each passenger carried and to whom an allowance would otherwise have been payable under this Regulation;

(*b*) by the amount of any expenditure necessarily incurred on parking fees, provided the use of the motor car results in a substantial saving of time, or is otherwise reasonable.

(5) There may be allowed—

(*a*) in respect of travelling expenses of a witness who, in the opinion of the court, is suffering from a serious illness, or

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

such sums, in excess of the sums allowable under the preceding paragraphs of this Regulation, as appear to the court to have been reasonably incurred.

12. There may be allowed in respect of a person employed as an interpreter such allowances as the court may consider reasonable.

13.—(1) There may be allowed in respect of any prosecutor, accused or appellant, or party to proceedings before the Divisional Court, whose costs are ordered to be paid out of central funds under the Act the same travelling and subsistence allowances as if he attended to give evidence other than professional or expert evidence.

(2) There may be allowed in respect of any other person who in the opinion of the court necessarily attends for the purpose of the case otherwise than to give evidence, the same allowances as if he attended to give evidence other than professional or expert evidence.

14. Notwithstanding anything contained in the preceding Regulations no sum shall be allowed under these Regulations in respect of—

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

(*b*) a whole-time officer of an institution to which the Prison Act 1952**(a)** applies attending court in his capacity as such;

(*c*) a prisoner produced in court in custody.

15.—(1) There may be allowed in respect of a written report made by a registered medical practitioner to a court, in pursuance of a request to which section 32(2) of the Criminal Justice Act 1967**(b)** applies, a medical report allowance as follows—

(a) 1952 c. 52. (b) 1967 c. 80.

(*a*) in the case of a request made by a court for the purpose of determining whether or not to make an order under section 4 of the Criminal Justice Act 1948**(a)** (probation orders requiring treatment for mental condition), section 60 of the Mental Health Act 1959**(b)** (hospital orders and guardianship orders), or section 12(4) of the Children and Young Persons Act 1969**(c)** (supervision order requiring treatment for mental condition), an allowance not exceeding £10·08 if the registered medical practitioner holds an appointment to a post in the consultant grade in the National Health Service or is for the time being approved by a local health authority for the purposes of section 28 of the Mental Health Act 1959 or £8·68 in the case of any other registered medical practitioner;

(*b*) in the case of any other request made by a court, an allowance of not less than £10·48 and not exceeding £16·13 if the registered medical practitioner holds an appointment to a post in the consultant grade in the National Health Service or not exceeding £5·78 if he does not hold such an appointment.

(2) Where a registered medical practitioner who makes a written report to a court, in pursuance of a request to which the said section 32(2) applies, incurs travelling expenses in connection with the preparation of that report, there may be allowed in respect thereof a sum not exceeding 7·8p a mile each way for each journey.

(3) Nothing in this Regulation shall apply to a report by the medical officer of an institution to which the Prison Act 1952 applies.

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

22nd June 1975.

(a) 1948 c. 58. (b) 1959 c. 72. (c) 1969 c. 54.

Regulation 3

SCHEDULE

REGULATIONS REVOKED

Regulations	References
The Costs in Criminal Cases (Allowances) Regulations 1974.	S.I. 1974/831 (1974 II, p. 3235).
The Costs in Criminal Cases (Allowances) (Amendment) Regulations 1974.	S.I. 1974/1580 (1974 III, p. 5934).
The Costs in Criminal Cases (Allowances) (Amendment) (No. 2) Regulations 1974.	S.I. 1974/2179 (1974 III, p. 8569).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate with amendments the Regulations specified in the Schedule, which make provision in relation to allowances where costs are payable out of central funds under the Costs in Criminal Cases Act 1973. The amendments are the increased rates of the following allowances:—

(*a*) professional witness allowances (Regulation 5);

(*b*) subsistence allowances payable to witnesses (other than professional or expert witnesses) who attend to give evidence (Regulation 8(2) and (3));

(*c*) overnight allowances payable to witnesses who attend to give professional or expert evidence (Regulation 9);

(*d*) travelling allowances payable to witnesses using private vehicles to attend court (Regulation 11(3));

(*e*) medical report allowances (Regulation 15(1));

(*f*) allowances in respect of doctors who incur travelling expenses in connection with the preparation of medical reports (Regulation 15(2)).

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