

**GUIDE TO ALLOWANCES**

**Under Part V of the**

**COSTS IN CRIMINAL CASES (GENERAL)**  
**REGULATIONS 1986**

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## **PART I – GENERAL**

- 1.1 **Introduction.** These notes provide guidance for court staff who have to calculate the amounts of allowances payable under Part V of the Costs in Criminal Cases (General) Regulations 1986; they should not be taken as a definitive statement of the law. The notes supplement the information given from time to time in MoJ Circulars issued under the Costs in Criminal Cases (General) Regulations 1986.
- 1.2 **The Regulations.** The Costs in Criminal Cases (General) Regulations 1986 are made under Sections 19 and 20 of the Prosecution of Offences Act 1985. They follow, in the main, the Costs in Criminal Cases (Allowances) Regulations 1977; the primary difference is that unless a case is privately prosecuted, the expenses of prosecution witnesses must not be paid from central funds. The rates of scales applied by the Regulations are determined administratively by the Lord Chancellor with the concurrence of the Treasury under Regulation 17.
- 1.3 The rates and scales of allowances effective from time to time are notified to courts by the Ministry of Justice. The rates in force at the time of publication are contained in Appendix One to these notes. These should be updated as new rates are published.
- 1.4 The Regulations apply to both summary and indictable cases but they do not apply to payments made under a legal aid order. Witnesses' expenses may not be paid under a legal aid order where payment can be made under another enactment e.g. out of central funds.
- 1.5 The Regulations provide (at Regulation 16(1)) that the expenses properly incurred by a witness or interpreter called on behalf of a defendant, a private prosecutor or the court or a medical practitioner (who makes a report otherwise than in writing to which S.34(5) of the Mental Health (Amendment) Act 1982, or S.30 of the Magistrates' Courts Act 1980 (now S.11 of the Powers of the Criminal Courts (Sentencing) Act 2000) or S.32(2) of the Criminal Justice Act 1967 applies) shall be allowed out of central funds unless the court directs that the expenses are not to be allowed out of central funds. Therefore there is no requirement for the court to make an order for the payment of those expenses. In general, an allowance should be the same if the witness, interpreter or medical practitioner attends on the same day in one case or more than one case (see Regulation 16(2) and 16(3)).

1.6 Court staff should note the definition in Regulation 15 of the terms used throughout Part V of the Regulations.

## PART II – ALLOWANCES

### REGULATION 18 – WITNESSES OTHER THAN PROFESSIONAL OR EXPERT WITNESSES

#### 18(1) – ORDINARY WITNESSES

- 2.1 An ordinary witness is a person required to attend court to give evidence as a witness to events or circumstances which are relevant to a particular case. It is important to note that this may include a person who could on another occasion be called to give evidence as a professional or expert witness e.g. a doctor who has witnessed a robbery and is called as a witness to the event and not in a professional capacity. In such circumstances only the allowances for an ordinary witness may be paid.
- 2.2 **Financial Loss Allowance.** A financial loss allowance is payable to an ordinary witness to compensate for any expenditure (other than travelling, lodging or subsistence) to which the witness would not otherwise have been subject, or for any loss of earnings or benefit under the enactments relating to National Insurance. In the case of an employed person it should normally be possible to determine the appropriate payment without requiring written verification of the loss of earnings from the employer. In some circumstances however the court may wish to call for written evidence particularly in the case of a witness who is not an employee (e.g. a self-employed person), but it may not be possible in all such cases to require proof of an actual financial loss. It can be assumed, for example, that a tradesperson's absence from a shop or place of business will ordinarily entail a loss of income. Witnesses employed on shift work may face particular difficulties in returning to work. A witness may be unable to work an early morning shift because of the time he is required to attend court and may also be unable to return to a shift later in the day because of uncertainty about the time of release from court. An attendance at court may result in a double absence from employment. Courts should be prepared to exercise discretion in such cases. Overall, whilst it is important to ensure that no more than the loss actually incurred is reimbursed, the amount allowed should be fixed having regard to the individual circumstances of the witness.
- 2.3 There is a maximum amount, depending on the period of absence, fixed by the Regulations. As a result, it is recognised that the financial loss allowance may not fully reimburse all witnesses for their loss of earnings. Its purpose is to provide

compensation and to relieve hardship as a result of discharging a public duty in attending court to give evidence. Courts may wish to note that any allowance paid does not count as earned income and is not subject therefore to income tax.

