

Criminal Procedure Code (Witnesses' Allowances) Regulations 2010

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No. S 805

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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[S 649/2014 wef 01/10/2014]

“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, a subsistence allowance of \$230 in respect of each 24-hour period of such absence.

(2) Unless otherwise approved by the authorising officer, where the witness' period of absence from his place of residence overnight does not exceed 24 hours but exceeds 8 hours, the witness may be allowed, in addition to any allowance under regulation 3 or 5, as the case may be, a subsistence allowance of \$115.

(3) Unless the prior approval of the authorising officer has been obtained, no subsistence allowance shall be payable except in respect of the following periods of stay in Singapore:

- (a) a maximum period of 24 hours before the time that the witness' attendance in court is required;
- (b) the days on which the witness' attendance in court is required; and
- (c) a maximum period of 24 hours following the time that the witness' attendance in court is no longer required.

Trans-national travel expenses

7.—(1) A witness who resides outside Singapore and who travels by air to Singapore for the purpose of his attendance in court may be reimbursed his air fare on the basis of the economy class fare charged by the airline he has used, unless the prior approval of the authorising officer has been obtained for such witness to be reimbursed his air fare on the basis of a higher class of fare.

(2) Where a witness has travelled by a mode of transport other than by air, he may be reimbursed his travelling expenses on the basis of the normal economy charges for the mode of public ferry service or land transport used, unless prior approval otherwise has been granted by the authorising officer.

(3) Port charges or port taxes incurred by a witness may be reimbursed upon the relevant receipts or invoices being produced to the authorising officer.

Transport allowance within Singapore

8.—(1) A witness may be allowed for each day's attendance in court a fixed sum, not exceeding \$20, as the authorising officer thinks fit, as transport allowance for travel between the place where his attendance is required and his place of stay in Singapore, regardless of the mode of transport actually used, the distance of the place where his attendance is required from the witness' place of stay or any parking charge or road user charge incurred by the witness.

(2) In paragraph (1), "road user charge" means any fee, charge or toll payable under —

- (a) the Road Traffic (Electronic Road Pricing System) Rules 2007 (G.N. No. S 738/2007); or
- (b) the Road Traffic (Collection of Toll at Woodlands and Tuas Checkpoints) Rules (Cap. 276, R 12).

Public officers

9.—(1) Unless otherwise approved by the authorising officer —

- (a) no allowance or sum shall be allowed under regulation 3, 4, 5, 6, 7 or 8 in respect of a public officer required for an attendance in court as a witness to a matter of which he has acquired knowledge in the course of his duty; and
- (b) the relevant Instruction Manual or Government circulars relating to transport and travel shall apply to such a public officer.

(2) Where a public officer is required for an attendance in court as a witness to any other matter, regulation 8 shall apply to him; but no allowance or sum shall be allowed under regulation 3, 4, 5, 6 or 7 unless he suffers any loss of earnings or pay, which he would otherwise have received.

Time for submission of claims

10. A witness must submit his claim to the authorising officer in such form as the authorising officer may require no later than 2 months after accrual of the claim.

Evidence of monthly earned income and travel expenses

11.—(1) No claim submitted by a witness in respect of —

- (a) his monthly earned income; or
- (b) any travel expenses referred to in regulation 7,

shall be considered unless such witness produces to the authorising officer together with his claim such evidence of his monthly earned income or travel expenses as the authorising officer may require.

(2) If no such evidence is available, the allowances for such witness shall be fixed by the authorising officer at his discretion.

Discretion of authorising officer to disallow claims

12. The authorising officer may disallow any claim or part thereof which, in his view, is unreasonable or which has been unnecessarily incurred.

Certification of allowance

13. Where an authorising officer allows any allowance or sum to be paid to a witness under these Regulations, the authorising officer shall issue a certificate certifying the allowance or sum to be paid to the witness.

Revocation

14. The Criminal Procedure Code (Witnesses' Allowances) Rules (Cap. 68, R 1) are revoked.

Made this 24th day of December 2010.

PANG KIN KEONG
*Permanent Secretary,
Ministry of Law,
Singapore.*

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