

2013 No. 1615

CORONERS, ENGLAND AND WALES

The Coroners Allowances, Fees and Expenses Regulations 2013

<i>Made</i> - - - -	<i>2nd July 2013</i>
<i>Laid before Parliament</i>	<i>4th July 2013</i>
<i>Coming into force</i> - -	<i>25th July 2013</i>

The Lord Chancellor, in exercise of the powers conferred by section 34 of, and Schedule 7 to, the Coroners and Justice Act 2009(a), and with the agreement of the Lord Chief Justice makes the following Regulations:

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Coroners Allowances, Fees and Expenses Regulations 2013 and shall come into force on 25th July 2013.

Interpretation

2. In these Regulations—

“copy” means in relation to a document, anything on which information recorded in a document has been copied, by whatever means and whether directly or indirectly;

“coroner” means:

- (a) a senior coroner, area coroner or assistant coroner;
- (b) the Chief Coroner when conducting an investigation under paragraph 1 of Schedule 10 to the Coroners and Justice Act 2009; and
- (c) a judge, former judge or former coroner conducting an investigation under paragraph 3 of Schedule 10 to the Coroners and Justice Act 2009,

unless a provision of these Regulations specifically provides otherwise;

“document” means any medium in which information of any description is recorded or stored;

“expert witness” means a person of any calling, profession or trade who gives evidence at an inquest because of his or her expertise, other than a professional witness;

“ordinary witness” means any person who gives evidence at an inquest and is not an expert or professional witness;

“professional witness” means any person who is practising as a member of the medical profession or as a dentist who gives medical evidence at an inquest;

“relevant authority” means the local authority designated as such in accordance with the Coroners and Justice Act 2009 for a particular coroner area; and

“witness” means an expert witness, ordinary witness or professional witness.

Delegation of administrative functions

3. A coroner may delegate administrative functions to coroner’s officers and other staff.

PART 2

Calculation, determination and payment of allowances, fees and expenses

Calculation and payment by the coroner

4. Any allowance, fee or expense payable to a person under these Regulations is to be calculated by the coroner or the coroner’s relevant authority, and paid by the coroner or the coroner’s relevant authority.

Determination by the coroner

5. A coroner may require a person claiming an expense under these Regulations to provide receipts, invoices or other documents proving the expense incurred before determining and making any payment under these Regulations.

Explanation by the coroner

6. A coroner must, if requested to do so by a person claiming an allowance, fee or expense under these Regulations, provide that person with information on how his or her particular allowance, fee or expense has been calculated.

Unusual allowance, fee or expense

7.—(1) A coroner must report any unusual allowance, fee or expense likely to be incurred in relation to an investigation to his or her relevant authority before it is incurred.

(2) Where it is not possible to report the unusual allowance, fee or expense before it is incurred under paragraph (1), the coroner must—

- (a) report the unusual allowance, fee or expense on the date it is incurred; or
- (b) as soon as reasonably practicable after that date.

PART 3

Allowances, fees and expenses

Provision of allowances, fees and expenses

8. The Schedule to these Regulations provides for the allowances, fees and expenses that are payable by or on behalf of a coroner.

Expert witness fee for preparatory work

9.—(1) A coroner may pay an expert witness who has carried out preparatory work directly related to the giving of evidence at an inquest a fee that the coroner considers reasonable having regard to the nature and complexity of the preparatory work carried out.

Expert witness fee for attending an inquest

10.—(1) A coroner may pay an expert witness a fee that the coroner considers reasonable for attending and giving expert evidence at an inquest.

(2) When considering a fee which is reasonable under paragraph (1) the coroner shall have regard to the nature and complexity of the evidence provided by the expert witness.

Additional expenses

11. A coroner may reimburse a suitable practitioner, juror or witness for any additional expenses, other than those prescribed by these Regulations, which the coroner believes have been reasonably incurred.

Fee for disclosure after an inquest

12.—(1) This regulation applies where a coroner discloses a document to an interested person after an inquest.

(2) No fee shall be payable where a document is disclosed by email by a coroner to an interested person.

(3) Where a document is disclosed by a coroner as a paper copy, a fee of £5 for a document of 10 pages or less shall be payable, with an additional 50p payable for each subsequent page.

(4) A fee of £5 per document shall be payable where a document is disclosed in any other medium, other than by email or as a paper copy.

(5) The fee for a transcription of an inquest hearing shall be as follows—

- (a) for a copy consisting of 360 words or less, £6.20;
- (b) for a copy consisting of between 361 words and up to an including 1439 words, £13.10;
and
- (c) for a copy consisting of 1440 words or more, £13.10 for the first 1440 words and 70p for each additional 72 words or part thereof.

PART 4

Record keeping and indemnities

Providing accounts to the relevant authority

13.—(1) A coroner must provide his or her relevant authority with an account of all allowances, fees and expenses paid under these Regulations at time intervals agreed with that relevant authority.

(2) An account provided to the relevant authority under paragraph (1) shall include any receipt, invoice or other document that proves the sum incurred.

(3) A relevant authority shall, on being satisfied that an account submitted under paragraph (1) is correct, reimburse the coroner in respect of the payments to which the account relates.

Record of allowances, fees and expenses

14.—(1) A coroner and his or her relevant authority must each keep a record of all allowances, fees and expenses paid under these Regulations for 3 years.

