

1987/193



**THE WITNESSES AND INTERPRETERS FEES REGULATIONS
1974, AMENDMENT NO. 4**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 6th day of July 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 56BB and 100A of the Judicature Act 1908, section 212 (2) (c) of the Summary Proceedings Act 1957, section 410 (2) (c) of the Crimes Act 1961, and to section 113 (l) (k) of the Public Finance Act 1977 (so far as these regulations relate to witnesses and interpreters paid by the Crown under regulation 4 of the Witnesses and Interpreters Fees Regulations 1974), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Witnesses and Interpreters Fees Regulations 1974, Amendment No. 4, and shall be read together with and deemed part of the Witnesses and Interpreters Fees Regulations 1974* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of August 1987.

*S.R. 1974/124
Amendment No. 1: (*Revoked by S.R. 1984/268*)
Amendment No. 2: S.R. 1984/268
Amendment No. 3: S.R. 1986/295

2. New scale of fees substituted—(1) The principal regulations are hereby amended by revoking the Schedule, and substituting the Schedule set out in the Schedule to these regulations.

(2) The following regulations are hereby revoked:

- (a) The Witnesses and Interpreters Fees Regulations 1974, Amendment No. 2:
- (b) The Witnesses and Interpreters Fees Regulations 1974, Amendment No. 3.

SCHEDULE

Reg. 2 (1)

NEW SCHEDULE SUBSTITUTED

“SCHEDULE

Regs. 5, 6

SCALE OF PAYMENTS TO WITNESSES AND INTERPRETERS

A. Fees

1. (1) To a witness attending to give evidence strictly as an expert, for every day when required to be absent from his or her usual place of business or residence,—

- (a) For a period that does not exceed 1 hour, a fee of not less than \$15.50 but not more than \$64.00:
- (b) For a period that exceeds 1 hour but does not exceed 5 hours, the fee prescribed by paragraph (a) of this subclause plus a fee of not less than \$9.00 but not more than \$45.00 for each additional hour:
- (c) For a period that exceeds 5 hours, a fee of not less than \$64.00 but not more than \$288.00.

(2) In addition to the fees prescribed by subclause (1) of this clause, there may be paid to an expert witness a qualifying fee for any analysis, preparation of maps, plans, or reports, or other work necessarily undertaken in preparation of evidence, being such sum as the Court or paying officer considers fair and reasonable, but not exceeding \$31.00 for the first hour engaged or \$23.00 for every subsequent hour engaged.

2. For an interpreter attending to provide an oral translation into English from any other language or from English into any other language, the fee payable for each day on which the interpreter is required to be absent from his or her usual place of residence or business shall be computed at the rate of \$13.00 for each hour or part of an hour:

Provided that the fee in respect of any day shall be not less than \$38.50, nor more than \$90.00.

3. To any other witness, not being a school child or a child under school age,—

- (a) For every day when required to be absent from the witness’s usual place of residence or business for a period not exceeding 3 hours \$ 16.00

Provided that the fee prescribed by paragraph (b) of this clause may be allowed in any case where the Court or paying officer is satisfied that the witness, because of attendance at the courthouse, will be absent from his or her work for a full day:

SCHEDULE—*continued*

	\$
(b) For every day on which attendance is required for a period exceeding 3 hours	32.00

4. Notwithstanding the provisions of clause 1 (1), clause 2, and clause 3 of this Schedule, if the Court or paying officer is satisfied that the witness or interpreter will suffer a loss of earnings as a result of travelling between his or her usual place of residence or business and the courthouse for the purpose of giving evidence, the Court or paying officer may allow the appropriate fee under those provisions as if that witness or interpreter was in attendance at the courthouse during the time when the witness or interpreter was so travelling.

5. For a written translation of any document into English from any other language or from English into any other language, the fee payable to the interpreter shall be such fee as the Court or paying officer thinks just and reasonable.

B. Allowances

6. To any witness or interpreter who is necessarily absent overnight from his or her usual place of residence—

	\$
(a) Where the total period of absence does not exceed 24 hours	52.50
(b) Where the total period of absence exceeds 24 hours, for each 6 hours or part thereof	12.00

7. Where a witness or interpreter is not necessarily absent overnight, the following meal allowances may be paid:

	\$
(a) To a witness who is not entitled to fees under any of the provisions of clauses 1 to 4 of this Schedule: For every day when the witness is able to return to his or her usual place of residence before 7 p.m. ..	4.00
For every day when the witness is not able to return to his or her usual place of residence before 7 p.m. ..	6.50
(b) To a witness or an interpreter who is entitled to fees under any of the provisions of clauses 1 to 4 of this Schedule, for every day when the witness or interpreter is not able to return to his or her usual place of residence before 7 p.m.	6.50

C. Travelling Expenses

8. Travelling expenses shall be as follows:

(a) The cost of travelling by such mode and class of public transport as the Court or paying officer considers reasonable having regard to the distance travelled, the age and health of the witness or interpreter, and any other relevant circumstances:

Provided that air fares shall not be allowed unless the Court or paying officer is satisfied that any extra expense occasioned by the use of air transport is justified in all the circumstances:

(b) Where no public conveyance is available, and the distance travelled exceeds 3 kilometres one way, an allowance at the rate of 36c a kilometre:

Provided that, in special circumstances, the Court or paying officer may allow the cost of travelling by taxi:

- (c) In any case where a public conveyance is available, an allowance at the rate of 36c a kilometre may be paid to any witness or interpreter using his or her own motor vehicle, or a vehicle hired for his or her personal use, if the total amount of fees, allowances, and expenses payable to that witness or interpreter and any other witnesses or interpreters travelling with that witness or interpreter is not more than the total amount that would have been payable if that witness or interpreter or those witnesses or interpreters had travelled by public conveyance:
- (d) A medical practitioner using his or her own motor vehicle or a motor vehicle hired for his or her personal use, whether a public conveyance is available or not, may be paid an allowance at the rate of 36c a kilometre.”

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations increase the fees and allowances payable to witnesses and interpreters for attendance in respect of Court proceedings.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 July 1987.

These regulations are administered in the Department of Justice.