



STATUTORY INSTRUMENTS

S.I. No. 155 of 2009



CORONERS ACT 1962 (FEES AND EXPENSES) REGULATIONS 2009

(Prn. A9/0598)

CORONERS ACT 1962 (FEES AND EXPENSES) REGULATIONS 2009

I, DERMOT AHERN, 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 2003 (S.I. No. 233 of 2003)), 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 2009.
2. In these Regulations “Act” means the Coroners Act 1962 (No. 9 of 1962).
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 Society of Ireland.
4. The fee of €7.79 is prescribed for the purpose of subsection (3) and (4) of section 29 of the Act.
5. With effect from 29 April 2009, the fees and expenses specified in the Schedule are prescribed for the purpose of section 57 of the Act.
6. The Coroners Act 1962 (Fees and Expenses) Regulations 2008 (S.I. No. 561 of 2008) are revoked.

SCHEDULE

PART 1

FEES PAYABLE WITH EFFECT FROM 29 APRIL 2009

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 €321.40.
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 €535.68.
3. The fee payable to a person for assisting at a post-mortem examination shall—

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 5th May, 2009.*

- (a) in the case of a registered medical practitioner, be €44.79,
- (b) in the case of a pathology technician, be €32.81,
- (c) in the case of a person other than a person referred to at subparagraph (a) or (b), be €25.23,
- (d) for special laboratory examinations (including histological, micro-biological, toxicological and biochemistry tests), in respect of each hour or part hour, be €24.

PART 2

EXPENSES PAYABLE WITH EFFECT FROM 29 APRIL 2009

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) the cost of public transport, bus or standard class rail fare, 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 a 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 in the amount of—
 - (i) €78.13 where the period of necessary absence from employment, business or home is 4 hours or more,
 - (ii) €39.08 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 in the amount of—

(i) €31.26 where the period of necessary absence from home is 4 hours or more,

(ii) €15.63 in any other case.

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

(a) where the attendance involves an overnight stay (covering the period 6 p.m. to 8 a.m. the following day), a subsistence allowance of €36.61 in respect of bed and breakfast together with a day allowance (covering the period from 8 a.m. to 6 p.m.) calculated in accordance with clause (b);

(b) a day allowance in the amount of—

(i) €15.64 in respect of a period of not less than 5 hours but not exceeding 10 hours, or

(ii) €23.40 in respect of a period of 10 hours or more.

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

(a) where travelling by public transport, the bus fare or standard class rail fare concerned;

(b) where travelling by own car, 34 cent per kilometre;

(c) where travelling by own motor cycle, 20 cent per kilometre;

(d) where travelling by hired car, all reasonable expenses (in cases where public transport is not available or not 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 the coroner.



GIVEN under my Official Seal,
29 April 2009

DERMOT AHERN
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 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, 2008 (S.I. No. 561 of 2008).

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