

1980

c 110 Crown Witnesses Act

Ontario

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CHAPTER 110

Crown Witnesses Act

1. In this Act,

Interpre-
tation

- (a) "trial" means any proceeding in a criminal matter in a court or before a justice of the peace or a grand jury, but does not include a proceeding in a matter arising out of a contravention of a by-law of a municipality or local board thereof;
- (b) "witness" means a person who attends at the instance of the Crown to give evidence at a trial. 1971, c. 5, s. 1, *part*.

2.—(1) Witnesses attending trials at the instance of the Crown shall be paid such fees and allowances as are prescribed under the *Administration of Justice Act*.

Fees for
Crown
witnesses
R.S.O. 1980,
c. 6

(2) No witness fee or allowance shall be paid under subsection (1) to a member of a police force who attends a trial held in the county or district within which the police force is responsible for policing an area. 1971, c. 5, s. 1, *part*.

Exception

(3) The Crown attorney, with the approval of the Deputy Attorney General, may order the payment of such sum in addition to the fees and allowances referred to in subsection (1) as he considers reasonable and sufficient to compensate the witness for doing any work in preparation for a trial or preparing any document or article for use at a trial. 1971, c. 5, s. 1, *part*; 1973, c. 4, s. 1 (1).

Compensa-
tion for
preparatory
work

(4) Where the Deputy Attorney General is of the opinion that the fees and allowances payable to a witness under subsection (1) are insufficient having regard to special circumstances, he may authorize the payment of such higher fee or allowance as he considers appropriate. 1971, c. 5, s. 1, *part*; 1973, c. 4, s. 1 (2).

Increase of
fees in
special
circum-
stances

3. Where a bill of indictment has not been preferred or where a trial has not been proceeded with, section 2 applies, if in the opinion of the Crown attorney a person attended the court in obedience to a recognizance or subpoena or at the instance of the Crown. R.S.O. 1970, c. 103, s. 4; 1971, c. 5, s. 2.

Where no
indictment
preferred or
trial had

Moneys

4. The fees and allowances authorized by this Act shall be paid out of the moneys appropriated by the Legislature for the administration of justice. R.S.O. 1970, c. 103, s. 5.

Witness fees, etc., payable on prosecution of claims etc., by Her Majesty

5. In the case of an information, action or other legal proceeding by or on behalf of the Crown, for the prosecution of rights, claims or demands of Her Majesty against any person for the use of Ontario, or for the recovery of the possession of any land, deeds or personal property to which Her Majesty claims to be entitled for the use of Ontario, the witnesses are entitled to be paid the like witness fees and allowances as are payable in actions between subject and subject. R.S.O. 1970, c. 103, s. 6.

Where evidence taken by commission

6. Where a commission has issued to take the evidence of a witness, the fees and expenses incurred in and by the issue of the commission and taking of the evidence shall be paid in the same manner as witness fees. R.S.O. 1970, c. 103, s. 7.

Fees, etc., not payable in advance

7. A witness is not entitled to require payment of any witness fee or allowance under this Act before the determination by adjournment or otherwise of the trial at which he attends as a witness. R.S.O. 1970, c. 103, s. 8.