

Regulations for Payment of Witnesses and Interpreters for the Crown in Criminal Cases.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 19th day of October, 1931.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the power and authority conferred on him by the Public Revenues Act, 1926, and the Justices of the Peace Act, 1927, and of all other powers and authorities him in this behalf in anywise enabling, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the regulations hereinafter set out.

REGULATIONS.

REGULATION 1.—PRELIMINARY.

(1) THESE regulations may be referred to as "The Regulations for Payment of Witnesses, 1931."

(2) These regulations shall come into force on the 22nd day of October, 1931.

(3) All regulations heretofore in force relating to the payment of witnesses and interpreters for the Crown in criminal cases shall be revoked as on and from the said 22nd day of October, 1931. (See P.G. 1932, p. 663)

REGULATION 2.—SUPREME COURT TRIALS.

In trials of criminal cases in the Supreme Court allowances will be made to prosecutors and witnesses for the Crown as follow :—

(1) To persons giving evidence, strictly as experts, £ s. d.
for every day's attendance at Court or necessary absence from usual place of abode 1 0 0
Except as above, to every prosecutor and witness for every day's attendance at Court or necessary absence from usual place of abode 0 9 0

And in addition thereto, for every night's necessary absence from such place of abode 0 3 6

(2) Provided that persons in receipt of salary or wages from the General Government will be entitled to such allowance only if necessarily absent at night from their usual place of abode. If not so absent, such persons will be allowed their actual personal expenses only.

(3) Witnesses residing beyond three miles from the Court-house will also be allowed their fares by public conveyance. Second-class fares will be allowed to mechanics, labourers, and persons of similar rank, and first-class fares to others. Receipts must be furnished for fares over 5s. other than railway fares. When there is no public conveyance such witnesses will be allowed a mileage rate of 9d. per mile one way.

(4) Medical practitioners using their own motor-cars, or motor-cars hired for their personal use, whether public conveyances are available or not, will be allowed mileage at the rate of 1s. per mile one way for every mile between their place of residence and the place at which evidence is required to be given: Provided, however, that in no case will mileage be paid for a greater distance than fifty miles.

(5) In exceptional cases, where the attendance of a prosecutor or a witness necessitates his prolonged absence from his usual place of abode, such prosecutor or witness may be paid such lesser amount than the above allowances as the Minister of Justice may direct.

(6) A person required to give evidence as an expert will be paid such sum as appears to the Under-Secretary of Justice to be fair and reasonable for any analysis, preparation of maps or plans, or for otherwise necessarily preparing himself to give evidence.

In such case a contingency voucher (on forms Ty. 39 and 39A) shall be prepared for such sum as the Registrar of the Supreme Court certifies to be fair and reasonable, and shall be forwarded to the Under-Secretary of Justice, who shall finally fix the amount and pass the voucher for payment.

(7) Except as provided by paragraphs (5) and (6) of this regulation, abstracts on form S.C. 14 in favour of witnesses and interpreters shall be certified by the Crown Solicitor and the Registrar. The amounts so certified shall be paid by the Registrar out of advances made to him for that purpose, except in the case of officers under the control of the Public Service Commissioner attending in their official capacity to give evidence or to produce documents. Such officers will claim their expenses from their own Department in accordance with Public Service Regulation No. 24.

REGULATION 3.—PRELIMINARY INVESTIGATIONS OF INDICTABLE CASES BEFORE JUSTICES.

(1) In preliminary investigations of indictable cases before Justices of the Peace, when the accused is committed for trial or sentence, the allowances to the prosecutor and witnesses for the Crown for attendance before such Justices as directed to be certified by section 166 of the Justices of the Peace Act, 1927, shall be in accordance with the allowances fixed in Regulation 2 hereof, and the provisions of that regulation with the exception of paragraph (7) thereof shall apply to such prosecutor and witnesses.

