

1975 No. 1090

CORONERS

EXPENSES

The Coroners (Fees and Allowances) Rules 1975

Made - - - - - 27th June 1975

Coming into Operation 14th July 1975

In exercise of the powers conferred upon me by section 1(1) of the Coroners Act 1954(a), I hereby make the following Rules:—

1. These Rules may be cited as the Coroners (Fees and Allowances) Rules 1975 and shall come into operation on 14th July 1975.

2.—(1) In these Rules any reference to a witness includes a reference to a person summoned as a witness.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament, and section 38(2) of that Act shall apply as if these Rules were an Act of Parliament and the Rules revoked by these Rules were enactments repealed thereby.

3. The Rules specified in the Schedule to these Rules are hereby revoked.

4.—(1) A medical practitioner who makes a post-mortem examination of a body by the coroner's direction or at the coroner's request and reports the result thereof to the coroner and who is not a witness at an inquest on that body shall be paid—

(a) if the examination in the opinion of the coroner requires special expertise on the part of the medical practitioner by reason of the circumstances of the death or otherwise involves additional time or responsibility on the part of the medical practitioner, a fee of £35.29;

(b) in the case of any other examination, a fee of £12.61.

(2) A medical practitioner who makes a post-mortem examination of a body by the coroner's direction or at the coroner's request and reports the result thereof to the coroner and who is a witness at an inquest on that body shall be paid—

(a) 1954 c. 31.

(b) 1889 c. 63.

(a) in respect of the examination and of the first day on which he attends to give evidence at the inquest—

(i) if the examination in the opinion of the coroner requires special expertise on the part of the medical practitioner by reason of the circumstances of the death or otherwise involves additional time or responsibility on the part of the medical practitioner, a fee of £42·85;

(ii) in the case of any other examination, a fee of £20·17;

(b) in respect of each day on which he attends to give evidence at the inquest after the said first day, a further fee of £10·08:

Provided that if he attends to give evidence at more than one inquest held on the same day on the bodies of persons whose deaths appear to have been caused by the same accident or occurrence, he shall be paid a fee of £12·61 in respect of the post-mortem examination of each such body made by him and in addition a fee of £10·08 in respect of each day on which he attends to give evidence at such inquests.

(3) A medical practitioner who travels to or from a place in connection with a post-mortem examination of a body made by the coroner's direction or at the coroner's request may, in addition to any fee paid to him under the preceding paragraphs of this Rule, be paid in respect of the journey—

(a) if he travels by railway or other public conveyance, the fare actually paid;

(b) if he travels by any other means, an allowance at the rate of 7·8p a mile for each mile of the journey to or from such place:

Provided that no payment shall be made under this paragraph if in respect of such journey any payment may be made under Rule 10 of these Rules.

(4) A medical practitioner who is a witness at an inquest shall, for attending to give professional evidence otherwise than in connection with a post-mortem examination made by him by the coroner's direction or at the coroner's request, be paid a fee of £10·08 for each day on which he attends to give evidence at that inquest:

Provided that if he attends to give evidence at more than one inquest held on the same day, he shall be paid a fee of £6·25 in respect of his attendance at each inquest held on that day other than the first.

5. A witness practising as a member of the legal professions or as a dentist or veterinary surgeon may, for attending to give professional evidence whether at one or more inquests, be paid a professional witness allowance, not exceeding £20·17 a day:

Provided that if the witness attends on any day to give evidence at one inquest only and the period during which he is necessarily absent from his place of residence or practice to attend as aforesaid does not exceed four hours his professional witness allowance shall not exceed £10·08, unless he necessarily incurs expense in the provision for the occasion of a person to take care of his practice during his absence.

6. An expert witness at an inquest may, for attending to give expert evidence and for work in connection with its preparation, be paid an expert witness allowance of such amount as the coroner may consider reasonable having regard to the nature and difficulty of the case and the work necessarily involved.

7. A witness at an inquest to whom the preceding Rules do not apply, who attends to give evidence whether at one or more inquests and thereby—

(a) necessarily 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,

may be paid a loss allowance not exceeding £6·70 a day in respect of that loss or expense:

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 £3·35 unless he necessarily loses more than half a day's remuneration or the expense necessarily incurred exceeds £3·35.

8.—(1) A witness at an inquest (other than a witness who receives a fee or allowance under Rules 4 to 6 of these Rules) who attends to give evidence, whether at one or more inquests, may be paid a subsistence allowance not exceeding an amount calculated in accordance with paragraphs (2) and (3) of this Rule.

(2) In respect of any period other than a period in respect of which a subsistence allowance is payable under paragraph (3) of this Rule, 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, 75p in respect of that day;

(b) if the said period on any one day exceeds four hours but does not exceed eight hours, £1·65 in respect of that day;

(c) if the said period on any one day exceeds eight hours but does not exceed twelve hours, £2·90 in respect of that day;

(d) if the said period on any one day exceeds twelve hours but does not exceed sixteen hours, £4·10 in respect of that day;

(e) if the said period on any one day exceeds sixteen hours, £4·90 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 £10·40 in respect of each period of twenty-four hours or fraction thereof during which he is so absent overnight:

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 he may be paid a supplementary allowance not exceeding £1 a night.

