

EAST AFR. PROT
GENERAL

No.

8929

CC
8929

Nov 11 1907

(Subject.)

Medical Fees.

for subject used in a Law Court

1907

Scarcely making a case in the name of S. In applying for a copy of any book or a map or other material to allow a reasonable out of pocket expense of 10/- unless a fee be made for it and the same be

(Minutes)

Mr. Head

At present officers of the L.A.P. travelling on duty are paid their actual subscriptions expenses. Mr. Murray is further proposed a return for fixed rates per diem which shall will be better.

I instruct the Comr to proceed with the matter in accordance with the Treasury precedent (we need not mention the Treasury) giving them actual expenses of less nature, & finding the fine of a scale actual & reasonable subscriptions expenses, & directing fees to be paid into Treasury.

M. A. P.

C O
8929 125

Ric
Rrs H

In the reply to this letter the following
Number should be placed.
3412
07

TREASURY CHAMBERS,

7 March 1907.

Sir,

I have laid before the Lords Commissioners of His Majesty's Treasury Mr. Antrobus's letter of the 20th ultimo in which the Earl of Elgin submits for Their opinion the question whether a Government Medical Officer is entitled to claim fees for expert evidence given in a court of law on behalf of the Crown.

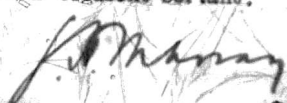
In reply I am to state that in similar cases in the Home Civil Service My Lords have ruled that a full-time salaried officer of Government who attends a trial as an expert witness, without forfeiting his salary for the day or days in question, has no claim to remuneration, and may only receive his actual expenses of locomotion and subsistence allowance at the rate which he is ordinarily entitled to draw when travelling on the public service.

In applying this principle to the African Protectorates it may be more convenient to allow actual and reasonable out of pocket expenses.

I am to add that Their Lordships have further decided that any fee which the party who has subpoenaed such an officer may be liable to pay for expert evidence belongs to the State as the equivalent for the officer's time; and that if the Officer receives such a fee, he must pay it into the Exchequer.

I am, Sir,

Your obedient Servant.



Under Secretary of State,
Colonial Office.

8929 120

DEPT

L.A.P.

O. A. B. No 156

MINUTE.

18/3/77

- Mr.
- Mr.
- Mr. Antobus
- Mr. Cox
- Mr. Jones
- Mr. Graham
- Mr. M. Guinness
- Mr. Churchill
- The Earl of Elgin

19 March 07

Sir I have the honor to acknowledge the receipt of your despatch No 679 of the 27th Dec in which you enquire whether Medical Officers are entitled to claim fees for expert evidence given in a law court on behalf of the Crown, & to inform you that the practice in this country is not to attend

To Mr Green after despatch
for circulation to despts.

in the case of officers &
into, like the Medical
Officers in question, are
paid salaries on the
understanding that
the whole of their time is
at the disposal of the
Govt. They should
accordingly be given
only actual value
of location, and
pending the fixing of
scale of travelling
allow, actual and
reasonable subsistence
expenses.

I would add that
where an officer is
suborned by a
private person & receives
a fee in addition to

the salary of Govt.
service, such
fee should be paid
into the Treasury
I am