STATUTORY INSTRUMENTS

1966 No. 10

CRIMINAL PROCEDURE, ENGLAND AND WALES

COSTS AND EXPENSES

The Witnesses' Allowances Regulations 1966

Made - - - - *5th January* 1966

Coming into Operation *14th February* 1966

In pursuance of the powers conferred upon me by section 12 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 eight 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 four 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 fifty 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 twenty-five

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

shillings unless he necessarily loses more than half a day's remuneration or the expense necessarily exceeds twenty-five shillings.

5. There may be allowed in respect of a witness (other than a witness who receives an allowance under Regulation 2 or 3 of these Regulations) who attends to give evidence, whether in one or more cases, a subsistence allowance not exceeding—

(*a*) if the period on any one day during which the witness is necessarily absent from his place of residence, business or employment to attend as aforesaid does not exceed four hours, six shillings in respect of that day;

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

(*c*) if the said period on any one day exceeds eight hours, fifteen shillings and sixpence in respect of that day.

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 fifty shillings 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, fifty 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, 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) 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 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 sevenpence half-penny a mile each way; and

(*b*) in any other case, a sum not exceeding threepence 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 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.

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

14. These Regulations may be cited as the Witnesses' Allowances Regulations 1966 and shall come into operation on 14th February 1966.

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

Home Office,
Whitehall.
5th January 1966.

SCHEDULE Regulation 13

REGULATIONS REVOKED

Regulations	References
The Witnesses' Allowances Regulations 1955	S.I. 1955/1655 (1955 I, p. 555).
The Witnesses' Allowances Regulations 1958	S.I. 1958/1717 (1958 I, p. 397).
The Witnesses' Allowances Regulations 1960	S.I. 1960/228 (1960 I, p. 853).
The Witnesses' Allowances Regulations 1962	S.I. 1962/2072 (1962 III, p. 2501).

(**a**) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate with amendments the Regulations specified in the Schedule. The principal amendments increase the allowances payable to witnesses under Regulation 5 (subsistence allowance), Regulation 6 (night allowance) and Regulation 7(1)(a) (seaman's allowance); and Regulation 8(2) provides a new basis for calculating travelling allowance when the witness travels by a hired vehicle.