1953 No. 1430

The Criminal Appeal (Fees and Expenses) Regulations, 1953

Made - - - - 24th September, 1953
Coming into Operation 5th October, 1953

In pursuance of the power conferred upon me by section twelve of the Costs in Criminal Cases Act, 1952(a), I hereby make the following Regulations:—

Fees of counsel

1. There shall be allowed to counsel assigned to an appellant by the Court a fee not exceeding £3 5s. 6d.:

Provided that the Registrar may certify that the case was exceptional, and thereupon the fee may be increased to such sum as the Registrar having regard to the exceptional character of the case may direct, but not exceeding £16 5s. 0d. or, where two counsel are selected, not exceeding £24 7s. 6d. for leading counsel and £16 5s. 0d. for junior counsel.

Fee and expenses of solicitor

2.—(1) There shall be allowed to a solicitor assigned to an appellant by the Court a fee not exceeding £3 3s. 0d.:

Provided that the Registrar may certify that the case was exceptional, and thereupon the fee may be increased to such sum as the Registrar having regard to the exceptional character of the case may direct, but not exceeding £11 0s. 6d.

(2) In addition to any fees payable under the foregoing paragraph, the solicitor may be allowed—

(*a*) travelling expenses actually and necessarily incurred by himself and his clerk on the scale prescribed for witnesses by the Witnesses Allowances Regulations;

(*b*) subject to taxation thereof, any other out of pocket expenses actually and reasonably incurred.

Expenses of witness

3. The expenses of any witness attending on the order of the Court or examined in any proceedings incidental to the appeal shall be allowed on the appropriate scale prescribed for witnesses by the Witnesses Allowances Regulations.

Expenses of appellant not in custody

4. The expenses of the appearance of an appellant not in custody on the hearing of his appeal to the Court or on any proceedings preliminary to or incidental to his appeal may be allowed on the scale prescribed for an ordinary witness by the Witnesses Allowances Regulations.

Expenses and fee of Examiner

5. Where any examination of witnesses is conducted by a person appointed by the Court for the purpose, the person so appointed shall be allowed—

(*a*) if he is a stipendiary magistrate or justice of the peace, the actual expenses of travelling, the cost of hiring a room for the examination where no court or public room is reasonably available, and such other incidental expenses as in the opinion of the Court are necessarily and reasonably incurred;

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 48.

(*b*) if he is a practising barrister, such fee not exceeding £5 5s. 0d. a day as the Court may determine, in addition to the expenses aforesaid.

Fee of Commissioner or Assessor

6. Where any question is referred to a special Commissioner appointed by the Court, or where any person is appointed as assessor to the Court, he shall be allowed such fee as the Court having regard to his qualifications and ordinary professional remuneration may think reasonable, not exceeding £10 10s. 0d. a day.

Interpretation

7.—(1) In these Regulations—

" Court " means the Court of Criminal Appeal ;

" Registrar " means the Registrar of the Court of Criminal Appeal ;

" Witnesses Allowances Regulations " means the Witnesses Allowances Regulations, 1948(**a**), or any regulations made under section twelve of the Costs in Criminal Cases Act, 1952, replacing those Regulations.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Revocation

8. The Regulations dated 27th March, 1908(**c**), and the Regulations dated 14th November, 1936(**d**), made by the Secretary of State under subsection (2) of section thirteen of the Criminal Appeal Act, 1907(**e**), are hereby revoked.

Citation and Commencement

9. These Regulations may be cited as the Criminal Appeal (Fees and Expenses) Regulations, 1953, and shall come into operation on the fifth day of October, 1953.

David Maxwell Fyfe,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
24th September, 1953.

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

Regulations 1 and 2 of these Regulations, which supersede the Regulations revoked by Regulation 8, prescribe the fees payable to counsel, and the fees and expenses payable to a solicitor, assigned by the Court to an appellant to the Court of Criminal Appeal. The fees prescribed represent in each case an increase of fifty per cent. in the corresponding fees prescribed in the revoked Regulations.

Regulations 3 to 6 deal with fees and expenses in relation to certain miscellaneous matters which may arise on an appeal to the Court of Criminal Appeal, and provision is made whereby the allowances payable in respect of these expenses will, in appropriate cases, correspond to those payable under the Witnesses Allowances Regulations, 1948.

(a) S.I. 1948/1909 ; Rev. V, p. 414 ; 1948 I, p. 597. (b) 52 & 53 Vict. c. 63.
(c) S.R. & O. 1908/247 ; Rev. V, p. 400 ; 1908, p. 291.
(d) S.R. & O. 1936/1249; Rev. V, p. 400; 1936 I, p. 718. (e) 7 Edw. 7. c. 23.