



Jersey

**COSTS IN CRIMINAL CASES (WITNESSES'
ALLOWANCES) (JERSEY)
REGULATIONS 1973**

Official Consolidated Version

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THE STATES, in pursuance of Article 6 of the [Costs in Criminal Cases \(Jersey\) Law 1961](#), have made the following Regulations –

Commencement [[see endnotes](#)]

1 Interpretation and application

- (1) In these Regulations “witness” means a person properly attending to give evidence, whether or not the person gives evidence.
- (2) These Regulations shall apply to costs payable out of public funds under the [Costs in Criminal Cases \(Jersey\) Law 1961](#).

2 Professional witness allowance

There may be allowed in respect of a witness for attending to give professional evidence, whether in one or more cases, a professional witness allowance at a rate not exceeding £196 a day:

Provided that if the witness attends on any day to give evidence in one case only and the period during which the witness is necessarily absent from the witness's place of residence or practice does not exceed 4 hours, the professional witness allowance shall not exceed £98, unless the witness necessarily incurs expense in the provision of a person to take care of the witness's practice during his or her absence.¹

3 Expert witness allowance

There may be allowed in respect of an expert witness for attending to give expert evidence and for work in connection with its preparation an expert witness allowance of such amount as the Judicial Greffier may consider reasonable having regard to the nature and difficulty of the case and the work necessarily involved.

4 Loss allowance

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 loses remuneration or necessarily incurs expense (other than expense on account of travelling, lodging or subsistence) to which the witness would not otherwise have been subject, a loss allowance not exceeding £84 a day in respect of that loss or expense:

Provided that if the period during which the witness is necessarily absent from the witness's place of residence, business or employment to attend as aforesaid does not exceed 4 hours, the witness's loss allowance shall not exceed £42 unless the witness necessarily loses more than half a day's remuneration or the expense necessarily incurred exceeds £42.²

5 Subsistence allowance

There may be allowed in respect of a witness (other than a witness who receives an allowance under Regulation 2 or 3 of these Regulations) who attends to give evidence, whether in one or more cases, a subsistence allowance at a rate not exceeding –

- (a) £3.80 a day, if the period on any one day during which the witness is necessarily absent from his or her place of residence, business or employment to attend as aforesaid does not exceed 4 hours;
- (b) £7.60 a day, if the said period on any one day exceeds 4 hours but does not exceed 8 hours;
- (c) £15.20 a day, if the said period on any one day exceeds 8 hours.³

6 Night allowance

There may be allowed in respect of a witness, who is necessarily absent from his or her place of residence overnight in order to attend as a witness, a night allowance not exceeding the expense reasonably incurred for board and lodging for that night or a sum of £84 a night, whichever is the less.⁴

7 Travelling allowance

- (1) There may be allowed in respect of a witness, who travels to or from Jersey, the fare actually paid:

Provided that –

- (a) unless the Judicial Greffier for a special reason otherwise directs, only second class fare shall be allowed for travel by railway;
 - (b) if a return ticket is available for the journey, only the cost of a return ticket shall be allowed;
 - (c) no allowance shall be made in respect of a journey exceeding 5 miles by a hired vehicle in any case where public transport is readily available.
- (2) There may be allowed in respect of a witness, who travels within Jersey to or from court by public transport, the fare actually paid.
 - (3) There may be allowed in respect of a witness, who necessarily travels within Jersey to or from court by a hired vehicle in any case where public transport is not

available, the sum actually paid for the hire of the vehicle or an allowance at the rate of £3 a mile each day, whichever is the less.⁵

- (4) There may be allowed such sums in excess of the sums allowable under paragraphs (1), (2) and (3) as are reasonably incurred in respect of the travelling expenses of a witness who is suffering from a serious illness and also in respect of the carriage of heavy exhibits.

8 Interpreter's allowance

There may be allowed in respect of a person, who is employed as an interpreter, such sum as the Judicial Greffier may consider reasonable.

9 Additional allowance

There may be allowed in respect of any person who, in the opinion of the Judicial Greffier, necessarily attends court for the purpose of a prosecution otherwise than to give evidence, the same allowance as a witness who has attended to give evidence other than professional or expert evidence.

10 Exceptions

Notwithstanding anything contained in the preceding provisions of these Regulations, no allowance shall be payable in respect of –

- (a) a police officer attending court in his or her capacity as such;
- (b) a prison officer attending court in his or her capacity as such;
- (c) a prisoner produced in court in custody.

11 Citation

These Regulations may be cited as the Costs in Criminal Cases (Witnesses' Allowances) (Jersey) Regulations 1973.

ENDNOTES

Table of Legislation History

Legislation	Year and Number	Commencement
Costs in Criminal Cases (Witnesses' Allowances) (Jersey) Regulations 1973	R&O.5790	21 February 1973
Costs in Criminal Cases (Witnesses' Allowances) (Amendment) (Jersey) Regulations 1978	R&O.6523	12 April 1978
Costs in Criminal Cases (Witnesses' Allowances) (Amendment) (Jersey) Regulations 1989	R&O.7889	15 March 1989
Costs in Criminal Cases (Witnesses' Allowances) (Amendment No. 3) (Jersey) Regulations 1993	R&O.8561	28 July 1993
Costs in Criminal Cases (Witnesses' Allowances) (Amendment No. 4) (Jersey) Regulations 1999	R&O.9370	17 March 1999
Costs in Criminal Cases (Witnesses' Allowances) (Amendment No. 5) (Jersey) Regulations 2001	R&O.103/2001	5 July 2001
Costs in Criminal Cases (Witnesses' Allowances) (Amendment No. 6) (Jersey) Regulations 2003	R&O.94/2003	1 October 2003

Table of Renumbered Provisions

Original	Current
7	repealed by R&O.7889
8(1) proviso (i)	7(1) proviso (a)
(ii)	(b)
(iii)	(c)
9	8
10	9
11	10
12	11

Table of Endnote References

- ¹ Regulation 2 amended by [R&O.6523](#), [R&O.7889](#), [R&O.8561](#), [R&O.9370](#), [R&O.103/2001](#), [R&O.94/2003](#)
- ² Regulation 4 amended by [R&O.6523](#), [R&O.7889](#), [R&O.8561](#), [R&O.9370](#), [R&O.103/2001](#), [R&O.94/2003](#)
- ³ Regulation 5 amended by [R&O.6523](#), [R&O.7889](#), [R&O.8561](#), [R&O.9370](#), [R&O.103/2001](#), [R&O.94/2003](#)

⁴ *Regulation 6* amended by *R&O.6523, R&O.7889, R&O.8561, R&O.9370, R&O.103/2001, R&O.94/2003*

⁵ *Regulation 7(3)* amended by *R&O.6523, R&O.7889, R&O.8561, R&O.9370, R&O.103/2001*