- 2.4 The financial loss allowance is not payable in cases of hypothetical loss. For example, a person in the process of seeking employment may not claim for a loss of earnings that might have occurred had the witness been free to seek employment rather than having to attend court. However, discretion should be exercised in the case of a witness who is not in regular employment but turns up and is taken on each day if some evidence is produced that work was available.
- 2.5 The financial loss allowance also covers financial losses other than earnings. For example, a loss allowance may be paid to someone who has had to employ a babysitter to cover absences from home. Similarly the costs of cancelling a driving test may be reimbursed where a witness was obliged to attend court on the same day as the test since it was an expense incurred as a result of giving evidence. A financial loss may also result from the cancellation of a holiday. Evidence of the financial loss or additional expenditure should normally be produced.
- 2.6 **Subsistence Allowance**. A daily subsistence allowance (based on the length of the absence from home to work) is payable to an ordinary witness whilst travelling to and from court and attending court. The allowance compensates for money spent on meals and/or refreshments whilst attending court and is subject to a maximum limit. Payment of the allowance recognises that witnesses attending court may be unable to take advantage of normal arrangements. The allowance is not separately payable to a professional or expert witness, since it forms part of the allowances payable under Regulations 19 and 20 respectively.
- 2.7 Where an ordinary witness has to spend a night away from home an overnight subsistence allowance is payable, but day subsistence cannot be claimed in addition to an overnight allowance covering the same period. The overnight subsistence allowance covers a period of absence of up to 24 hours including compensation for money spent on meals/refreshments taken during that period and is subject to a maximum limit. Where the absence exceeds 24 hours, the appropriate day subsistence or a further overnight allowance, whichever is appropriate, is payable in addition.

## **18(2)&(3) – OTHER PERSONS ATTENDING COURT**

- 2.8 **Persons attending otherwise than to give evidence.** Any person who in the opinion of the court necessarily attends on behalf of a defendant or a private prosecutor for the purposes of the case otherwise than to give evidence may be allowed the same allowances as if he attends to give evidence other than as a professional or expert evidence (i.e. an ordinary witness allowance). Examples are a parent of a minor witness, a person accompanying a disabled witness, or someone who has charge of bulky, expensive or dangerous exhibits.
- 2.9 **Character Witnesses.** A character witness is only entitled to receive payment from central funds where the court certifies that the interests of justice required his attendance.
- 2.10 **Persons Not Entitled to Allowances.** No payments in respect of loss of earnings, travelling or subsistence can be made to:-
- (a) a prosecution witness, except where the case is conducted by a private prosecutor;
  - (b) a member of a police force attending court in his capacity as such;
  - (c) a whole time officer of an institution to which the Prison Act 1952 applies, attending court in his capacity as such; or
  - (d) a prisoner in respect of any occasion on which he is conveyed to court in custody.

## **REGULATION 19 – PROFESSIONAL WITNESSES**

- 3.1 A professional witness is defined by Regulation 15 as a person practising as a member of the legal or medical profession, or as a dentist, a veterinary surgeon, or as an accountant, who attends to give professional evidence. The allowance is not payable to a member of a profession who attends as an ordinary witness (see paragraph 2.1). Salaried hospital, medical or dental staff of the National Health Service who attend to give professional evidence should be treated as professional witnesses since such attendance is outside the scope of the hospital and specialist services. An accountant should be a member of one of the following bodies: the

Institute of Chartered Accountants for England and Wales, the Institute of Chartered Accountants for Scotland, the Chartered Institute of Public Finance and Accountancy, the Institute of Cost and Management Accountants or the Association of Certified Accountants. A pharmacist is not considered to be a professional witness despite the need to keep a pharmacy open during his period of absence.

