

Home Office Circular No. 56/1999



Increases In Financial Loss Allowances For Jurors And Ordinary Witnesses, In Fees For Professional Witnesses In Coroners' Courts, And In Fees For Coroners' Post-Mortems

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The Coroner
The Chief Executive, County Councils in England
The Chief Executive, Metropolitan Districts
The Chief Executive, London Boroughs
The Chief Executive, relevant Unitary Authorities

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Increases In Financial Loss Allowances For Jurors And Ordinary Witnesses, In Fees For Professional Witnesses In Coroners' Courts, And In Fees For Coroners' Post-Mortems

1. The Secretary of State, with the consent of the Treasury, and following consultation with the Local Government Association, has exercised the powers of Section 24 of the Coroners act 1988 to increase the following fees from 1 January 2000.

Jurors And Ordinary Witnesses

Financial Loss allowance

Where a juror or witness, in consequence of his attendance at an inquest, has incurred any expenditure to which he would not otherwise be subject, or any loss of earnings, or of social security benefits, which he would otherwise have received, he may be paid a sum not exceeding:

	Rate
(i) where the period of time over which earnings or benefits are lost on any one day does not exceed 4 hours:	£27.25
(ii) where the said period of time exceeds 4 hours:	£54.50

OR

(iii) the full amount lost, if less than (i) or (ii) above, as appropriate

Note

Abnormally long inquests

Where an inquest is unusually long, the financial loss allowance payable to jurors may be increased, at the discretion of the coroner, to a maximum of twice the above rates, after the first 10 days of absence.

Professional Witnesses Allowances

Either

(a) Where a witness practising as a member of the medical or legal profession or as a dentist or veterinary surgeon attends to give professional evidence on any one day and does not employ a person to take care of his practice during his absence the maximum fee payable is as follows:

	Rate
(i) attendance necessitating an absence from place of residence or practice of up to 2 hours:	£58.85
(ii) attendance necessitating an absence of 2-4 hours:	£88.15
(iii) attendance necessitating an absence of 4-6 hours:	£132.20
(iv) attendance necessitating an absence of over 6 hours:	£176.20

Or

(b) If the witness necessarily incurs expense in the provision of a person to take care of his practice during his absence, the maximum allowance payable is as follows:

(i) absence of up to 4 hours:	£88.15
(ii) absence over 4 hours:	£176.20

(In those cases where a locum is necessarily employed and it is not possible or practicable to employ the locum for only half a day, the full reimbursement of the costs of the locum should be made, subject to the maximum of £176.20 per day. Such payment is instead of, not in addition to, the fee otherwise payable; proof of the expense incurred in connection with such a claim should be provided).

Fees For Coroners' Post Mortem Examinations

a) <u>Post-mortem examination</u> For making a post-mortem examination and reporting the result to the coroner	£78.60
b) <u>Post Mortem Examinations involving additional skills</u> For making a post-mortem examination involving additional skills and reporting the result to the coroner	£219.75

2. The new rates come into effect on 1 January 2000. A new schedule of fees is attached.

3. Extra copies of this circular are attached, in the case of the coroner for the information of his or her deputy and assistant deputy and in the case of the Chief Executive for the Council's chief financial officer.

4. Any enquiries about this circular should be made to: Ms S Bruce, Coroners Section, Room 972, at the above address (telephone 020 7 273 2888).

Rick Evans
Head of Animals, Byelaws & Coroners Unit

Schedule : Allowances to Jurors and Witnesses in Coroners' Courts

Note

No allowance is payable under these arrangements to:

- (a) a member of the police force attending an inquest in his official capacity;
- (b) a whole-time officer of an institution to which the Prison Act 1952 applies, attending an inquest in his official capacity;
- (c) a person produced at an inquest in custody;
- (d) a coroner's officer attending an inquest in his official capacity.

1. Jurors and Ordinary Witnesses

(a) Subsistence allowance

Where a juror or witness is necessarily absent from his place of residence, business or employment for the purpose of serving as a juror or attending to give evidence on any one day for a period:

	Rate	Effective from
(i) up to 5 hours	£2.10	13.12.93
(ii) 5 to 10 hours	£4.25	13.12.93
(iii) over 10 hours	£9.30	13.12.93

(b) Overnight allowance

Where a juror or witness is necessarily absent from his place of residence overnight for purpose of serving as a juror or attending to give evidence, the subsistence allowance in respect of each period of 24 hours or fraction thereof during which he is absent overnight shall not exceed:

	Rate	Effective from
(i) within 5 miles of Charing Cross	£68.50	25.10.91
(ii) elsewhere	£63.15	25.10.91

(c) Financial loss allowance

Where a juror or witness, in consequence of his attendance at an inquest, has incurred any expenditure to which he would not otherwise be subject, or any loss of earnings, or of social security benefits, which he would otherwise have received, he may be paid a sum not exceeding:

	Rate	Effective from
(i) where the period of time over which earnings or benefits are lost on any one day does not exceed 4 hours:	£27.25	1.1.00
(ii) where the said period of time exceeds 4 hours:	£54.50	1.1.00
Or		
(iii) the full amount lost, if less than (i) or (ii) above, as appropriate.		

Note

Abnormally long inquests

Where an inquest is unusually long, the financial loss allowance payable to jurors may be increased, at the discretion of the coroner, to a maximum of twice the above rates, after the first 10 days attendance.

