

Seychelles

Witnesses Tariff Act

Chapter 248

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Witnesses Tariff Act
Contents

- 1. Short title 1
- 2. Expenses and allowances of witnesses 1
- 3. One taxation only allowed per day 1
- 4. Penalty for wrong information 1
- 5. Shortest distance reckoned 1
- 6. Witnesses in civil cases. Witnesses may tax their costs before termination of suit 1
- 7. Prepayment of allowances in civil cases 2
- 8. Power of Judge, etc., saved 2
- 9. Taxation of witnesses 2

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Witnesses Tariff Act

Chapter 248

Commenced on 6 June 1903

[This is the version of this document as it was at 1 December 2014 to 11 November 2021.]

[Act 6 of 1903; Act 7 of 1921; Act 11 of 1934; Act 5 of 1952; Act 3 of 1958; Act 3 of 1959; G.N. 245/1952]

1. Short title

This Act may be cited as the Witnesses Tariff Act.

2. Expenses and allowances of witnesses

There shall be paid to witnesses summoned in civil and criminal cases before every court such expenses and allowances as the Chief Justice with the approval of the Minister may by rules of court prescribe.

3. One taxation only allowed per day

When any person is heard as a witness in several cases, on the same day and before the same court, and any expenses and allowances due to such person become payable by the Republic, such person shall be entitled to receive from the Republic expenses and allowances in respect of one case only.

4. Penalty for wrong information

Any witness, called before any court of justice, who shall willfully and knowingly give wrong information as regards his profession, trade, calling, avocation, or place of residence, in order to obtain a higher rate of expenses and allowances, shall be liable to prosecution, and shall, on conviction, be fined a sum not exceeding fifty rupees.

5. Shortest distance reckoned

For the purpose of this Act, the distance travelled over by any witness shall be reckoned by the shortest way to and from his residence, or usual place of occupation:

Provided that in no case shall any witness be allowed travelling expenses from any locality other than that specified on his subpoena or summons as being that of his residence or usual place of occupation, except by the authority of the Attorney General or unless such witness has applied on oath to a Judge, magistrate, or Justice of Peace for a rectification of his summons or subpoena.

6. Witnesses in civil cases. Witnesses may tax their costs before termination of suit

- (1) In civil cases it shall be the duty of every attorney, who has caused a witness to be summoned or subpoenaed, to include the expenses and allowances due to such witness in his bill of costs, whether such bill of costs has to be taxed between party and party or between attorney and client, and it shall be the duty of every such witness to hand over his summons or subpoena to the attorney who caused him to be summoned or subpoenaed immediately after the trial of the case.
- (2) If a witness has been summoned by one of the parties to a cause or matter and has attended in pursuance of such summons, such witness shall be entitled to have his costs and allowances as established by law taxed by the taxing master without having to wait for the termination of the cause or matter aforesaid, and the taxing master shall deliver to such witness an order upon the party who summoned him, ordering such party forthwith to pay to the witness his costs and allowances:

Provided that payment to a witness of costs so ordered by the party who summoned him shall not entitle such party to recover such costs from the party who has been ordered to pay the costs of the cause or matter, unless the costs of such witness be allowed by the taxing master on taxation as between party and party.

7. Prepayment of allowances in civil cases

No witness subpoenaed or summoned to attend before a court of civil jurisdiction shall have a right of action for his expenses and allowances, until such expenses and allowances shall have been taxed and the written order of a Judge is obtained to enter such action.

Every such witness, when put in the box, may with the approval of the Judge hearing the case decline to give evidence until his expenses and allowances, if any be due, are paid to him.

8. Power of Judge, etc., saved

Nothing herein contained shall in any way alter, modify, or suspend the powers now vested in the Supreme Court, the registrar, or the Justices of the Peace to compel the attendance of witnesses.

9. Taxation of witnesses

There expenses and allowances due to witnesses in all cases civil, or criminal before the Magistrates' Court and the Supreme Court shall be taxed by the Registrar, and in case any party feels aggrieved by the decision of the Registrar, the taxation may be reviewed without expense by a Judge in Chambers.