3.2 **Professional Witness Allowance.** The level of allowance is dependent on two factors:-

- i) the length of time the witness is absent from a place of residence or practice; and
- ii) whether or not the witness employs a professional person to take care of the practice during the absence.

3.3 Two scales of allowances are provided. The first sets the maximum amount which may be paid to compensate a professional witness who attends on any day to give evidence (in one or more cases) for an absence from a professional practice or residence. The maximum amount payable is dependent on the period of the absence.

3.4 The second scale, which is an alternative, applies only where the witness necessarily incurs expense in the provision of a professional person to take care of a practice during the period of absence. The maximum amount payable again depends on the period of absence of the witness from the practice, but where it is not possible or practicable to employ a locum for only half a day, full reimbursement of the costs of employing the locum should be made, subject to the overriding maximum amount per day.

3.5 Since it is not uncommon for a locum to cover only part of the work of a practice (for example, a doctor may be absent for four hours but employ a locum only to cover a two hour surgery and may re-arrange home visits to a time when they can be undertaken personally), discretion exists as to which allowance may be paid even when a locum is engaged, but a professional witness cannot receive both allowances. The allowance must be either an amount to compensate for the absence, or the cost of employing a locum, depending on the circumstances. Where a claim is made for the cost of engaging a locum, the witness should provide proof of the expense.

[Note: see paragraph 5.1 for overnight allowances].

## **REGULATION 20 – EXPERT WITNESSES AND INTERPRETERS ETC**

### **20(i) – EXPERT WITNESSES**

4.1 An expert witness is a person of any calling, profession or trade who gives evidence because of his expertise. In most cases one would expect that the witness has been called by the defence or a private prosecutor specifically to give an independent and expert view on some technical matter in the case. It is not, however, always easy to distinguish an expert witness from a professional witness. The “Oxford Companion to Law” describes expert evidence as “evidence given to a court by a person skilled and experienced in some professional or technical sphere of the conclusions he has reached on the basis of his knowledge, from facts reported to him or discovered by him by tests, measurements or similar means”. Courts might find the following example to be of some assistance. A consultant doctor giving factual evidence of a defendant’s medical condition, perhaps in mitigation, is a professional witness. A consultant doctor giving an opinion based on the factual evidence of a defendant’s medical condition as to the probable effect on the defendant’s actions or state of mind should be regarded as an expert witness. The expertise of some witnesses, particularly forensic scientists, may cover a wide range. An example is a questioned document examiner. He or she is a forensic scientist who is equipped by qualifications (including possession of the Forensic Science Society Diploma in Document Examination), training and experience to deal with comparisons of handwriting and/or typewriting, printing on paper and their substance or origin, erasures, deletion etc. This could involve the use of specialist techniques and equipment. Armed forces and prison medical officers, and other specialists called to give evidence in a professional capacity who are salaried employees of a government department do not incur a loss of expense and should not be paid a professional or expert witness allowance. Court staff should note that no payment from central funds should be made to an expert witness called by a prosecutor, other than by a private prosecutor.

#### 4.2 **Payment for preparation/attendance at Court**

Where the attendance of an expert involves only normal preparatory work (up to one hour) it is usual to agree and pay an attendance fee only, which is inclusive of this. Where preparation is more extensive (exceeding one hour) payment may be split between the two elements of preparation and attendance, and a fee may be paid for preparatory work in addition to the attendance fee.

- 4.3 In determining the attendance fee for an expert witness who has earlier prepared a written report for which a separate fee is payable it will be necessary to take account of the fact that the amount of preparatory work needed for the attendance is likely to be less than that required of an expert newly introduced to the case. This will also apply when a pathologist who has earlier been paid for conducting a post mortem examination attends to give evidence as an expert witness.
- 4.4 The attendance fee should reflect the total time involved that day, that is, including travelling and waiting time, and also any extended hearing time. The scales of guidance (see para 4.8) reflect attendance based on the normal court day and local travel, and should be adjusted upwards if longer journeys are undertaken or the attendance stretches significantly beyond the usual court sitting time.
- 4.5 An expert warned to attend court may sometimes be cancelled at relatively short notice, for example, because of a change of plea. The expert should not as of right be paid a fee for the cancelled attendance, but if work in preparation for the attendance has been reasonably carried out, an appropriate fee may be paid. Each case should be considered on its merits where preparatory work has been undertaken.
- 4.6 Short notice of a change of date, or a late cancellation (see para 4.5 above), may also involve an expert in expenses, either in the loss of alternative work that day or in the engagement of a locum. Whilst the expert should try to mitigate the consequences of a late change of date, it may not always be possible to re-arrange other work or to cancel a locum appointment. It is not practicable to give firm guidance on all the situations which might arise, and where a claim is made it should be considered on its merits. Care should obviously be taken to avoid late cancellations and changes.

