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STATUTORY INSTRUMENTS

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**2008 No. 1863**

The Serious Crime Act 2007 (Appeals  
under Section 24) Order 2008

PART 3

Costs of appeals in the Court of Appeal: England and Wales

CHAPTER 5

Costs of witnesses etc: procedure

**Witnesses other than professional or expert witnesses**

**33.**—(1) A witness (other than a witness to whom article 34 or 35 applies) may be allowed—

- (a) a loss allowance not exceeding the relevant amount in respect of—
  - (i) any expenditure incurred (other than on travelling, lodging or subsistence) to which the witness would not otherwise be subject; or
  - (ii) any loss of earnings or of benefit under the enactments relating to National Insurance; and
- (b) a subsistence allowance not exceeding the relevant amount.

(2) Any other person who in the opinion of the Court of Appeal necessarily attends for the purpose of any proceedings otherwise than to give evidence may be allowed the same allowances under paragraph (1) as if that person attended as a witness other than a professional or expert witness.

(3) Paragraph (2) shall not apply to—

- (a) a member of a police force attending the Court of Appeal in the member's capacity as such;
- (b) a full-time officer of an institution to which the Prison Act 1952 applies attending the Court of Appeal in the officer's capacity as such; or
- (c) a prisoner in respect of any occasion on which the prisoner is conveyed to the Court of Appeal in custody.