STATUTORY INSTRUMENTS

1967 No. 39

CRIMINAL PROCEDURE, ENGLAND AND WALES
COSTS AND EXPENSES
The Witnesses' Allowances Regulations 1967

Made - - -	12*th January* 1967
Coming into Operation	13*th February* 1967

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. In Regulation 4 of the Witnesses' Allowances Regulations 1966(b) (which relates to the payment of a loss allowance in respect of a witness attending to give evidence other than professional or expert evidence), for the words "fifty shillings" there shall be substituted the words "sixty-five shillings" and for the words "twenty-five shillings", in both places where those words occur, there shall be substituted the words "thirty-two shillings and sixpence".

2. For Regulation 5 of the said Regulations (which relates to the payment of a subsistence allowance in respect of a witness attending to give evidence, not being a witness who receives an allowance under Regulation 2 or 3 of the said Regulations, that is to say, an allowance for giving certain professional evidence or expert evidence), there shall be substituted the following Regulation:—

"5.—(1) 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 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, 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 but does not exceed twelve hours, twenty-three shillings in respect of that day;

(*d*) if the said period on any one day exceeds twelve hours but does not exceed sixteen hours, thirty-three shillings in respect of that day;

(*e*) if the said period on any one day exceeds sixteen hours, forty shillings 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 sixty-eight shillings in respect of each period of twenty-four hours or fraction thereof during which he is so absent overnight:

(a) 1952 c. 48. (b) S.I. 1966/10 (1966 I, p. 5).

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 ten shillings a night.".

3. For Regulation 6 of the said Regulations (which relates to the payment of a night allowance in respect of any witness attending to give evidence who is necessarily absent from his place of residence overnight), there shall be substituted the following Regulation:—

"6. There may be allowed in respect of a witness, who receives an allowance under Regulation 2 or 3 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 fifty shillings 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 ten shillings a night.".

4. In Regulation 7(1) (*a*) of the said Regulations (which relates to the payment of an allowance in respect of loss of wages of a seaman who is detained on shore for the purpose of attending to give evidence and thereby misses his ship), for the words "fifty shillings" there shall be substituted the words "sixty-five shillings".

5. These Regulations may be cited as the Witnesses' Allowances Regulations 1967 and shall come into operation on 13th February 1967.

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

Home Office,
Whitehall.
12th January 1967.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations make certain alterations in the allowances payable under the Costs in Criminal Cases Act 1952 to persons attending to give evidence in those criminal cases to which the Act applies. Regulation 1 provides for an increase in the maximum amount payable as loss allowance. Regulation 2 provides for an increase in the maximum amount payable as subsistence allowance to witnesses other than certain professional or expert witnesses where the period of time on any one day during which the witness is necessarily absent from his place of residence, business or employment exceeds eight hours, and specifies the maximum amount payable in respect of any period of twenty-four hours or less during which he is absent overnight. Regulation 3 restricts the payment of night allowance to certain professional and expert witnesses and provides for the payment of a supplementary allowance for an absence overnight in central London. Regulation 4 provides for an increase in the maximum allowance in respect of loss of wages payable to a seaman who is detained on shore to give evidence and thereby misses his ship.