- 4.7 No rates or scales of allowance for expert witnesses are set under the Regulations; the amount to be paid is a matter for discretion. In determining the payment to be made, regard should be had to the nature and difficulty of the case, the work necessarily involved, and such factors as whether there is a reasonable choice of experts available and whether considerable travelling is involved.
- 4.8 As there are no prescribed scales of allowance for expert witnesses, guidance is given in Appendix Two to assist officers determining the fees payable by providing a point of reference on quantum for use when exercising their discretion in determining claims. Guidance on points of principle is already available in the Taxing Officers' Notes for Guidance (paragraphs 128 to 134), the Notes for Guidance of Justices Clerks (paragraphs 52 to 53) and published decisions of the Costs Judges. It is intended that the information will be reviewed annually.

#### **20(2): INTERPRETERS & MEDICAL PRACTITIONERS WHO MAKE REPORTS OTHER THAN IN WRITING**

- 4.9 Payment of a foreign language interpreter's fees, where the court has arranged for the interpreter to attend court on behalf of the defence, are governed by the agreement reached between the court and the interpreter. **See the National Agreement on the Use of Interpreters** <http://police.homeoffice.gov.uk/news-and-publications/publication/operational-policing/national-agreement-interpret.pdf> and the **Standard Terms & Conditions for the provision of Face-to-Face Interpretation Services** <http://commercial.homeoffice.gov.uk/doing-business/terms-and-conditions/> It is recognised that in some instances courts may need to deviate from the standard rates of payment for hourly attendance included in these terms and conditions, e.g. increased rates for interpreters in very rare languages. In these instances, the court must agree the fee for hourly attendance with the interpreter prior to the court hearing, making clear that the remaining terms and conditions, aside from this negotiated hourly attendance fee, will apply. There is a prescribed allowance determined by the Lord Chancellor in respect of fees for Welsh Language interpreters in Courts in Wales.

Rates of pay for British Sign Language/English Interpreters and other Language Service Professionals required by D/deaf and D/deaf-blind defendants should be agreed between the senior legal advisor or court manager (or their nominated member of staff) at the time of the booking. It is recognised that it will often, due to the nature of the work and limited availability of sign language interpreters and of

other language service professionals, be necessary to pay higher rates than for foreign language interpreters. Courts should therefore use their discretion when arranging levels of pay in this context, and make decisions based on the individual circumstances of each case.

- 4.10 In the unusual circumstances where a medical practitioner makes a report other than in writing for the purpose of S.30 of the Magistrates' Courts Act 1980 (now S.11 of the Powers of the Criminal Courts (Sentencing) Act 2000), the amounts payable are at the discretion of the court. However, courts should use the professional witness allowance determined by the Lord Chancellor as a point of reference when assessing the amount to be paid.
- 4.11 Court staff should note that where a witness for a defendant or a private prosecutor requires an interpreter, payment of the interpreter's fees (which are at the discretion of the court) can be made under Regulation 16(1), if the court considers it to be an expense properly incurred by that witness.

#### **REGULATION 21 – NIGHT ALLOWANCE**

- 5.1 **21(1) – Expert and Professional Witness Overnight Allowance.** A professional or expert witness is not entitled to a financial loss allowance or day subsistence since the allowances paid to them under either Regulation 19 or 20 cover these. An expert or professional witness may, however, be eligible for an overnight allowance (which is based on the ordinary witness overnight allowance less the daily subsistence allowance). The maximum amount is prescribed in Appendix One.
- 5.2 **Interpreters' and Medical Practitioners' Overnight Allowance.** Regulation 21(2) provides that an interpreter or medical practitioner who receives an allowance under Regulation 20 may be allowed the same night allowance as if he attended as a professional witness.

