



Witnesses and Interpreters Fees Amendment Regulations 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 17th day of June 2013

Present:

His Excellency the Governor-General in Council

Pursuant to section 387 of the Criminal Procedure Act 2011, section 100A of the Judicature Act 1908, and section 81 of the Public Finance Act 1989 (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 on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Witnesses and Interpreters Fees Amendment Regulations 2013.

2 Commencement

These regulations come into force on 1 July 2013.

3 Principal regulations

These regulations amend the Witnesses and Interpreters Fees Regulations 1974 (the **principal regulations**).

4 Regulation 2 amended (Interpretation)

In regulation 2, replace the definition of **paying officer** with:

“**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.”

5 Regulation 3 amended (Application of regulations)

In regulation 3(a), replace “in a District Court in its criminal jurisdiction” with “to which the Criminal Procedure Act 2011 applies”.

6 Regulation 4 amended (Fees, allowances, and expenses payable by the Crown)

In regulation 4(2), delete “, except where notice has been given on behalf of the Crown to the private prosecutor that the prosecution is not to be conducted by the Crown Solicitor”.

Rebecca Kitteridge,
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 amend the Witnesses and Interpreters Fees Regulations 1974 (the **principal regulations**) to align the principal regulations with the Criminal Procedure Act 2011. The regulations come into force on 1 July 2013, which is the day on which the Criminal Procedure Act 2011 will be fully in force.

Regulation 4 amends the definition of paying officer in regulation 2 of the principal regulations. The amended definition clarifies that Deputy Registrars are included in the definition of paying officers.

Regulation 5 amends regulation 3 of the principal regulations, which is the application provision. The principal regulations currently apply to the payment of witnesses and interpreters for the Crown in criminal and civil proceedings and to any proceedings in a District Court in its criminal jurisdiction. Because the existing restriction to District Courts is no longer appropriate in light of the Criminal Procedure Act 2011, the amendment extends the application of the principal regulations to any proceedings to which that Act applies.

Regulation 6 amends regulation 4 of the principal regulations, which makes provision for fees, allowances, and expenses payable by the Crown to witnesses and interpreters in judicial proceedings, by removing an exception that is no longer applicable.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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These regulations are administered by the Ministry of Justice.
