1992 No. 371

MAGISTRATES' COURTS

Magistrates' Courts (Costs in Criminal Cases) (Amendment) Rules (Northern Ireland) 1992

Made . . . . . *21st August 1992*

Coming into operation . . *1st September 1992*

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**a**) and section 7 of the Costs in Criminal Cases Act (Northern Ireland) 1968(**b**), on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules:—

Citation and commencement

1. These rules may be cited as the Magistrates' Courts (Costs in Criminal Cases) (Amendment) Rules (Northern Ireland) 1992 and shall come into operation on 1st September 1992.

2. For Schedule 2 to the Magistrates' Courts (Costs in Criminal Cases) Rules (Northern Ireland) 1988(**c**) there shall be substituted the Schedule 2 set out in the Schedule to these rules.

Dated 21st August 1992. *Mackay of Clashfern*, C.

(**a**) S.I. 1981/1675 (N.I. 26)
(**b**) 1968 c. 10 (N.I.) as amended by 1978 c. 23
(**c**) S.R. 1988 No. 136; to which the most recent relevant amendment was made by S.R. 1991 No. 96

SCHEDULE Rule 2

SCHEDULE 2 Rule 5

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

PART I

TRAVELLING

1.—(1) Where the witness has travelled to and from court by public conveyance or, in the opinion of the court, could reasonably have done so but instead incurred greater expense, there may be allowed a sum not exceeding the amount of the fare which was actually, or would have been, paid for travelling by public conveyance.

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

(2) Where the witness has travelled to and from the court by private conveyance and, in the opinion of the court, it was reasonable that he should have done so, there may be allowed in respect thereof—

(*a*) if the vehicle is a car, a sum calculated at the rate of 35·7p per mile each way; or

(*b*) if the vehicle is a motor cycle of 150cc or less, a sum calculated at the rate of 11·0p per mile each way; or

(*c*) if the vehicle is a motor cycle of 151cc-250cc, a sum calculated at the rate of 15·3p per mile each way; or

(*d*) if the vehicle is a motor cycle of 251cc or over, a sum calculated at the rate of 21·3p per mile each way.

Provided that, where the court considers it unreasonable that he should have travelled by private car the sum payable shall be calculated at the rate of 20·1p per mile.

(3) The rates specified in paragraph (2) shall be increased—

(i) by a supplement of 2·0p per mile each way for the first, and 1·0p per mile each way for each additional passenger carried to whom a travelling allowance would otherwise have been payable under this Part; and

(ii) by the amount of any expenditure necessarily incurred on parking fees, provided the court considers the use of a private conveyance to have been reasonable.

(4) Where the witness has travelled to and from the court by a hired vehicle and, in the opinion of the court, it was reasonable that he should have done so, there may be allowed, in respect thereof, the amount of the fare and any reasonable gratuity paid.

Provided that, where the court considers it unreasonable that he should have travelled by hired car, there may be allowed the amount which would have been paid for travelling by public transport.

PART II

SUBSISTENCE AND LODGING

Professional or expert witness

2. Where a witness in practice in a fee-paid profession (hereinafter referred to as "a professional witness") or a medical witness of consultant status or other