#### **REGULATION 22 – SEAMEN WITNESSES**

- 6.1 **22(1)(a) – Loss of Wages Allowance.** This allowance compensates a seaman, who is prevented from joining a ship because he is detained on shore to give evidence, for loss of wages. There is a maximum daily rate which may be paid for the time during which he is, and is likely to be, detained on shore and therefore unable to rejoin his ship or an alternative ship. There is, however, discretion to exceed the

maximum daily allowance for special reasons. The circumstances in which special reasons may arise are not well documented, but it does appear that these may cover, for example, the need to pay off and re-hire a crew where the witness is a self-employed single vessel owner who undertakes intermittent contracts. However, special reasons do not include the simple fact that a seaman may earn more than the maximum daily rate; the provision is not intended to place a seaman in a better position than an ordinary witness who may not be able to recover full loss of earnings because of the maximum limit.

6.2 **22(1)(b) – Maintenance Allowance**. In addition to loss of wages, a seaman missing his ship may also claim an allowance not exceeding the sum actually and reasonably incurred for his maintenance on shore. There is no limitation on the amount of this allowance, but courts should have regard to the normal cost of such maintenance and should not exceed the sum actually incurred. The daily subsistence and financial loss allowances payable to an ordinary witness cannot be paid to a seaman who receives a loss of wages or maintenance allowance, but reasonable travelling expenses may be allowed (see paragraph 8.1).

6.3 **Seaman Recalled from Ship**. The position of a seaman called to give evidence when actually aboard a ship is unclear. It is suggested that such a witness should be treated as an ordinary witness – to whom financial loss allowance, subsistence and reasonable travelling costs may be allowed – unless as a result of being called to give evidence the witness is unable to rejoin his ship. In the latter case it may be appropriate to class the witness as a seaman detained on shore.

## **REGULATION 23 – PROSECUTORS AND DEFENDANTS**

7.1 **Allowance to Prosecutors and Defendants**. Any private prosecutor or defendant whose costs are ordered by a court to be paid out of central funds, may be allowed the same travelling and subsistence allowances as if he attended to give evidence other than professional or expert evidence (i.e. an ordinary witness subsistence allowance, plus travelling expenses). Loss of earnings cannot be recovered out of central funds as they are not “expenses properly incurred by him in the proceedings”.

## **REGULATION 24 – TRAVELLING EXPENSES**

8.1 **Travelling Allowance**. Travelling allowances are payable in addition to other allowances to any witness (including a professional or expert witness) and to any

other person who receives an allowance under Regulation 18(2) who incurs expenditure travelling to and from court.

8.2 **24(1) and (2) – Public Transport**. Where a witness travels to or from court by public transport (including by air but excluding taxis or other hired vehicles), travelling expenses may be allowed to reimburse the fare actually paid, but only a standard class fare for rail travel is to be allowed unless the court otherwise directs. First class rail fares are normally appropriate for expert witnesses.

8.3 **24(3) – Travel by Air**. The cost of travel by air may be allowed only if the court is of the opinion that:

“(a) there was no reasonable alternative to travel by air and the class of fare paid was reasonable in all the circumstances; or

(b) travel by air was more economical in the circumstances taking into account any savings of time resulting from the adoption of such mode of transport and its consequent effect in reducing the amount of allowances payable under these Regulations”.

The above considerations apply equally to travel on internal or international flights. Where it is considered that air travel was not reasonable, then the appropriate rate for travel by another means of public transport should be paid together with the appropriate subsistence allowance for the time the journey would have taken.

