
 STATUTORY INSTRUMENTS

1973 No. 922

CRIMINAL PROCEDURE, ENGLAND AND WALES
COSTS AND EXPENSES
The Witnesses' Allowances (Amendment) Regulations 1973

Made - - - 15th May 1973
Coming into Operation 11th June 1973

In exercise of the powers conferred upon me by section 12 of the Costs in Criminal Cases Act 1952(a), as amended by section 52 of, and Schedule 5 to, the Criminal Appeal Act 1968(b), and by section 51 of, and Schedule 6 to, the Courts Act 1971(c), I hereby make the following Regulations:—

1. These Regulations may be cited as the Witnesses' Allowances (Amendment) Regulations 1973 and shall come into operation on 11th June 1973.

2. For Regulation 7 of the Witnesses' Allowances Regulations 1971(d), as amended(e), there shall be substituted the following Regulation:—

“7. 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—

(a) incurs any expenditure (other than on travelling, lodging or subsistence) to which he would not otherwise be subject, or

(b) suffers any loss of earnings, or of benefit under the enactments relating to National Insurance, which he would otherwise have received,

a loss allowance not exceeding £4.75 a day in respect of that expense or loss:

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 £2.375 unless he necessarily loses more than half a day's remuneration or the expense necessarily incurred exceeds £2.375.”.

3. Regulation 8 of the said Regulations shall be amended by the substitution of the words “57p”, “£1.25”, “£2.20”, “£3.12”, “£3.75”, “£8.00” and “75p” for the words “45p”, “95p”, “£1.75”, “£2.50”, “£2.95”, “£5.50” and “50p” respectively.

4. Regulation 9 of the said Regulations shall be amended by the substitution of the words “£5.80” and “75p” for the words “£3.75” and “50p” respectively.

5. Regulation 11 of the said Regulations shall be amended by the substitution for paragraph (3) of the following paragraphs:—

(a) 1952 c.48.

(b) 1968 c.19.

(c) 1971 c.23.

(d) S.I. 1971/107 (1971 I, p.195).

(e) S.I. 1971/1259, 1972/49, (1971 II, p. 3624; 1972 I, p. 124).

“(3) Subject to paragraph (3A) below, 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-cycle, a sum not exceeding—

(i) in the case of a motor-cycle of engine capacity not exceeding 150 c.c., 1·2p a mile each way;

(ii) in the case of a motor-cycle of engine capacity exceeding 150 c.c. but not exceeding 245 c.c., 1·8p a mile each way;

(iii) in the case of a motor-cycle of engine capacity exceeding 245 c.c., 2·2p a mile each way;

(b) in any case where the witness travels by motor car and the court is satisfied that the use of the motor car results in a substantial saving of time or is otherwise reasonable, a sum not exceeding—

(i) in the case of a motor car of engine capacity not exceeding 1000 c.c., 4·1p a mile each way;

(ii) in the case of a motor car of engine capacity exceeding 1000 c.c. but not exceeding 1750 c.c., 5·1p a mile each way;

(iii) in the case of a motor car of engine capacity exceeding 1750 c.c., 5·6p a mile each way; and

(c) in any other case a sum not exceeding 2·6p a mile each way.

(3A) The rates specified in paragraph (3) above shall be increased—

(a) by a supplement of 0·5p a mile for each passenger carried and to whom an allowance would otherwise have been payable under this Regulation;

(b) by the amount of any expenditure necessarily incurred on parking fees, provided the use of the motor car results in a substantial saving of time, or is otherwise reasonable.”.

Robert Carr,

One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
15th May 1973.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for an increase in subsistence and travelling allowances payable to witnesses under the Costs in Criminal Cases Act 1952; in particular they provide for the payment of motor car parking fees and for allowances for travel by motor-cycle.

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