(2) In such cases when the preliminary investigation is completed a certificate issued pursuant to the said section 166 on form J.P. 39 of the expenses allowed to such prosecutor and witnesses by the presiding Justices must be prepared and signed in duplicate. One copy shall be forwarded without delay to the local Officer in Charge of Police and the other copy shall be forwarded with the depositions to the Registrar of the Supreme Court.

(3) The Police Department will pay on behalf of the Department of Justice the expenses so certified, except in the case of officers under the control of the Public Service Commissioner attending in their official capacity to give evidence or to produce documents. Such officers will claim their expenses from their own Department in accordance with Public Service Regulation No. 24.

REGULATION 4.—SUMMARY CASES.

(1) In all cases heard summarily, and in preliminary investigations of indictable cases in which the accused is discharged, the Police Department shall pay its own witnesses and interpreters, subject to the provisions of Public Service Regulation No. 24.

(2) Where the prosecution is instituted by any other Government Department, the Police Department shall, if requested by the prosecutor, pay the expenses of witnesses and interpreters called on behalf of such other Department. The voucher in such cases shall be charged to such other Department.

(3) Witnesses in all such cases and investigations shall be paid the same allowances as are fixed in Regulation 2 hereof, and the provisions of that regulation, with the exception of paragraphs (6) and (7) thereof, shall apply to such witnesses.

REGULATION 5.—INTERPRETERS' FEES.

The following fees shall be paid to interpreters for the Crown in indictable and summary cases :—

To an interpreter, if engaged for any time not exceeding one hour	£ s. d.
For every additional hour or fraction of an hour he may be actually employed beyond that time	0 9 6
But not exceeding per day	0 4 0
	1 18 0

Interpreters residing beyond three miles from the Court-house will be allowed their fares by public conveyance. When there is no public conveyance, they will be allowed a mileage rate of 9d. per mile one way.

In addition to the above, interpreters will be paid 18s. for every night's necessary absence from their usual place of abode.

REGULATION 6.—PAYMENT OF WITNESSES SUBJECT TO DIRECTIONS OF PRESIDING JUDGE OR JUSTICES.

Payments to witnesses and interpreters shall in all cases mentioned above be subject to such directions as the presiding Judge or Justices or Justice may think fit as to the disallowance of the whole or any part of the allowance to such witnesses or interpreters or any of them.

REGULATION 7.—APPEALS, ETC., UNDER THE JUSTICES OF THE PEACE ACT, 1927.

Witnesses for the Crown in proceedings in the Supreme Court under or relating to the Justices of the Peace Act, 1927, whether by way of appeal, certiorari, mandamus, or otherwise, shall, unless the presiding Judge directs to the contrary, be paid upon the same scale as in criminal prosecutions.

REGULATION 8.—PRIVATE PROSECUTIONS.

Payment to witnesses and interpreters for the prosecution at the trial of criminal cases in the Supreme Court, when conducted by or on behalf of private prosecutors, except in those cases where notice has been given to the private prosecutor that the prosecution is not to be conducted by the Crown Solicitor, may be allowed by the presiding Judge and paid on the same scale and in the same manner as if the same had been conducted by the Crown Solicitor.

F. D. THOMSON,
Clerk of the Executive Council.

Prescribing Rates of Fees and Allowances under the Payment of Jurors Act, 1919.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 19th day of October, 1931.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers vested in him by section two of the Payment of Jurors Act, 1919, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby revoke the Order in Council dated the first day of February, one thousand nine hundred and twenty-three, and published in the Gazette of the same date, prescribing the rates of fees and allowances to be payable to jurors in accordance with the provisions of the said Act; and in lieu thereof doth hereby prescribe, as set forth in the Schedule hereto, the rates of fees and allowances to be payable to jurors for their attendance at any sittings of the Supreme Court, and to every person who attends as a juror at any inquest held before a Coroner; and doth hereby declare that this Order in Council shall come into force and take effect on and from the twenty-second day of October, one thousand nine hundred and thirty-one.