

WITNESSES' ATTENDANCE ALLOWANCES ACT

Act 17 of 1990 – 1 August 1990

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WITNESSES' ATTENDANCE ALLOWANCES ACT

1. Short title

This Act may be cited as the Witnesses' Attendance Allowances Act.

2. Interpretation

In this Act—

“attendance” means the attendance by a witness at a Court in a civil or criminal case;

“attendance fee” means the fee payable to a witness, as specified in the First Schedule;

“clerk” means a clerk of the Intermediate Court, the Industrial Court, a District Court, or the Court of Rodrigues;

“summons” includes *subpoena*;

“taxing officer”—

- (a) in relation to the Supreme Court, means the Master and Registrar;
- (b) in relation to the Intermediate Court, the Industrial Court, a District Court or the Court of Rodrigues, means the clerk of the Court;

“travelling allowance” means an allowance calculated in the manner specified in section 5 and the Second Schedule;

“witness” means a person who is summoned to give evidence before a Court.

3. Application of Act

This Act shall apply to the Island of Mauritius and to Rodrigues.

4. Attendance fees and travelling allowances

(1) Subject to subsection (4), every witness shall be entitled for each attendance, to an attendance fee and a travelling allowance.

(2) A witness shall, whether or not he is called upon to give evidence, be entitled to an attendance fee on any day on which he is required to be in attendance either by a summons issued by the Court at the request of the parties or by the Court on its own motion.

(3) The attendance fee and the travelling allowance payable under this section shall be paid to the witness—

- (a) subject to paragraph (c), where the witness has been summoned at the request of one of the parties, by that party;
- (b) where the witness has been summoned by the Court, by the State; or
- (c) where the witness has been summoned by a party to whom legal aid has been granted, by the State.

(4) Where a person is heard as a witness in more than one case on the same day and before the same Court, and any attendance fee and travelling allowance due to the person are payable by the State, he shall be entitled to receive his attendance fee and travelling allowance in respect of one case only.

[S. 4 amended by Act 48 of 1991.]

5. Computation of travelling allowance

(1) The travelling allowance shall be calculated according to the shortest distance which the witness could have travelled between his residence or usual place of occupation, as shown in the summons, and the Court.

(2) Where, on an application made by a witness, the taxing officer is satisfied that the witness travelled to the Court from a place other than that shown in the summons, the taxing officer may order the summons to be amended and the travelling allowance shall be paid in respect of the place from which the witness actually travelled.

6. Taxation of attendance fee and travelling allowance

(1) The attendance fee and the travelling allowance payable to a witness shall be taxed by the taxing officer.

(2) A person dissatisfied with a decision of a taxing officer under subsection (1) may apply within 21 days in person—

- (a) in the case of a decision of the Master and Registrar, to a Judge; and
- (b) in the case of a decision of a clerk, to a Magistrate of the Court, for a review of the decision.

(3) On an application under subsection (2), the Judge or Magistrate may make such order as he may determine.

(4) No costs shall be allowed on a review under subsection (3).

[S. 6 amended by s. 23 (3) of Act 29 of 1992 w.e.f. 25 July 1992.]

7. Payment to be a charge on Consolidated Fund

Any payment made under section 4 (3) (b) or (c) shall be a charge on the Consolidated Fund.

8. Saving

Nothing in this Act shall affect the power of a Court to compel the attendance of a witness.

9. Offences

Any person who, when summoned as a witness before any Court, wilfully and knowingly gives false information as regards his profession, trade, calling or place of residence in order to obtain a higher travelling allowance, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,000 rupees.

10. Amendment of Schedules

The Attorney-General may, on the recommendation of the Chief Justice, by regulations, amend the Schedules.

11. – 12. —

FIRST SCHEDULE

[Section 2]

ATTENDANCE FEES FOR WITNESSES

Architect	}	Rs 200
Attorney-at-Law		
Barrister		
Chartered or Certified Accountant		
Consular Officer		
Dentist		
Engineer		
Forensic Science Officer		
Forensic Technologist		
Land Surveyor		
Marine Surveyor		
Master of a ship		
Medical Practitioner		

FIRST SCHEDULE—continued

Notary
Pharmacist
Sworn Auctioneer
Sworn Broker
Veterinary Surgeon
Any other witness



Rs 100

[Reprinted by Reprint 2 of 1991; amended by GN 221 of 1990 w.e.f. 24 November 2010; repealed and replaced by GN 32 of 2004 w.e.f. 15 March 2004; by s. 3 of GN 107 of 2009 w.e.f. 15 September 2009; amended by GN 76 of 2014 w.e.f. 5 May 2014.]

SECOND SCHEDULE

[Section 2]

Allowance for travelling—

- (a) for the distance which can be travelled by bus
- (b) for every mile each way which cannot be travelled by bus

Cost of the return fare for that distance

Rs 3.00