

Criminal Procedure Code (Witnesses' Allowances) Regulations 2010

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CRIMINAL PROCEDURE CODE 2010
(ACT 15 OF 2010)

CRIMINAL PROCEDURE CODE (WITNESSES' ALLOWANCES) REGULATIONS
2010

In exercise of the powers conferred by section 428(1) and (2)(a) and (e) of the Criminal Procedure Code 2010, read with section 46 of the Coroners Act 2010 (Act 14 of 2010), the Minister for Law hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Criminal Procedure Code (Witnesses' Allowances) Regulations 2010 and shall come into operation on 2nd January 2011.

Definitions

2.—(1) In these Regulations, unless the context otherwise requires —

“attendance in court” means the presence of a witness in court during any inquiry or trial held under the provisions of the Code or the attendance of a witness during any inquiry under the Coroners Act 2010 (Act 14 of 2010), as the case may be, to —

(a) await his turn to give evidence or be identified by other witnesses;

(b) give evidence; or

(c) in the case of an expert witness, assist counsel when the corresponding expert witness of any other party to the proceedings is giving evidence;

“authorising officer” means the Registrar of the Supreme Court, the registrar of the Family Justice Courts, a District Judge, a Magistrate or the Registrar of the State Courts, as the case may be;

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“earned income” has the same meaning as in section 2(1) of the Income Tax Act (Cap. 134);

“expert” has the same meaning as in section 47 of the Evidence Act (Cap. 97);

“subsistence allowance” means an allowance in respect of food, lodging and other expenses that may have been incurred by a witness resident outside Singapore

during the period of his stay in Singapore for the purpose of attending as a witness;

“witness” means a person properly attending in court or at an inquiry under the Coroners Act 2010 —

- (a) to give evidence, whether or not he in fact gives evidence; or
- (b) to assist counsel in the case of an expert witness.

(2) For the purposes of these Regulations, any attendance in court in any one day by a witness —

- (a) for a total period of 3 hours or less, excluding the lunch period, shall be considered as half a day’s attendance in court; and
- (b) for a total period of more than 3 hours, excluding the lunch period, shall be considered a full day’s attendance in court.

Allowance for expert witnesses

3. An expert witness may be allowed, for his attendance in court and for work done in connection with such attendance, an allowance of one-fiftieth of his monthly earned income for each half day’s attendance in court, subject to a maximum allowance of \$350 for each half day’s attendance.

Allowance for expert written opinions or reports

4. Where an expert witness has been requested by the court, the Coroner, the deputy public prosecutor or the defence counsel to prepare a written report or opinion, the expert witness may also be allowed an allowance, to be fixed by the authorising officer at his discretion, for the work done and the expenses properly incurred in connection with the preparation of the report or opinion, regardless of whether or not the report or opinion is subsequently admitted in evidence.

Allowance for other witnesses

5. A witness, other than an expert witness, may be allowed, for his attendance in court, an allowance of one-fiftieth of his monthly earned income for each half day’s attendance in court, subject to a minimum allowance of \$25 and a maximum allowance of \$350 for each half day’s attendance.

Subsistence allowance

6.—(1) Where the attendance in court of a witness who resides outside Singapore causes him to be necessarily absent from his place of residence overnight, the witness may be allowed, in addition to any allowance under regulation 3 or 5, as the case may be,