

Version  
as at 1 May 2023



## Witnesses and Interpreters Fees Regulations 1974 (SR 1974/124)

Witnesses and Interpreters Fees Regulations 1974: revoked, on 1 May 2023, by regulation 15 of the Witnesses and Interpreters Fees, Allowances, and Expenses Regulations 2023 (SL 2023/18).

Denis Blundell, Governor-General

### Order in Council

At the Government House at Wellington this 27th day of May 1974

Present:

His Excellency the Governor-General in Council

Pursuant to the Summary Proceedings Act 1957, the Crimes Act 1961, the Judicature Act 1908, and to the Public Revenues Act 1953 (so far as these regulations relate to witnesses and interpreters paid by the Crown under regulation 4), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**These regulations are administered by the Ministry of Justice.**

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## Regulations

### 1 Title and commencement

- (1) These regulations may be cited as the Witnesses and Interpreters Fees Regulations 1974.
- (2) These regulations shall come into force on 1 June 1974.

### 2 Interpretation

In these regulations, unless the context otherwise requires,—

**court**, where the fees, allowances, and expenses of a witness or interpreter are fixed by the Registrar, includes the Registrar

**courthouse** includes any place where the attendance of a witness or interpreter is required for the purpose of any judicial proceedings

**paying officer** means—

- (a) a Registrar or a Deputy Registrar in respect of witnesses or interpreters paid by him or her; or
- (b) the person who authorises payment, in any other case.

Regulation 2 **paying officer**: replaced, on 1 July 2013, by regulation 4 of the Witnesses and Interpreters Fees Amendment Regulations 2013 (SR 2013/263).

### 3 Application of regulations

These regulations shall apply to witnesses and interpreters—

- (a) in any proceedings to which the Criminal Procedure Act 2011 applies; or
- (b) paid by the Crown pursuant to regulation 4; or
- (c) in any proceedings under any enactment by or under which these regulations are applied.

Regulation 3(a): amended, on 1 July 2013, by regulation 5 of the Witnesses and Interpreters Fees Amendment Regulations 2013 (SR 2013/263).

#### **4 Fees, allowances, and expenses payable by the Crown**

- (1) Fees, allowances, and expenses may be paid to witnesses and interpreters for the Crown in any judicial proceedings, whether civil or criminal, in accordance with the scales prescribed by these regulations.
- (2) Any witness or interpreter for the prosecution at the trial of a criminal case in the High Court, when the trial is conducted by or on behalf of a private prosecutor, may, if so allowed by the court, be paid fees, allowances, and expenses in accordance with the scales prescribed by these regulations.
- (3) The chief executive of the Ministry of Justice, or, as the case may require, the Commissioner of Police, may authorise the amounts payable under this regulation to be increased in any case where he considers that by reason of exceptional circumstances it is desirable to do so.

Regulation 4(2): amended, on 1 July 2013, by regulation 6 of the Witnesses and Interpreters Fees Amendment Regulations 2013 (SR 2013/263).

Regulation 4(2): amended, on 1 April 2004, by regulation 4 of the Witnesses and Interpreters Fees Amendment Regulations 2004 (SR 2004/36).

Regulation 4(3): amended, on 1 October 2003, pursuant to section 14(2) of the State Sector Amendment Act 2003 (2003 No 41).

#### **5 Fees, allowances, and expenses payable to witnesses**

- (1) Subject to subclause (2), the fees, allowances, and travelling expenses payable to any witness shall be in accordance with the appropriate scales specified in the Schedule.
- (2) Classes of expert witnesses shall be defined from time to time by the chief executive of the Ministry of Justice who shall, with the concurrence of the Secretary to the Treasury, determine from time to time, within the range set out in clause 1(1) of the Schedule, the rate at which persons who belong to each such class and who give evidence strictly as experts, are to be paid.

Regulation 5(2): amended, on 1 October 2003, by section 14(2) of the State Sector Amendment Act 2003 (2003 No 41).

#### **6 Fees, allowances, and expenses payable to interpreters**

The fees, allowances, and travelling expenses payable to any interpreter shall be in accordance with the appropriate scales specified in the Schedule.

#### **7 Witnesses under the age of 16 years**

Where it is necessary for a witness under the age of 16 years to be accompanied by a parent or guardian, or for a witness, by reason of illness or infirmity, to be accompanied by an attendant, the parent, guardian, or attendant may be paid the fees, allowances, and expenses prescribed by these regulations as if he were himself a witness.

