



STATUTORY INSTRUMENTS.

S.I. No. 240 of 2007



CORONERS ACT, 1962 (FEES AND EXPENSES) REGULATIONS, 2007.

(Prn. A7/1014)

CORONERS ACT, 1962 (FEES AND EXPENSES) REGULATIONS, 2007.

I, MICHAEL MCDOWELL, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by sections 3 (1), 20(2), 24(2), 29(3) and (4) and 57 of the Coroners Act, 1962 (No. 9 of 1962), (as adapted by the Justice (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 298 of 1997) and the Environment and Local Government (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 322 of 1997), and after consultation with the Minister for the Environment, Heritage and Local Government, hereby make the following Regulations:

1. These Regulations may be cited as the Coroners Act, 1962 (Fees and Expenses) Regulations, 2007.
2. (1) In these Regulations “Act” means the Coroners Act, 1962 (No. 9 of 1962), as amended.

(2) A reference to a Regulation or Schedule is to a Regulation of, or Schedule to, these Regulations.
3. The fee to be paid to a coroner who holds an inquest by virtue of section 20 or 24 of the Act shall be such sum as may be agreed from time to time between the Minister and the Coroners Association.
4. The fee of €7.64 is prescribed for the purpose of subsection (3) and (4) of Section 29.
5. With effect from 1st January, 2007, the fees and expenses specified in Schedule 1 are prescribed for the purpose of Section 57 of the Act.
6. The Coroners Act, 1962 (Fees and Expenses) Regulations 2006 (S.I. No. 122 of 2006), are revoked.

SCHEDULE 1

PART 1

FEES PAYABLE WITH EFFECT FROM 1 JANUARY, 2007

1. The fee payable to a person for performing a post-mortem examination or a special examination, including preparatory work, any tests required and subsequent report to the Coroner shall be €326.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 25th May, 2007.

2. The fee payable to a person for performing a post-mortem examination or a special examination, including preparatory work, any tests required, subsequent report to the Coroner and attendance at the Inquest shall be €543.33.

3. The fee payable for assisting at a post-mortem examination shall:

- (i) in the case of a registered medical practitioner, be €45.43,
- (ii) in the case of a pathology technician, be €33.27,
- (iii) in the case of a lay person, be €23.54,
- (iv) for special laboratory examinations (including histological, microbiological, toxicological and bio chemistry tests), in respect of each hour or part hour €24.34.

PART 2

EXPENSES — PAYABLE WITH EFFECT FROM 1 JANUARY, 2007

1. The expenses payable to a registered medical practitioner (other than a person appointed under section 33(2)) for attendance at an inquest in a professional capacity or to perform a post-mortem examination (except where there is an inquest and it is held on the same day as the examination) shall be—

- (a) an amount equal to a subsistence allowance at the highest rate applying to a person holding a position in the Civil Service of the State, and
- (b) first class rail fare, where travel by rail is suitable, or otherwise the appropriate mileage rate applying to a person holding such a position.

2. The expenses payable to a person who performs a post-mortem examination or special examination under section 33 (2) for attendance at—

- (a) the examination, and
- (b) any inquest to which the examination relates and which is held on a day other than that on which the examination was performed

shall be an amount equal to subsistence and travelling expenses at the highest rate applying to a person holding a position in the Civil Service of the State.

3. (1) The expenses payable to a witness at an inquest (other than a registered medical practitioner attending in a professional capacity) shall be as follows:

- (a) allowance for loss of time in respect of self-employed persons;
 - (i) €72.91 where the period of necessary absence from employment, business or home is 4 hours or more;
 - (ii) €36.47 in any other case;
 - (b) allowance for loss of time in respect of employed persons, shall be the actual loss of wages or salary, on production of a certificate from the employer as to the wages or salary of the witness and the actual sum permanently lost by reason of the attendance;
 - (c) allowance for loss of time in respect of persons who do not earn an income—
 - (i) €29.17 where the period of necessary absence from home is 4 hours or more;
 - (ii) €14.59 in any other case;
- (2) The expenses payable to a witness at an inquest (other than a registered medical practitioner attending in a professional capacity) shall be as follows:
- (a) subsistence allowance where the attendance involves an overnight stay:
 - (i) €34.17 in respect of bed and breakfast (covering period 6 p.m. to 8 a.m.);
 - (b) day allowance (covering period from 8 a.m. to 6 p.m.)
 - (i) €14.60 in respect of a period of not less than 5 hours but not exceeding 10 hours, or
 - (ii) €21.83 in respect of a period of 10 hours or more;
 - (c) subsistence allowance where the attendance does not involve an overnight stay;
 - (i) €14.60 in respect of a period of not less than 5 hours but not exceeding 10 hours, or
 - (ii) €21.83 in respect of a period of 10 hours or more (not exceeding overnight stay);
- (3) The expenses payable to a witness at an inquest (other than a registered medical practitioner attending in a professional capacity) shall be as follows:
- (a) the cost of public transport, bus or standard class rail fare,
 - (b) where travelling by own car, 31 cent per kilometre,

- (c) where travelling by own motor cycle, 19 cent per kilometre,
- (d) where travelling by hired car, all reasonable expenses (in cases where public transport is not available or no reasonably practicable).

4. The expenses payable in connection with the removal or custody of a body shall be those which, in the opinion of the appropriate local authority, are necessarily and reasonably incurred in such removal or custody in accordance with the direction of a coroner.



GIVEN under my Official Seal,
18 May 2007

MICHAEL MCDOWELL
Tánaiste and Minister for Justice, Equality and Law Reform

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations prescribe various fees and expenses for the purposes of the Coroners Act, 1962, viz., the fee to be paid to a coroner who holds an inquest outside his own district; the fee chargeable by the coroner or a county registrar for furnishing copies of inquest documents and the fees and expenses payable in respect of post-mortem and special examinations, the attendance of witnesses at inquests and the removal or custody of a body.

These Regulations replace the Coroners Act, 1962 (Fees and Expenses) Regulations, 2006 (S.I. No. 122 of 2006).

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