8.4 However, witnesses are expected to take advantage, where possible, of cheap fares. The system of international air fares is complex and it is difficult to lay down any hard and fast rules. Broadly speaking, however, the position is that the more money expended on an air ticket the greater the flexibility purchased in terms of late booking facilities, flight availability and the sum that is refundable in the event of short notice cancellation. The court should therefore allow what is reasonable in all the circumstances bearing in mind that the most economical fare might not always be appropriate; a last minute cancellation of a trial might mean the loss of the full amount of the cheapest fare, but only a percentage of an ordinary or standard fare. Moreover a witness notified at short notice of the date of an attendance may be unable to take advantage of cheap tickets.

- 8.5 **24(4) – Hired Vehicles.** In a case of urgency, or where no alternative means of transport is reasonably available, a witness may travel to or from the court by a hired vehicle or taxi and the actual cost of the hire or the fare, and any reasonable gratuity, may be allowed. Where, however, the witness chooses without good reason to travel by hired vehicle only the amount of the fare for travel by the appropriate public service may be reimbursed.
- 8.6 **24(5) – Private Motor Vehicles.** A witness may choose to travel to court using a private motor vehicle. Where a private motor vehicle is used the expense incurred may be reimbursed by payment of a mileage rate. There are two categories of mileage rate – public transport rate and standard rate.
- 8.7 The standard rate of mileage may only be paid where the use of a private motor vehicle was necessary (for example, because no public transport was available), or where a considerable saving of time is made (for example, where the witness would have been required to stay overnight, or leave and return at unreasonable hours, if public transport was used), or the use of a private motor vehicle was otherwise reasonable (for example, in the case of elderly or disabled witnesses, or witnesses carrying exhibits).
- 8.8 In all other cases, public transport rates apply. The public transport rate is a rate per mile calculated to be equivalent to the average cost of public transport. Thus, where the court at which a witness is required to attend is reasonably accessible by public transport, though the witness may choose to use a private motor vehicle, reimbursement is limited to the public transport cost.
- 8.9 Separate scales of standard rates and public transport rates may be provided for motor vehicles and motor-cycles.
- 8.10 **Passenger Supplement.** A passenger supplement per mile may be paid where the witness carries passengers to whom a travelling allowance would otherwise be payable. The supplement may be paid in addition to both public transport rates and standard rates.
- 8.11 **Car Parking and Congestion Fees.** Car parking and congestion fees actually and reasonably incurred may be paid, but only where the use of a private motor vehicle was necessary or otherwise reasonable, i.e. where the standard rate of mileage has been allowed.

- 8.12 **24(6): Special Circumstances**. There are two exceptions to the general rules governing payment of travelling expenses. Where, in the opinion of the court, a person is suffering from a serious illness, or where heavy exhibits have to be carried to court, an amount in excess of the normal allowances may be paid.
- 8.13 **24(7): Interpreters etc.** Travelling allowances are also payable to any interpreter or medical practitioner who provides a report otherwise than in writing for the purposes of S.30 of the Magistrates' Courts Act 1980 (now S.11 of the Powers of the Criminal Courts (Sentencing) Act 2000) who incurs expenditure in travelling to or from court or in making the report.

## **REGULATION 25: WRITTEN MEDICAL REPORTS**

- 9.1 **25(1): Allowances for Written Reports by Medical Practitioners.** A registered medical practitioner who is requested by a court to make a written medical report in pursuance of a request to which S.32(2) of the Criminal Justice Act 1967 applies in connection with:-

- (a) S.3 and Schedule 1A of the Powers of the Criminal Courts Act 1973 (as amended by S.9 of the Criminal Justice Act 1991) (probation orders with additional requirements i.e. treatment for a mental condition, treatment for drug or alcohol dependency and extension of requirements for sexual offenders), or otherwise for the purpose of determining the most suitable method of dealing with an offender;
- (b) S.37 of the Mental Health Act 1983 (hospital orders and guardianship orders);  
or
- (c) S.12(4) of the Children and Young Persons Act 1969 (supervision orders requiring treatment for mental condition)

may be paid an allowance not exceeding the maximum amount. A higher maximum is set for consultants. A separate allowance is set for reports to determine fitness for a detention centre.