**8 Power of court to disallow or increase amounts**

- (1) The amounts payable to any person under these regulations shall be subject to such directions as the court may think fit as to the disallowance of the whole or any part thereof.
- (2) Where the amounts payable under these regulations are fixed by the court, the court may authorise those amounts to be increased in any case where it considers that by reason of exceptional circumstances it is desirable to do so.

**9 Revocations**

The Witnesses and Interpreters Fees Regulations 1969 (SR1969/5) are hereby revoked.

## Schedule

### Scale of payments to witnesses and interpreters

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Schedule: replaced, on 1 August 1988, by regulation 2(1) of the Witnesses and Interpreters Fees Regulations 1974, Amendment No 5 (SR 1988/147).

#### 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 \$16.50 but not more than \$68:
  - (b) for a period that exceeds 1 hour but does not exceed 5 hours, the fee prescribed by paragraph (a) plus a fee of not less than \$9.50 but not more than \$48 for each additional hour:
  - (c) for a period that exceeds 5 hours, a fee of not less than \$68 but not more than \$305.
- (2) In addition to the fees prescribed by subclause (1), 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 \$33 for the first hour engaged or \$24.50 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 \$25 for each hour or part of an hour:  
provided that the fee in respect of any day shall be not less than \$75 nor more than \$175.

Schedule clause 2: amended, on 1 July 1996, by regulation 2(a) of the Witnesses and Interpreters Fees Regulations 1974, Amendment No 6 (SR 1996/140).

Schedule clause 2 proviso: amended, on 1 July 1996, by regulation 2(b) of the Witnesses and Interpreters Fees Regulations 1974, Amendment No 6 (SR 1996/140).

Schedule clause 2 proviso: amended, on 1 July 1996, by regulation 2(c) of the Witnesses and Interpreters Fees Regulations 1974, Amendment No 6 (SR 1996/140).

- 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 provided that the fee prescribed by paragraph (b) 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: | 25   |
| (b) | For every day on which attendance is required for a period exceeding 3 hours   | 50   |
- Schedule clause 3(a): amended, on 1 July 1996, by regulation 3(a) of the Witnesses and Interpreters Fees Regulations 1974, Amendment No 6 (SR 1996/140).
- Schedule clause 3(b): amended, on 1 July 1996, by regulation 3(b) of the Witnesses and Interpreters Fees Regulations 1974, Amendment No 6 (SR 1996/140).
- 4 Notwithstanding the provisions of clause 1(1), clause 2, and clause 3, 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                           | 55.50 |
| (b) | Where the total period of absence exceeds 24 hours, for each 6 hours or part thereof | 13.00 |
- 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:                 |      |
|     | For every day when the witness is able to return to his or her usual place of residence before 7 pm     | 4.50 |
|     | For every day when the witness is not able to return to his or her usual place of residence before 7 pm | 7.00 |

- |  |      |
|--|------|
|  | (\$) |
| (b) To a witness or an interpreter who is entitled to fees under any of the provisions of clauses 1 to 4, for every day when the witness or interpreter is not able to return to his or her usual place of residence before 7 pm | 7.00 |

## 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 \$0.38 a kilometre:  
provided that, in special circumstances, the court or paying officer may allow the cost of travelling by small passenger service vehicle:
  - (c) in any case where a public conveyance is available, an allowance at the rate of \$0.38 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 \$0.38 a kilometre.

Schedule clause (8)(b) proviso: amended, on 1 October 2017, by section 110(8) of the Land Transport Amendment Act 2017 (2017 No 34).

P G Millen,  
Clerk of the Executive Council.

## Notes

### **1** *General*

This is a consolidation of the Witnesses and Interpreters Fees Regulations 1974 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Witnesses and Interpreters Fees, Allowances, and Expenses Regulations 2023 (SL 2023/18): regulation 15

Land Transport Amendment Act 2017 (2017 No 34): section 110(8)

Witnesses and Interpreters Fees Amendment Regulations 2013 (SR 2013/263)

Witnesses and Interpreters Fees Amendment Regulations 2004 (SR 2004/36)

State Sector Amendment Act 2003 (2003 No 41): section 14(2)

Witnesses and Interpreters Fees Regulations 1974, Amendment No 6 (SR 1996/140)

Witnesses and Interpreters Fees Regulations 1974, Amendment No 5 (SR 1988/147)