(2) A coroner and his or her relevant authority must, if so requested by the Chief Coroner, provide the Chief Coroner with a copy of any records held under this Part.

15. A coroner and his or her relevant authority must, if so requested by a person, return any receipts, invoices or other documents submitted by that person.

16. A coroner must retain all receipts, invoices or other documents (or copies of such if the original documents are to be returned to a person under regulation 15) submitted under these Regulations, in a format and for a period agreed by that coroner's relevant authority.

Indemnity

17.—(1) A coroner shall be indemnified by his or her relevant authority in respect of—

- (a) any costs which the coroner reasonably incurs in or in connection with proceedings in respect of anything done or omitted in the exercise (or purported exercise) of the coroner's duty;
- (b) any costs which the coroner reasonably incurs in taking steps to dispute any claim which might have been made in such proceedings;
- (c) any damages awarded against or ordered to be paid by the coroner in any such proceedings;
- (d) any sums payable by the coroner in connection with any reasonable settlement of any such proceedings or claim.

(2) Paragraph (1) applies in relation to proceedings brought by a coroner only if and to the extent that the relevant authority for that coroner area agrees in advance to indemnify the coroner.

(3) A coroner may appeal to the Lord Chancellor or any person appointed by the Lord Chancellor for the purpose, from any decision of the relevant authority made under paragraph (2).

Signed by authority of the Lord Chancellor

2nd July 2013

Helen Grant
Parliamentary Under Secretary of State
Ministry of Justice

I agree
Signed by the Lord Chief Justice

2nd July 2013

Judge, LJ
Lord Chief Justice

SCHEDULE

Regulation 8

Tables of allowances, fees and expenses

Overnight allowance

1. A suitable practitioner, juror, or witness who is necessarily absent from his or her place of residence overnight for the purposes of serving at or attending an inquest hearing shall be paid up to a maximum allowance per night of—

Within a 5 mile radius of Charing Cross	£100.70
Elsewhere in England and Wales	£69.20

Travel expenses

2.—(1) A suitable practitioner, juror or witness shall have his or her travel expenses reimbursed as follows—

- (a) where travel is by public transport the coroner may reimburse the actual fare paid (in the case of railway or air, the economy fare only, unless the coroner otherwise directs);
- (b) where travel is by taxi or other privately hired vehicle, such costs may only be reimbursed where the coroner believes that such transport was reasonable;
- (c) where travel is by private transport an allowance per mile each way may be paid as follows—

Car / motorcycle public transport rate	25p
Car / motorcycle standard rate	45p
Bicycle rate	20p

(2) Public transport rate must be paid unless the coroner is satisfied that no adequate public transport was available on the date on which the journey was made.

(3) Any parking fees reasonably incurred may be reimbursed.

(4) The allowances set out in paragraph (1) for car travel may be increased by 2p per mile each way if a passenger is carried to whom an allowance would otherwise have been payable for travel to and from an inquest, and by an additional 1p per mile for any further additional passenger so carried.

Subsistence allowance

3.—(1) A juror who is necessarily absent from his or her place of residence or work for the purpose of serving at an inquest hearing, may be paid a daily subsistence up to a maximum of—

Attendance of up to and including 10 hours	£5.71
Attendance of more than 10 hours	£12.17

(2) An ordinary witness who is necessarily absent from his or her place of residence or work for the purpose of providing evidence at an inquest hearing, may be paid a daily subsistence allowance up to a maximum of—

Attendance of up to and including 5 hours	£2.25
Attendance of more than 5 hours up to and including 10 hours	£4.50
Attendance of more than 10 hours	£9.75

Financial loss allowance

4. A juror or ordinary witness who loses earnings or benefits or incurs expenses as a direct result of serving at or attending an inquest hearing, may be paid a maximum allowance of—

<i>Length of attendance at the inquest hearing</i>	<i>Time spent each day</i>	<i>Maximum daily allowance</i>
Up to and including 10 days	Up to and including 4 hours	£32.47
Up to and including 10 days	More than 4 hours	£64.95
On the 11 th and all subsequent days	Up to and including 4 hours	£64.95
On the 11 th and all subsequent days	More than 4 hours	£129.91

Professional witness allowance

5. A professional witness who attends an inquest hearing to give evidence, shall be paid a maximum daily fee of—

<i>If the professional witness does not employ a person to take care of his or her practice during his or her absence:</i>	
Up to and including 2 hours	£83.50
More than 2 hours up to and including 4 hours	£117.00
More than 4 hours up to and including 6 hours	£174.00
More than 6 hours	£234.00
<i>Or: If the professional witness necessarily incurs expense in the provision of a person to take care of his or her practice during his or her absence:</i>	
Up to and including 2 hours	£89.00
More than 2 hours up to and including 4 hours	£125.00
More than 4 hours	£250.00

Fee for making a post-mortem examination

6. A suitable practitioner is to be paid a fee of—

For making a post-mortem examination and reporting the result to the coroner	£96.80
For making a post-mortem examination involving additional skills and reporting the result to the coroner	£276.90

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for allowances, fees and expenses payable to suitable practitioners who make a post-mortem examination, witnesses and jurors in respect of investigations and inquests conducted into deaths under Part 1 of the Coroners and Justice Act 2009 (“the 2009 Act”). The 2009 Act introduces a new regime for death investigations.

£5.75

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