

SCHEDULE

Rule 6

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Amounts payable in connection with the attendance of witnesses, etc.

**PART 1**

**SUBSISTENCE ALLOWANCES**

**Day subsistence**

1. Where a witness, other than a professional or expert witness, has been necessarily absent from his or her place of residence, business or employment for the purpose of attending as a witness, and for a period not including an overnight absence, the following allowances are payable:

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Attendance lasting up to five hours	£2.25
Attendance lasting between five hours and ten hours	£4.50
Attendance lasting over ten hours	£9.75

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**Overnight allowance**

2. Where a witness has been necessarily absent from his or her place of residence overnight for the purpose of attending as a witness, and has stayed in a hotel because he or she could not otherwise get to court in time in the morning or get home on the same day, the following allowances are payable:

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Attendance overnight in Belfast (ordinary witness)	£95.00 per night
Attendance overnight in Belfast (professional or expert witness)	£85.25 per night
Attendance overnight elsewhere (ordinary witness)	£65.00 per night
Attendance overnight elsewhere (professional or expert witness)	£55.25 per night

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**Night subsistence allowance**

3. Where a witness, other than a professional or expert witness, has been necessarily absent from his or her place of residence overnight for the purpose of attending as a witness, and has stayed with family or friends because he or she could not otherwise get to court in time in the morning or get home on the same day, an allowance of £25.00 per night is payable.

**PART 2**

**TRAVEL COSTS**

4. Where a witness has travelled to and from court, the following rates are payable—
- full reimbursement of rail, bus and coach fares at standard class rates;
  - where it is necessary for an expert witness to undertake preparation for court on a train, a first-class rail fare;
  - in respect of a private car—

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- (i) a rate of 25p per mile; and
- (ii) in respect of another witness or person authorised to come to court with the witness, and who travels in the witness’s car, a rate of 2p per mile for the first passenger and 1p per mile for every other passenger; or
- (iii) where the court considers it reasonable that it was necessary to use private transport instead of public transport, a rate of 45p per mile;
- (d) if the witness was a passenger in another person’s private car, and the driver was not a witness or person authorised to come to court with the witness; the rate under sub-paragraph (c)(i) or (c)(iii) as applicable;
- (e) in respect of a private motorcycle—
  - (i) a rate of 23.8p per mile;
  - (ii) if it can be shown that it was necessary to use private transport instead of public transport, a rate of 25.4p per mile;
- (f) in respect of a bicycle, a rate of 20p per mile;
- (g) in respect of parking, where payment is made under sub-paragraph (c)(iii) or (e)(ii), full reimbursement;
- (h) in the event of an emergency, or where the witness is ill, disabled or elderly, or where there is no other available method of transport, and the court considers it reasonable, full reimbursement of the cost of taxi fares or other hired vehicles, including any reasonable tips;
- (i) where the court considers it reasonable, the economy-class fare in respect of another form of transport, including air and sea transport.

### PART 3

#### LOSS OF EARNINGS

##### **Employed persons (ordinary witnesses)**

5. If an employed witness, other than a professional or expert witness, loses pay while taking time off work to attend court, the following allowances are payable:

For an absence of work up to four hours	£33.50
For an absence of work of over four hours	£67.00

##### **Self-employed persons (ordinary witnesses)**

6. If a self-employed witness, other than a professional or expert witness, loses earnings while taking time off work to attend court, the following allowances are payable:

For an absence of work up to four hours	£42.95
For an absence of work of over four hours	£85.90

### **Compensatory allowance (professional witnesses)**

7. Where a professional witness attends court, and is not entitled to payment under paragraph 12, the following allowances are payable:

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For an absence from the witness's practice or home of up to two hours	£83.50
For an absence from the witness's practice or home of between two and four hours	£117.00
For an absence from the witness's practice or home of between four and six hours	£174.00
For an absence from the witness's practice or home of more than six hours	£234.00

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8. A sum that the court considers to be reasonable may be paid in respect of other fees paid to professional witnesses.

### **Costs of employing a person to cover absence, a locum or childcare costs**

9. If a witness, other than a professional or expert witness, employs a person to work or act in his or her absence while the witness is at court, a sum is payable up to a maximum of £67.00 per day.

10. If an allowance under paragraph 5 or 6 is payable, payment under paragraph 9 may only be made where the court considers it to be necessary and reasonable.

11. If a witness pays for childcare costs while he or she is at court, a sum that the court considers to be reasonable is payable up to a maximum of £67.00 per day.

12. If a professional witness employs a locum to work or act in his or her absence while the witness is at court, the following allowances are payable:

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For an absence from the witness's practice of up to two hours	£89.00
For an absence from the witness's practice of between two and four hours	£125.00
Where the court considers it reasonable, for an absence from the witness's practice of more than four hours	£234.00

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## **PART 4**

### **OTHER COSTS**

13. Where a witness, other than a professional or expert witness, incurs other costs which the court considers to be reasonable, a sum up to a maximum of £67.00 per day is payable.

## **PART 5**

### **EXPERT WITNESS FEES**

14. A sum that the court considers to be reasonable may be paid in respect of fees paid to expert witnesses.”