

CRIMINAL PROCEDURE AND EVIDENCE ACT
(Cap. 08:02)

**THE TARIFF OF ALLOWANCES (WITNESSES IN CRIMINAL
CASES) REGULATIONS, 1987**

(Published on 24th August, 1987)

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IN EXERCISE of the powers conferred on the Minister by section 208 (3) of the Criminal Procedure and Evidence Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Tariff of Allowances (Witness in Criminal Cases) Regulations, 1987. Citation
2. In these regulations "Registrar" means the Registrar of the High Court. Definition
3. (1) Except as otherwise provided in these regulations, witnesses in criminal cases shall be paid out of public moneys for their attendance on subpoena or warning, in the Courts, an allowance towards subsistence (called subsistence allowance) at the following rates for each day or part of a day, in addition to their expenses of conveyance, that is to say —
(a) persons giving expert evidence..... P25 (the allowance includes all necessary preparatory or qualifying work);
(b) duly qualified members of any profession and such other persons whose standing, in the opinion of the Registrar, is comparableP22;
(c) skilled workers, clerks, businessmen and such other persons whose standing, in the opinion of the Registrar, is comparableP16;
(d) semi-skilled workers and such other persons whose standing, in the opinion of the Registrar, is comparable.....P12;
(e) persons not in one of the categories (a) to (d).....P10.
(2) A child under twelve years of age may be paid at one half only of the rate at which its guardian would be entitled.
(3) For the purpose of this regulation, a guardian or other attendant necessarily accompanying a child witness shall be regarded as having been subpoenaed as a witness in the case. Subsistence Allowance

Transport Allowance

(4) The subsistence allowance shall be paid for each day or part of a day involved in necessary absence from the place of residence or place of work of the witness, including the time necessarily spent in travelling to and from the seat of the Court.

4. (1) Where railway travel is available, a rail warrant shall be issued entitling the witness to the issue of a return railway ticket to travel by such class as the Registrar of the High Court deems appropriate.

(2) Where a witness comes in a motor car or lorry from a distance of over eight kilometres from the seat of the Court, and where rail travel is not reasonably available the amount payable shall be calculated on the shortest available route to and from the Court as follows —

(i) Tarred roads at P0,37 per kilometre

(ii) Gravel roads at P0,58 per kilometre

(iii) Sandy roads at P0,79 per kilometre

(3) Where a witness comes on a motor cycle, moped or motor scooter the amount payable shall be P0,18 per kilometre and where he walks, cycles or comes on horseback the amount payable shall be P0,12 per kilometre.

(4) Notwithstanding the provisions of subregulations (1) and (2) the Registrar may authorise and issue to any witness an air warrant entitling the witness to the issue of an air return ticket.

Witness in same place on same day

5. Where the same person is a witness in more cases than one in the same Court or in different Courts sitting on the same day, within the same township, he is entitled to allowances as for one case only.

Inspection in loco

6. Allowances in connection with inspection in loco shall be paid on the same basis as for Court attendance.

Additional Allowance

7. Where in the opinion of the Registrar, payment of the allowances prescribed by these regulations would cause undue hardship, or there are extraordinary circumstances in any particular instances calling for special allowances to be paid, he may authorise the payment of such additional allowance as he may deem appropriate. An accused person is not entitled to subsistence allowance or allowance for transport.

Non-application of tariff

8. These regulations do not apply to Government officers who are eligible for subsistence and travelling allowances in accordance with the rules of the public service and paid for from other sources.

Decision of Registrar to be final
Revocation

9. Any decision made by the Registrar in the exercise of his discretion under these regulations shall be final.

10. The Tariff of Allowances payable to witnesses in any criminal proceedings published in Legal Notice No. 103 of 1966 is hereby revoked.

MADE 20th day of August, 1987.

P.H.K. KEDIKILWE,
*Minister of Presidential Affairs and
Public Administration.*