



Province of Alberta

COURT OF APPEAL ACT
COURT OF QUEEN'S BENCH ACT
PROVINCIAL COURT ACT

**FEES AND EXPENSES FOR
WITNESSES AND INTERPRETERS
REGULATION**

Alberta Regulation 123/1984

With amendments up to and including Alberta Regulation 170/2012

Office Consolidation

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(Consolidated up to 170/2012)

ALBERTA REGULATION 123/84

**Court of Appeal Act
Court of Queen's Bench Act
Provincial Court Act**

**FEEES AND EXPENSES FOR WITNESSES
AND INTERPRETERS REGULATION**

1 The fees and expenses set out in this Regulation are applicable to

- (a) a witness who attends for the purpose of giving evidence on behalf of the Crown in criminal proceedings, summary conviction appeals, preliminary inquiries, summary trials of indictable offences and summary convictions, except in the case of
 - (i) a witness who attends for the purpose of giving evidence in a proceeding
 - (A) under a municipal by-law, or
 - (B) for which the Government of Canada provides the prosecutor,
 - (ii) a witness who is an inmate as defined in the *Corrections Act* and is brought to the place of the proceeding,
 - (iii) a witness who is required to be at Court at the place of the proceeding on the same day as the proceeding for another purpose, or
 - (iv) a witness who is
 - (A) a police officer, or
 - (B) an employee of the Government,and who is required to be a witness in the course of his regular duties,
- (b) a witness who attends for the purpose of giving evidence in a proceeding on behalf of a director or on behalf of the Child and Youth Advocate as defined in the *Child, Youth and Family Enhancement Act*, and

- (c) an interpreter who attends a criminal proceeding, summary conviction appeal, preliminary inquiry, summary trial of an indictable offence or summary conviction, or a proceeding under the *Child, Youth and Family Enhancement Act*.

AR 123/84 s1;289/88;221/2006;306/2006

1.1(1) Fees and expenses payable to a witness who is eligible under section 1(a) and, subject to subsections (3) and (4), to an interpreter described in section 1(c) shall be paid by the Minister of Justice and Solicitor General.

(2) Fees and expenses payable to a witness described in section 1(b) shall be paid by the Minister of Human Services.

(3) Fees and expenses payable to an interpreter who attends a proceeding under a municipal bylaw shall be paid by the municipality.

(4) Fees and expenses payable to an interpreter who attends a proceeding when the Government of Canada provides a prosecutor shall be paid by the Government of Canada.

AR 289/88 s3;206/2001;64/2005;68/2008;31/2012;170/2012

2 A witness shall be paid the following expenses:

- (a) repealed AR 80/87 s2;
- (b) the actual fare paid in going to or returning from the place of trial or proceedings by railway, bus or public carrier;
- (c) if travel by railway, bus or public carrier is inconvenient and the witness travels by private automobile, the amount set out in section 15 of the *Public Service Subsistence, Travel and Moving Expenses Regulation* made under the *Public Service Act* for each kilometre travelled to and from the place of trial or proceedings;
- (d) if a witness is not resident in the vicinity of the place of the trial or proceedings and is required to remain overnight, reasonable accommodation expenses actually incurred;
- (e) if a witness
- (i) is not resident in the vicinity of the place of the trial or proceedings, or

- (ii) is resident in the vicinity of the place of the trial or proceedings but is required to go to a restaurant for meals,

reasonable meal expenses actually incurred.

AR 123/84 s2;80/87;187/91;64/2005

3 A person, when called upon to give evidence in consequence of a professional service rendered by him or to give expert evidence depending upon his skill or judgment shall be paid the following fees and expenses:

- (a) up to \$75 for each hour or part of an hour while in attendance at the proceedings;
- (b) the expenses set out in section 2(b) to (e).

AR 123/84 s3;80/87;289/88

4 An interpreter shall be paid the following fees and expenses:

- (a) \$45 for each hour or part of an hour while in attendance at the proceedings;
- (b) the expenses set out in section 2(b) and (e) and if travel by railway, bus or public carrier is inconvenient and the interpreter travels by private automobile, the amount set out in section 15 of the *Public Service Subsistence, Travel and Moving Expenses Regulation* made under the *Public Service Act* for each kilometre travelled to and from the place of trial or proceedings.

AR 123/84 s4;80/87;64/2005

5(1) A claim for any of the expenses set out in section 2(b), (d) or (e) shall be supported by receipts or other proof of the expenses incurred.

(2) If the expenses are not supported by receipts or other proof as required under subsection (1), the claim for those expenses shall be paid in accordance with the *Public Service Subsistence, Travel and Moving Expenses Regulation* made under the *Public Service Act*.

AR 123/84 s5;80/87;64/2005

6 If the Minister of Justice and Solicitor General, the Deputy Minister of Justice and Deputy Attorney General or a person designated by either of them or if the Minister of Human Services, the Deputy Minister of Human Services or a person designated by either of them, having regard to the circumstances, is of the opinion that the fees and expenses authorized by this Regulation are

insufficient, he may authorize payment to the claimant of any higher fee or expenses that he considers just.

AR 123/84 s6;289/88;206/2001;68/2008;31/2012;170/2012

7 The *Fees and Expenses for Witnesses, Interpreters and Jurors Regulation* (Order in Council 135/80) is repealed.

AR 123/84 s7

8 This Regulation comes into force on April 16, 1984.

AR 123/84 s8



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