

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 49 OF 2016

The National Prosecutions Authority Act, 2010
(Act No. 34 of 2010)

**The National Prosecution Authority (Witness Allowances
and Expenses) Regulations, 2016**

IN EXERCISE of the powers contained in section *twenty-one* of the National Prosecution Authority Act, 2010, and in consultation with the Authority, the following Regulations are made:

1. These Regulations may be cited as the National Prosecutions Authority (Witness Allowances and Expenses) Regulations, 2016. Title
2. In these Regulations, unless the context otherwise requires— Interpretation
 - “Authority” means the National Prosecutions Authority established under the Act;
 - “Board” means the Board of the Authority established under the Act;
 - “inmate” has the meaning assigned to it in the Prisons Act; Cap. 97
 - “victim” means a person who has suffered harm, including physical, mental, emotional, economic or other harm as a result of an alleged offence; and
 - “witness” means a person who gives testimony of facts which that person perceived regarding the commission of an offence in order to reveal the truth.
3. (1) These Regulations apply to a witness summoned to give evidence in a criminal proceeding, including a public officer. Application
- (2) These Regulations do not apply to an inmate and who is brought to the place of proceedings.

Fees,
allowances
and expenses
payable to
witness

4. (1) A witness shall be paid a transport allowance as provided in the Schedule.

(2) A person called upon to give evidence in consequence of a professional service rendered by that person, or to give expert evidence shall be paid in accordance with the scale of fees prescribed in the Schedule.

(3) A witness shall be paid an allowance for being away from the witness's usual place of residence overnight, except where accommodation is provided by the Authority.

(4) A witness shall be provided with a meal allowance as set out in the Schedule.

Accompany-
ing person

5. The Authority shall pay the parent, guardian or attendant accompanying a witness under the age of sixteen years or a witness who by reason of illness, mental or physical disability is unable to attend court unaccompanied such fees, allowances and expenses prescribed in the Schedule as if the parent, guardian or attendant were a witness.

Claims for
expenses

6. Where a witness claims an expense that is not provided for by these Regulations, that expense shall be submitted to the Authority supported by receipts or other proof of the expenditure.

Authorisation
of certain
payment

7. Where the Director of Public Prosecutions or a person designated by the Director of Public Prosecutions, having regard to the circumstances of the matter, determines that the fees and expenses authorised by these Regulations are insufficient for the expenditure incurred by a witness, the Director of Public Prosecutions may authorise further payment to the witness in respect of additional expenses reasonably incurred.

Prohibition
of additional
allowance

8. A witness who attends more than one matter on the same day at the same venue shall not be paid an additional allowance in respect of those matters.

Revocation
of S.I. No.
177 of 1990

9. The Criminal Procedure (Witnesses' and Assessors Allowances and Expenses) Rules are revoked.

SCHEDULE
(Regulations 4 and 5)

PRESCRIBED FEES

<i>Item</i>	<i>Minimum Sum payable (Fee Units)</i>	<i>Maximum Sum payable (Fee Units)</i>
Transport Allowance:		
1. Local (within the district where the court is sitting)	167	334
2. Outside (from outside the district where the court is sitting)	250	1667
Overnight allowances:		
1. Expert witnesses	834	1667
2. Non Expert witnesses	334	1167
Meal allowance	250	500

LUSAKA

22nd June, 2016

[NPA.101/8/41]

N. SIMBYAKULA,
Minister of Justice

