

[LEGAL NOTICE NO. 86]

CRIMINAL PROCEDURE DECREE 2009
(DECREE NO. 43 OF 2009)

Criminal Procedure Decree (Allowances to Witnesses and Assessors) Rules 2016

IN exercise of the powers conferred upon me by section 293 of the Criminal Procedure Decree 2009, I hereby make these Rules—

Short title and commencement

1.—(1) These Rules may be cited as the Criminal Procedure Decree (Allowances to Witnesses and Assessors) Rules 2016.

(2) These Rules come into force on 11 November 2016.

Allowances

2. Witnesses attending at trials or inquiries before a Magistrate's Court or the High Court or on summons to any court exercising appellate jurisdiction and assessors attending trials at the High Court may be granted such allowances as compensation for their attendance and such sums for expenses not exceeding the respective amounts specified in the second column of the Schedule to these Rules, provided that the Court may—

- (a) disallow any such allowance or expenses in respect of any person in any case, for good cause which shall include non-attendance or late attendance, which reason shall be noted on the record; and
- (b) allow an increase in any such allowance not exceeding a total increase of \$100 in respect of any one person for any one day where it is satisfied that the witness or assessor has suffered other expenses or additional pecuniary loss in excess of the allowance granted under the provisions of this rule.

Revocation

3. The Criminal Procedure Code (Allowances to Witnesses and Assessors) Rules 2010 is hereby revoked.

SCHEDULE

*1st Column**2nd Column***1. ALLOWANCES**

- (a) Assessors \$80 a day, but if attending for not more than two hours on any day, \$60 for such day
- (b) Expert witnesses, professional persons, merchants, bankers, persons in business on their own account, company directors and managers. \$120 a day but, if attending for not more than two hours on any day, \$70 for such day
- (c) Other persons \$60 a day but, if attending for not more than two hours on any day, \$35 for such day

2. TRAVELLING EXPENSES

When official transport is not provided, the amount of the fares by public service but, in respect of persons specified in paragraph (b) of item 1, and in respect of other persons where public service buses are not available, the actual reasonable cost of transport incurred, whether by taxi, boat, plane or other reasonably necessary means of transport

3. SUBSISTENCE EXPENSES

- (a) If necessarily absent overnight from place of residence the actual cost of board and lodging reasonably incurred
- (b) If not necessarily absent overnight but the place of residence of the person is more than two miles distant from the court and the attendance exceeds four hours or includes a luncheon adjournment, \$25 in respect of each meal for witnesses in column 1(b) above and \$16 for all other witnesses

Made at Suva this 3rd day of November 2016.

A. H. C. T. Gates
Chief Justice