APPENDIX TO SECOND SCHEDULE

Session and Chapter	Short Title	Extent of Repeal
8 Edw. 7. c. 59.	The Prevention of Crime Act, 1908.	Sections one, three to six and nine.
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act, 1914.	Sections ten and eleven.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	Section forty-six.
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	In section fifty-nine, the proviso to sub-section (1).

2. COSTS AND EXPENSES

The Witnesses Allowances Regulations, 1948

1948 No. 1909 (L. 23)

Made - - - - 14*th August,* 1948

Coming into Operation 13*th September,* 1948

In pursuance of the powers conferred upon me by section five of the Costs in Criminal Cases Act, 1908(a), I hereby make the following Regulations:—

Professional witnesses.

1. There may be allowed to a person practising as a member of the legal or medical profession or as a dentist or veterinary surgeon for attending to give professional evidence—

(*a*) a professional witness allowance, not exceeding five pounds a day;

(*b*) a night allowance:

Provided that if the time during which the witness is necessarily away for the purpose of giving professional evidence from the place where he is then residing or practising is not more than four hours, the professional witness allowance shall not exceed two pounds and ten shillings, so, however, that where the witness attends to give professional evidence on the same day in two or more separate and distinct cases he may be paid professional witness allowances exceeding in the aggregate two pounds and ten shillings but not exceeding in the aggregate five pounds.

Expert witnesses.

2. There may be allowed to an expert witness for attending to give expert evidence and, where necessary, for qualifying to give that evidence—

(*a*) 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;

(*b*) a night allowance.

(a) 8 Edw. 7. c. 15.

Ordinary witnesses.

3.—(1) Subject to the provisions of Regulation 4 of these Regulations, there may be allowed to a person attending to give evidence who loses wages, earnings or other income by attendance at court, not being a person referred to in either of the preceding Regulations, an allowance not exceeding twenty shillings a day in respect of that loss, together with an allowance not exceeding five shillings a day in respect of subsistence.

(2) Subject to the provisions of Regulation 4 of these Regulations, there may be allowed to a person attending to give evidence, not being a person referred to in either of the preceding Regulations or in the foregoing paragraph of this Regulation, an allowance not exceeding five shillings a day in respect of subsistence.

(3) A night allowance may be allowed in addition to any allowances payable under paragraph (1) or paragraph (2) of this Regulation.

Ordinary witnesses attending for less than four hours.

4. If the time during which a person is necessarily away from his place of residence or of business or employment for the purpose of giving evidence does not exceed four hours, the maximum allowances payable under the last foregoing Regulation shall be reduced by one half:

Provided that this Regulation shall not apply to a loss allowance in the case of a person to whom paragraph (1) of the last foregoing Regulation applies if the court is satisfied that he will necessarily lose more than one half of a day's wages, earnings or other income.

Rates and conditions of night allowance.

5. Where a night allowance may be allowed to a person under any of these Regulations, it shall not be allowed unless that person is necessarily away overnight from his place of residence for the purpose of attending court and shall not exceed the expenses reasonably incurred by him for board and lodging for that night or, in any case, twenty shillings.

Seamen.

6.—(1) Where a seaman is detained on shore for the purpose of attending to give evidence and has thereby missed his ship, there may be allowed to him in respect of the time during which he has been, and is likely to be, necessarily detained on shore—

(*a*) an allowance not exceeding, unless for special reasons the court allows a greater sum, twenty shillings 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 preceding Regulations shall apply to a person to whom an allowance is made under this Regulation.

Travelling allowances.

7.—(1) There may be allowed to a person travelling by railway or other public conveyance for the purpose of attending to give evidence the fare actually paid:

Provided that—

(i) unless for special reasons the court otherwise directs, only third class fare shall be allowed for travel by railway;

(ii) if in any case return tickets are available for the double journey, only the fare at return ticket rates shall be allowed.

(2) Where no railway or other public conveyance is available, there may be allowed to a person who necessarily travels by a hired vehicle

for the purpose of attending to give evidence the sum actually paid for the hire of the vehicle or an allowance at the rate of one shilling and sixpence a mile each way, whichever be the less:

Provided that where two or more persons attend from the same place the allowances made to them under this paragraph shall not in the aggregate exceed a sum calculated at the rate of one shilling and sixpence a mile each way unless the court is satisfied that it was reasonable to hire more than one vehicle.

(3) There may be allowed to a person travelling on foot or by private conveyance for the purpose of attending to give evidence a sum not exceeding three pence a mile each way.

(4) There may be allowed—

(*a*) in respect of travelling expenses to a person attending to give evidence who, in the opinion of the court, is suffering from a serious illness, or

(*b*) for the carriage of heavy exhibits,

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

Interpreters.

8. There may be allowed to a person employed as an interpreter such allowances as the court may consider reasonable (including night and travelling allowances).

Persons attending otherwise than as witnesses.

9. There may be allowed to any prosecutor or other person who, in the opinion of the court, necessarily attends for the purpose of the prosecution otherwise than as a witness the same allowances (including night and travelling allowances) as to an ordinary witness.

Police and prison officers and prisoners excepted.

10.—(1) Notwithstanding anything contained in the preceding Regulations no sum shall be allowed under these Regulations to—

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

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

(*c*) a prisoner produced in court in the custody of an officer of a prison.

(2) In this Regulation—

" police force " has the meaning assigned to that expression in section eight of the Police Pensions Act, 1948(**a**);

" prison " means any convict prison or any prison or other institution to which the Prison Acts, 1865 to 1898, apply.

(**a**) 11 & 12 Geo. 6. c. 24.

Interpretation.

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

Revocation and consequential provisions.

12.—(1) The Regulations made by the Secretary of State under section five of the Criminal Justice Administration Act, 1851(b), and dated the fourteenth day of June, 1904(c), governing the allowance payable to prosecutors and witnesses in criminal proceedings, the Witnesses' Allowances Order, 1920(d), and the Witnesses' Allowances Order, 1922(e), are hereby revoked.

(2) For Regulation 6 of the Regulations made by the Secretary of State under section five of the Costs in Criminal Cases Act, 1908(f), and dated the twenty-eighth day of November, 1908(g), there shall be substituted the following Regulation:—

"6. The term 'personal expenses' means expenses allowed in pursuance of Regulation 1, paragraph (*b*) of Regulation 2 and Regulations 3 and 4 of the Witnesses Allowances Regulations, 1948."

Citation and commencement.

13. These Regulations may be cited as the Witnesses Allowances Regulations, 1948, and shall come into operation on the thirteenth day of September, 1948.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
14th August, 1948.

(a) 52 & 53 Vict. c. 63.
(b) 14 & 15 Vict. c. 55.
(c) S.R. & O. 1904 (No. 1219) p. 117.
(d) S.R. & O. 1920 (No. 354) I, p. 446.
(e) S.R. & O. 1922 (No. 892) p. 166.
(f) 8 Edw. 7. c. 15.
(g) S.R. & O. 1908 (No. 1001) p. 234.