



Tuvalu

**MAGISTRATES' COURTS (COSTS IN
CRIMINAL CASES) RULES**

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MAGISTRATES' COURTS (COSTS IN CRIMINAL CASES) RULES

MADE UNDER SECTION 75 OF THE MAGISTRATES' COURTS ACT¹

1 Title

These Rules may be cited as the Magistrates' Courts (Costs in Criminal Cases) Rules.

2 Definition

In these Rules “**court**” means a magistrate's court constituted under section 3(1).

3 Magistrates may direct the payment of costs

A magistrate in the exercise of his criminal jurisdiction may direct the payment of the costs of the prosecution or defence or both in accordance with the provisions of these Rules out of the Consolidated Fund.

4 Amounts to be paid

The costs which may be so directed to be paid are such sums as, subject to these Rules, appear to the court reasonably sufficient to compensate the prosecutor for the expense properly incurred by him in instituting and carrying on the prosecution and to compensate any person acting as an interpreter or attending to give evidence for the prosecution or defence or called to give evidence at the instance of the court for expense, trouble, or loss of time properly incurred in or incidental to the attendance and acting as an interpreter or to the giving of evidence.

5 Amount in discretion of court

The making of any order for the payment of costs under these Rules shall be in the discretion of the court.

6 Witnesses of character

No expenses to witnesses whether for the prosecution or defence if such witnesses are witnesses to character only shall be allowed unless the court otherwise orders.

7 Costs to conform to scale

- (1) The allowances for costs which may be ordered to be paid under these Rules shall conform to the respective scales set out in the Schedule.
- (2) If a person attends in respect of more cases than 1 he shall not be allowed more than a proportionate part of the allowance in each case.

8 Time witness away from home, etc., to be considered

- (1) No full day allowance under these Rules shall be ordered to be paid to a witness unless the witness is necessarily detained away from his home or place of business or employment for at least 4 hours for the purpose of giving evidence.
- (2) If the time during which the witness is necessarily so detained be less than 4 hours he shall not receive more than half of the allowance which he would have received had he been detained for the full day:

Provided that this provision shall not apply where the court is satisfied that a witness though absent for less than 4 hours necessarily loses in consequence of his attendance his whole day's wages or earnings.

9 Travelling and maintenance

Witnesses and interpreters attending court in any criminal case or matter may in addition, in the discretion of the magistrate, be allowed travelling and maintenance expenses reasonably and actually incurred.

SCHEDULE

(Rule 7 (1))

1. To interpreters, \$4 per day.
2. To expert witnesses such allowances as the Court may consider reasonable.
3. To professional men, merchants, and bankers not less than \$6 per day and not more than \$14 per day.
4. To tradesmen, artisans, mechanics, overseers, clerks and store assistants not less than \$2 per day and not more than \$6 per day.
5. To labourers, \$1 per day.
6. To persons not coming within any of the above classes and to females and children such allowances as the court may consider reasonable.

ENDNOTES

¹ LN 16/1965