2. Professional Witnesses

Professional witness allowance

Either

(a) Where a witness practising as a member of the medical or legal profession or as a dentist or veterinary surgeon attends to give professional evidence on any one day and does not employ a person to take care of his practice during his absence the maximum fee payable is as follows:

	Rate	Effective from
(i) attendance necessitating an absence from place of residence or practice of up to 2 hours:	£56.05	1.1.00
(ii) attendance necessitating an absence of 2-4 hours:	£88.15	1.1.00
(iii) attendance necessitating an absence of 4-6 hours:	£132.20	1.1.00
(iv) attendance necessitating an absence of over 6 hours:	£176.20	1.1.00

Or

(b) If the witness necessarily incurs expense in the provision of a person to take care of his practice during his absence, the maximum allowance payable is as follows:

Rate	Effective from
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(i) absence of up to 4 hours:	£88.15	1.1.00
(ii) absence over 4 hours:	£176.20	1.1.00

(In those cases where a locum is necessarily employed and it is not possible or practicable to employ the locum for only half a day, the full reimbursement of the costs of the locum should be made, subject to the maximum of £176.20 per day. Such payment is instead of, not in addition to, the fee otherwise payable; proof of the expense incurred in connection with such a claim should be provided).

Overnight allowance

(c) Where a professional witness is necessarily absent from his place of residence overnight for the purpose of attending to give evidence, an allowance in respect of each such night not exceeding:

	Rate	Effective from
(i) within 5 miles of Charing Cross:	£59.90	25.10.91
(ii) elsewhere:	£54.55	25.10.91

3. Expert Witnesses

(a) Expert witness allowance

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.

(b) Overnight allowance

Where an expert witness is necessarily absent from his place of residence overnight for the purpose of attending to give evidence, an overnight allowance in respect of each such night not exceeding:

	Rate	Effective from
(i) within 5 miles of Charing Cross:	£59.90	25.10.91
(ii) elsewhere:	£54.55	25.10.91

4. Post Mortem Fees

(a) Post-mortem examination

	Rate	Effective from
For making a post-mortem examination and reporting the result to the coroner:	£78.60	1.1.00

(b) Post-mortem examination involving additional skills

	Rate	Effective from
For making a post-mortem examination and involving additional skills and reporting the result to the coroner	£219.75	1.1.00

Note

Post-mortem examinations involving additional skills

The Home Secretary understands that some post-mortem examinations, which form a very small proportion of the total ordered by coroners, require special skills, additional work, and responsibility beyond that expected in a normal or "routine" case. The cases requiring a post-mortem examination of this type are usually those involving suspected homicide, road or other accidents likely to lead to serious criminal charges, deaths during anaesthesia and deaths involving, or likely to involve, allegations against the medical profession or another third party. Among the criteria that distinguish this type of examination from that in a "routine" case are:

- (i) the added responsibility carried by the pathologist, for example in relation to possible criminal proceedings arising from his findings;
- (ii) the frequent requirement for the pathologist to travel long distances at any time of the day or night at short notice to make a preliminary examination of the body and to wait while photographs are taken before the body can be removed to the mortuary for the autopsy; and
- (iii) the need for special tests involving liaison with, for example, bacteriologists. As a consequence of the protraction of the investigation the pathologist may suffer a loss of other work.

It is, however, difficult to define cases by reference to criteria of this kind, and any attempt to list the type of case likely to require a post-mortem examination involving additional skills would be unlikely to be comprehensive. The Home Secretary therefore concluded that the decision whether a particular case is potentially one requiring a post-mortem examination involving additional skills must be a matter for the coroner's discretion. (It should be noted that where they are applicable, these rates are payable without reference to any fee the pathologist may be entitled to receive from other sources for assistance given to the police.)

(c) Travelling allowances

	Rate	Effective from
(i) in respect of travel by private conveyance to or from a post mortem examination, per mile each way:		
Motor cars - engine capacity:		
Up to 1500 cc		
- up to 5,000 miles	35.7p	25.6.91
- over 5,000 miles	17.0p	12.1.93
1501 cc - 2000 cc		
- up to 5,000 miles	40.0p	12.1.93
- over 5,000 miles	21.0p	12.1.93
Over 2000 cc		
- up to 5,000 miles	43.0p	12.1.93
- over 5,000 miles	27.0p	12.1.93

(ii) in respect of travel to and from an inquest for the purpose of attending to give evidence. (see paragraph 5 below)

5. Travelling Allowances for all Jurors and Witnesses

a. Where a witness or juror travels to and from an inquest by public conveyance: the fare actually paid (in the case of travel by railway, the second class fare only, unless for a special reason the coroner otherwise dictates).

b. Where a witness or juror travels to and from an inquest by hired vehicle:

i. in case of urgency where no public service vehicle is available: the amount of fare paid plus any reasonable gratuity paid.

ii. in any other case the amount of the fare for the journey by the appropriate public services.

c. Where a witness or juror travels to and from an inquest by private conveyance an allowance per mile each way be paid as follows:

	Rate	Effective from
i. <u>Motor cycles</u>		
(a) Public transport rate	23.8p	8.5.95
(b) Standard rate	25.4p	8.5.95
ii. <u>Motor cars</u>		
(a) Public transport rate	23.8p	8.5.95
(b) Standard rate	36.0p	8.5.95

Notes

Public transport rate is payable when the coroner is not satisfied that the use of a motor cycle or motor car results in a substantial saving of time or is otherwise reasonable. Standard rate is payable if the coroner is so satisfied.

The allowance in (ii) above to be increased by 2p per mile each way in respect of the first passenger carried to whom an allowance would otherwise have been payable for travel to and from an inquest, and by an additional 1p per mile each additional passenger so carried.

Where the use of a motor car results in a substantial saving of time or is otherwise reasonable, the allowance in (ii) above may be increased by the amount of any expenditure necessarily incurred on parking fees.

d. Where a witness at an inquest is, in the opinion of the coroner, suffering from a serious illness, or where it is necessary to carry heavy exhibits, such sums as in the opinion of the coroner have been reasonably incurred may be paid.