9. A witness at an inquest, who receives a fee or allowance under Rules 4 to 6 of these Rules and is necessarily absent from his place of residence overnight for the purpose of attending as a witness may be paid a night allowance not exceeding £7·50 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 he may be paid a supplementary allowance not exceeding £1 a night.

10.—(1) Where a witness travels to or from an inquest by railway or other public conveyance, he may be paid in respect thereof the fare actually paid:

Provided that, unless for a special reason the coroner otherwise directs, only second class fare shall be allowed for travel by railway.

(2) Where a witness at an inquest travels to or from the inquest by a hired vehicle, he may be paid in respect thereof—

- (a)** in a case of urgency or where no public service is available, the amount of the fare and any reasonable gratuity paid; and
- (b)** in any other case, the amount of the fare for travel by the appropriate public services.

(3) Subject to paragraph (4) below, where a witness at an inquest travels to or from the inquest by a private conveyance he may be paid 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., 1·8p a mile each way;
 - (ii)** in the case of a motor-cycle of engine capacity exceeding 150 c.c. but not exceeding 244 c.c., 2·3p a mile each way;
 - (iii)** in the case of a motor-cycle of engine capacity exceeding 244 c.c. but not exceeding 500 c.c., 3·1p a mile each way;
 - (iv)** in the case of a motor-cycle of engine capacity exceeding 500 c.c., 3·1p a mile each way, except where the coroner is satisfied that the use of the motor-cycle results in a substantial saving of time or is otherwise reasonable, in which case the allowance shall be a sum not exceeding 3·9p a mile each way; and
- (b)** in any case where the witness travels by motor car, a sum not exceeding 3·1p a mile each way, except where the coroner is satisfied that the use of the motor car results in a substantial saving of time or is otherwise reasonable, in which case the allowance shall be a sum not exceeding—
 - (i)** in the case of a motor car of engine capacity not exceeding 1000 c.c., 6·5p 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., 7·8p a mile each way;

(iii) in the case of a motor car of engine capacity exceeding 1750 c.c., 8·5p a mile each way.

(4) 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 Rule;

(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.

(5) There may be paid—

(a) in respect of his travelling expenses to a witness at an inquest who, in the opinion of the coroner, is suffering from a serious illness, or

(b) in respect of the carriage of heavy exhibits,

such sums, in excess of the sums payable under the preceding paragraphs of this Rule, as appear to the coroner to have been reasonably incurred.

11. Notwithstanding anything contained in the preceding Rules no sum shall be paid under these Rules in respect of—

(a) a member of a police force attending an inquest in his capacity as such;

(b) a whole-time officer of an institution to which the Prison Act 1952(a) applies attending an inquest in his capacity as such;

(c) a person produced at an inquest in custody;

(d) a coroner's officer attending an inquest in his capacity as such.

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

Home Office,
Whitehall.

27th June 1975.

SCHEDULE
RULES REVOKED

Rule 3

Rules	References
The Coroners (Fees and Allowances) Rules 1971	S.I. 1971/108 (1971 I, p. 200)
The Coroners (Fees and Allowances) (Amendment) Rules 1971	S.I. 1971/1260 (1971 II, p. 3625)
The Coroners (Fees and Allowances) (Amendment) Rules 1972	S.I. 1972/980 (1972 II, p. 3061)
The Coroners (Fees and Allowances) (Amendment) Rules 1973	S.I. 1973/921 (1973 II, p. 2795)
The Coroners (Fees and Allowances) (Amendment) (No. 2) Rules 1973	S.I. 1973/1173 (1973 II, p. 3550)
The Coroners (Fees and Allowances) (Amendment) (No. 3) Rules 1973	S.I. 1973/1899 (1973 III, p. 6585)
The Coroners (Fees and Allowances) (Amendment) Rules 1974	S.I. 1974/936 (1974 II, p. 3570)
The Coroners (Fees and Allowances) (Amendment) (No. 2) Rules 1974	S.I. 1974/1581 (1974 III, p. 5936)
The Coroners (Fees and Allowances) (Amendment) (No. 3) Rules 1974	S.I. 1974/2178 (1974 III, p. 8567)

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules consolidate with amendments the Rules specified in the Schedule, which relate to the fees and allowances payable for performing post-mortem examinations and attending as witnesses at inquests. The main amendments are as follows:—

- (a) an increased fee is payable for a post-mortem examination requiring special expertise on the part of a medical practitioner (Rule 4(1), (2));
- (b) the travelling allowance is increased (Rules 4(3), 10(3));
- (c) the allowance for giving professional evidence is increased (Rules 4(4), 5);
- (d) the subsistence allowance is increased (Rule 8(2), (3));
- (e) the overnight allowance is increased (Rule 9).

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