- 9.2 The fees provide generally for up to two hours' work, including any travelling time. In difficult cases where more than two hours' work has necessarily been undertaken,

higher fees (but not exceeding the daily maximum) may be paid at the discretion of the appropriate officer of the court, but the appropriate officer should be satisfied that payment of a higher fee is justified. In exceptional cases, a senior medical officer of the Department of Health regional office may be consulted for advice. As the prescribed allowances are daily rates, courts have discretion to pay up to the daily maximum for each day that work was done in preparing the report, e.g. the consultant saw the offender on one day and wrote his report up on another.

- 9.3 **25(2) – Travelling Expenses.** Where a medical practitioner incurs travelling expenses in preparing a report, he may receive travelling expenses. A mileage rate is fixed where a private motor vehicle is used.
- 9.4 By virtue of Regulation 25(3), a medical officer of an institution covered by the Prison Act 1952 may not claim any of the allowances under Regulation 25.

### **PART III – FURTHER GUIDANCE**

- 10.1 **Details.** These notes are issued by the Ministry of Justice. In case of difficulty, courts are invited to contact Regional Taxing Managers for further guidance. Comments and enquiries in relation to the notes should be addressed to:-

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Legal Aid Strategy Directorate  
Criminal Remuneration Branch  
3.22 Selborne House  
54-60 Victoria Street  
London SW1E 7QW  
020 7210 8772

## APPENDIX ONE

### CURRENT ALLOWANCES PAYABLE UNDER PART V OF THE COSTS IN CRIMINAL CASES (GENERAL) REGULATIONS 1986

The maximum amounts and allowances shown are those in force at the time of publication. The date of their introduction is given. The figures should be amended from time to time as new rates are published.

#### REGULATION 18: ORDINARY WITNESS AND OTHER PERSONS FINANCIAL LOSS ALLOWANCE

<u>Period of absence</u>	<u>Maximum amount with effect from 1.6.2005</u>
Not exceeding 4 hours	£33.50
Exceeding 4 hours	£67.00

#### REGULATION 18: ORDINARY WITNESS AND OTHER PERSONS SUBSISTENCE ALLOWANCE

<u>Period of absence</u>	<u>Maximum amount with effect from 1.8.2001*</u>
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\*Changes to Overnight Allowances with effect from 1.6.2005

Not exceeding 5 hours	£2.25
Exceeding 5 hours but not exceeding 10 hours	£4.50
Over 10 hours	£9.75
Overnight Hotel – London, Birmingham, Manchester, Leeds, Liverpool or Newcastle Upon Tyne city centres	£95.00*
Overnight Hotel - elsewhere	£65.00*

\*Plus £21.00 Night Subsistence Allowance and £5.00 Personal Incidental Allowance

\*Overnight (other than at a hotel e.g. with family or friends) £25.00

#### REGULATION 19: PROFESSIONAL WITNESS ALLOWANCES

##### (a) Professional witness allowance where locum fees are not claimed

<u>Period of absence</u>	<u>Maximum amount with effect from 1.8.2001</u>
Not exceeding 2 hours	£83.50
Exceeding 2 hours but not exceeding 4 hours	£117.00
Exceeding 4 hours but not exceeding 6 hours	£174.00
Exceeding 6 hours	£234.00

**(b) Professional witness allowance where locum fees are claimed**

	<u>Maximum amount with effect from 6.5.2003</u>
Not exceeding 2 hours	£89.00
Exceeding 2 hours but not exceeding 4 hours	£125.00
Exceeding 4 hours	£250.00

**REGULATION 20: EXPERT WITNESS AND INTERPRETERS ETC ALLOWANCES**

Discretionary (see Appendix Two and paras 4.1 to 4.10)

**REGULATION 21: EXPERT AND PROFESSIONAL WITNESS AND INTERPRETERS ETC OVERNIGHT ALLOWANCES**

	<u>Maximum amount with effect from 1.6.2005</u>
Hotel - London, Birmingham, Manchester, Leeds, Liverpool or Newcastle Upon Tyne city centres	£85.25*
Hotel - elsewhere	£55.25*
*Plus £21.00 Night Subsistence Allowance and £5.00 Personal Incidental Allowance	
*Overnight (other than at a hotel e.g. with family or friends)	£25.00

**REGULATION 22: SEAMAN WITNESS ALLOWANCE**

	<u>Maximum amount with effect from 23.5.1988</u>
Loss allowance	£29.70
Maintenance allowance	At the discretion of the court, but not exceeding the sum actually and reasonably incurred.

