CRIMINAL PROCEDURE, ENGLAND

1955 No. 1655 (L. 13)

The Witnesses' Allowances Regulations, 1955

Made - - - - 26*th October*, 1955
Coming into Operation 21*st November*, 1955

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

1. These Regulations shall apply to costs payable out of local funds under the Costs in Criminal Cases Act, 1952.

2. 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 six guineas a day:

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 three guineas, unless he necessarily incurs expense in the provision of a person to take care of his practice during his absence.

3. 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.

4. 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 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, a loss allowance not exceeding thirty shillings 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 fifteen shillings unless he necessarily loses more than half a day's remuneration or the expense necessarily exceeds fifteen shillings.

5. 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, a subsistence allowance not exceeding seven shillings a day:

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 subsistence allowance shall not exceed three shillings and sixpence.

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

6. There may be allowed in respect of a witness, who is necessarily absent from his place of residence overnight in order to attend as a witness, a night allowance not exceeding the expense reasonably incurred for board and lodging for that night or a sum of twenty-seven shillings and sixpence a night, whichever be the less.

7.—(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, 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 last five preceding Regulations shall apply to a person in respect of whom an allowance is made under this Regulation.

8.—(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—

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

(ii) if a return ticket is available for the journey to and from court, only the cost of a return ticket shall be allowed.

(2) Where a witness necessarily travels to or from court by a hired vehicle, no railway or other public conveyance being available, there may be allowed in respect thereof 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 witnesses attend court from the same place, the allowances made in respect of 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) Where a witness travels to or from court by a private conveyance or on foot there may be allowed in respect thereof—

(*a*) in any case where the witness travels by motor vehicle and the court is satisfied that the use of the vehicle results in a substantial saving of time or is otherwise reasonable, a sum not exceeding sixpence a mile each way ; and

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

(4) 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.

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

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

11.—(1) 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 a prison attending court in his capacity as such;

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

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

12.—(1) In these Regulations the expression "witness" means a person properly attending to give evidence, whether or not he gives evidence.

(2) The Interpretation Act, 1889(**a**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament, and subsection (2) of section thirty-eight 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.

13. The Witnesses Allowances Regulations, 1948(**b**), and the Witnesses Allowances Regulations, 1954(**c**), are hereby revoked.

14. These Regulations may be cited as the Witnesses' Allowances Regulations, 1955, and shall come into operation on the twenty-first day of November, 1955.

G. Lloyd-George,

One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
26th October, 1955.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1948/1909 (Rev. V, p. 414: 1948 I, p. 597).
(c) S.I. 1954/1626 (1954 I, p. 547).

EXPLANATORY NOTE

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

These Regulations reproduce with amendment the Witnesses Allowances Regulations, 1948, and the Witnesses Allowances Regulations, 1954. The principal amendment is made by Regulation 2, by which the witness allowance for a professional witness is raised, and new provision is made for certain cases where expense is incurred by a professional witness in providing a substitute for his practice during his absence.

CROFTERS, COTTARS AND SMALL LANDHOLDERS, SCOTLAND

1955 No. 1201 (C. 9)

The Crofters (Scotland) Act, 1955 (Commencement) Order, 1955

Made - - - - 29th July, 1955

At the Court at Goodwood House, the 29th day of July, 1955.

Present,

The Queen's Most Excellent Majesty in Council

Whereas by subsection (2) of section forty of the Crofters (Scotland) Act, 1955(a), it is provided that that Act shall come into operation on such day as Her Majesty may by Order in Council appoint:

Now, therefore, Her Majesty, in exercise of the power conferred upon Her by the said subsection (2), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The Crofters (Scotland) Act, 1955, shall come into operation on the first day of October, 1955.

2. This Order may be cited as the Crofters (Scotland) Act, 1955 (Commencement) Order, 1955.

W. G. Agnew.

(a) 3 & 4 Eliz. 2. c. 21.