

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

TARIFF OF ALLOWANCES (WITNESSES IN CRIMINAL  
CASES) REGULATIONS, 1994  
(Published on 18th March, 1994)

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IN EXERCISE of the powers conferred on the Minister by section 209 (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 (Witnesses in Criminal Cases) Regulations, 1994. Citation
2. In these Regulations, “the 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 (in these Regulations 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 — Subsistence allowance
  - (a) persons giving expert evidence, P50 (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 comparable, P45;
  - (c) skilled workers, clerks, businessmen and such other persons whose standing in the opinion of the Registrar is comparable, P35;
  - (d) semi-skilled workers and such other persons whose standing, in the opinion of the Registrar is comparable, P30;
  - (e) persons not in any of the categories referred to in paragraphs (a) to (d), P25.
- (2) A child under 12 years of age may be paid at one half only of the rate at which its guardian would be entitled.
- (3) For the purposes 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.

Transport allowance	<p>(4) The subsistence allowance shall be paid for each day or part of a day involved in necessarily being absent 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.</p> <p>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.</p> <p>(2) Where a witness comes in a motor car or lorry from a distance of over 8 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 —</p> <p>(a) tarred roads at P0,75 per kilometre;</p> <p>(b) gravel roads at P1,21 per kilometre;</p> <p>(c) sandy roads at P1,64 per kilometre.</p> <p>(3) Where a witness comes on —</p> <p>(a) a motor cycle, moped or motor scooter, the amount payable shall be as follows —</p> <p>(i) tarred roads at P0,33 per kilometre,</p> <p>(ii) gravel roads at P0,50 per kilometre,</p> <p>(iii) sandy roads at P0,71 per kilometre;</p> <p>(b) foot, cycle or horseback, the amount payable shall be P0,22 per kilometre.</p> <p>(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.</p>
Witness in same place on same day	<p>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.</p>
Inspection in loco	<p>6. Allowances in connection with inspection <i>in loco</i> shall be paid on the same basis as for court attendance.</p>
Additional allowance	<p>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.</p>
Accused not entitled to allowance	<p>8. An accused person is not entitled to subsistence allowance or allowance for transport.</p>
Non-application of tariff	<p>9. These Regulations shall 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.</p>
Decision of Registrar to be final	<p>10. Any decision made by the Registrar in the exercise of his discretion under these Regulations shall be final.</p>
Revocation of S.I. 88 of 1987	<p>11. The Tariff of Allowances (Witnesses in Criminal Cases) Regulations, 1987 is hereby revoked.</p>

MADE this 4th day of March, 1994.

M.S. MERAFHE,  
Minister of Presidential Affairs and  
Public Administration.