**REGULATION 24: TRAVELLING ALLOWANCES**

(a) Public Transport Rate	<u>Rate per mile with effect from 1.8.2001</u>
Motor-cycles	25p
Motor cars	25p

(b)	Standard Rate	<u>Rate per mile with effect from 1.8.2001*</u>
*Increase to pedal-cycle allowance with effect from 1.6.2005		
	Motor-cycles	45p
	Motor cars	45p
(c)	Passenger Supplement	
	First passenger	2.0p
	Each additional passenger	1.0p
(d)	Parking Fees and Congestion Charges – fees and charges actually and reasonably incurred where the Standard Mileage Rate is paid	
(e)	Pedal-cycle	20p

**REGULATION 25: WRITTEN MEDICAL REPORTS**

		<u>Maximum amount with effect from 6.5.2003</u>
(a)	Report in pursuance of a request to which Section 32(2) of the Criminal Justice Act 1967 applies	
	Consultant	£74.80
	Other registered medical practitioner	£52.80
(b)	Higher Fees (where more than 2 hours work necessarily undertaken)	<u>Daily maximum</u>
	Consultant	£298.25
	Other registered medical practitioner	£211.00
(c)	Examination and report to determine fitness for detention centre training	
	All registered medical practitioners	£35.20

**REGULATION 25(2): REGISTERED MEDICAL PRACTITIONERS MOTOR MILEAGE ALLOWANCE**

		<u>Maximum amount with effect from 1.8.2001</u>
	Motor-cycles	45p
	Motor cars	45p

**GUIDANCE FOR TAXING/DETERMINING OFFICERS WHEN ASSESSING  
EXPERT WITNESS AND OTHER ALLOWANCES**

1. As there are no prescribed scales for the allowance for the remuneration of expert witnesses and certain other persons, the attached guidance is issued to assist taxing/determining officers by providing a point of reference on quantum for use when exercising their discretion in determining such claims.
2. The figures shown are based upon allowances made throughout England and Wales. It is intended that the information will be reviewed annually.
3. The rate bands shown cover a wide field of skill and, in some cases, a number of different skills. They provide neither a minimum nor maximum limit, merely a guide to the levels of allowances in normal circumstances. It may be appropriate, having regard to the particular circumstances of the case, to depart from the guidance scales contained herein. Such occasions will, however, arise exceptionally.
4. In exercising their discretion, taxing/determining officers are to bear in mind that each case must be considered individually. They are to take into account all the relevant circumstances surrounding the claim including such things as the work done, the status or experience of the person doing the work, and the availability of such persons in the area of the country concerned.
5. In cases of difficulty, taxing/determining officers should seek advice from their Regional Taxing Managers.

**EXPERT WITNESS**

Allowance from  
6 May 2003

1. **Consultant medical practitioner, psychiatrist, pathologist**  
Preparation (examination/report) £70 - £100 per hour  
Attendance at court (full day) £346 – 500
  2. **Fire (assessor) and/or explosives expert**  
Preparation £50 - £75 per hour  
Attendance at court (full day) £255 - £365
  3. **Forensic scientist (including questioned document examiner), surveyor, accountant, engineer, medical practitioner, architect, veterinary surgeon, meteorologist**  
Preparation £47 - £100 per hour  
Attendance at court (full day) £226 - £490
  4. **Fingerprint**  
Preparation £32 - £52 per hour  
Attendance at court (full day) £153 - £256
- From March 2007
5. **Interpreter** See paragraph 4.4.

- NOTE:
1. Crown Court determining officers are urged to read the notes for guidance on page 1 to Appendix Two before referring to the guidance figures.
  2. Fees in respect of Welsh Language interpreters are provided for in Section 24 of the Welsh Language Act 1993