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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 964

06 SEPTEMBER 2017

**CRIMINAL PROCEDURE ACT, 1977 (ACT NO. 51 OF 1977)
NOTICE OF TARIFF PAYABLE TO PSYCHIATRIST OR CLINICAL PSYCHOLOGIST FOR
AN ENQUIRY INTO THE MENTAL CONDITION OF AN ACCUSED**

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services, acting under section 79(11) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) hereby, in consultation with the Minister of Finance, determine the tariff payable to psychiatrists or clinical psychologists for an enquiry into the mental condition of an accused, in the Schedule.

SCHEDULE**Definitions**

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned to it and unless the context otherwise indicates—
"court manager" means the person in control of the administration of a magistrate's office;
"Director-general" means the Director-general of the Department of Justice and Constitutional Development;
"registrar" includes an assistant registrar; and
"the Act" means the Criminal Procedure Act, 1977 (Act No. 51 of 1977)

Transport and travelling expenses

2. (1) A psychiatrist or clinical psychologist may make use of public or private transport.

(2) A psychiatrist or clinical psychologist who uses public transport is entitled to an amount equal to the fare for the least expensive means of transport along the shortest route.

(3) A psychiatrist or clinical psychologist who uses a private motor vehicle is entitled to a transport allowance as prescribed from time to time for the Public Service.

(4) A psychiatrist or clinical psychologist may only use air transport at State expense if a court manager or registrar—

(a) is satisfied that the use thereof is warranted; and

(b) has, prior to the flight, approved that the psychiatrist or clinical psychologist may make use of air transport.

(5) On satisfactory proof having been produced, a psychiatrist or clinical psychologist is entitled to be reimbursed for his or her reasonable actual expenses incurred in respect of parking and toll fees.

Remuneration for services

3. (1) A clinical psychologist who is designated or appointed by, or at the request of the court in terms of section 79(1) of the Act to enquire into the mental condition of an accused, and who is not in the full-time service of the State, shall be compensated for his or her services in connection with such enquiry from public funds at a rate of R765,00 per hour or part of an hour for an assessment and preparation of a report: Provided that prior authorisation for assessments longer than eight hours must be obtained from the Director-General or a person designated by him or her.

(2) A psychiatrist who is designated or appointed by, or at the request of the court in terms of section 79(1) of the Act to enquire into the mental condition of an accused and who is not in the full-time service of the State, shall be compensated for his or her services in connection with such enquiry from public funds at a rate of R1000,00 per hour or part of an hour for an assessment and preparation of a report: Provided that prior authorisation for assessments longer than eight hours must be obtained from the Director-general or a person designated by him or her.

(3) The decision of a court manager or a registrar in respect of the amounts payable in terms of this Notice shall be final.

Repeal of Notice

4. Government Notice No. R. 393 of 11 April 2008 is hereby repealed.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 964

06 SEPTEMBER 2017

STRAFPROSESWET, 1977 (WET NO. 51 VAN 1977)
KENNISGEWING VAN TARIEF BETAALBAAR AAN PSIGIATER OF KLINIESE
SELKUNDIGE VIR 'N ONDERSOEK NA DIE GEESTESTOESTAND VAN 'N BESKULDIGDE

Ek, Tshililo Michael Masutha, Minister van Justisie en Korrektiewe Dienste, handelende kragtens artikel 79(11) van die Strafproseswet, 1977 (Wet No. 51 van 1977), bepaal hierby in oorleg met die Minister van Finansies, die tarief betaalbaar aan psigiater en kliniese sielkundiges vir 'n ondersoek na die geestestoestand van 'n beskuldigde, in die Bylae.

BYLAE

Woordomskrywing

1. In hierdie Bylae het enige woord of uitdrukking die betekenis wat in die Wet daaraan geheg word, en tensy uit die samehang anders blyk beteken—
“die Wet” die Strafproseswet, 1977 (Wet No. 51 van 1977);
“Direkteur-generaal” die Direkteur-generaal van die Departement van Justisie en Staatkundige Ontwikkeling;
“griffier” ook 'n assistent-griffier; en
“hofbestuurder” ook 'n persoon in beheer van die administrasie van 'n landdroskantoor.

Vervoer- en reiskoste

2. (1) 'n Psigiater of 'n kliniese sielkundige mag van openbare of privaat vervoer gebruik maak.

(2) 'n Psigiater of kliniese sielkundige wat van openbare vervoer gebruik maak is geregtig op 'n bedrag gelykstaande aan die reiskoste vir die goedkoopste vervoer langs die kortste roete.

(3) 'n Psigiater of kliniese sielkundige wat van privaat vervoer gebruik maak is geregtig op 'n vervoertoelae soos van tyd tot tyd vir die Staatsdiens voorgeskryf.

(4) 'n Psigiater of kliniese sielkundige mag slegs van lugvervoer gebruik maak indien 'n hofbestuurder of griffier—

(a) oortuig is dat die gebruik daarvan geregverdig is; en

(b) voor die vlug, goedgekeur het dat die psigiater of kliniese sielkundige lugvervoer mag gebruik.

(5) By voorlegging van bevredigende bewys is 'n psigiater of kliniese sielkundige geregtig daarop om vergoed te word vir sy of haar redelike werklike uitgawes aangegaan ten opsigte van parkering en tolgelde.

Vergoeding vir dienste

3. (1) 'n Kliniese sielkundige wat aangewys of aangestel is deur, of op versoek van die hof ingevolge artikel 79(1) van die Wet om na die geestestoestand van 'n beskuldigde ondersoek in te stel, en wat nie in die heeltydse diens van die Staat is nie, sal uit staatsgelde vergoed word vir sy of haar dienste in verband met die ondersoek teen 'n tarief van R765,00 per uur of gedeelte van 'n uur vir 'n ondersoek en voorbereiding van 'n verslag: Met dien verstande dat vooraf goedkeuring vir ondersoeke langer as agt ure van die Direkteur-generaal of 'n persoon deur hom of haar aangewys, verkry word.

(2) 'n Psigiater wat aangewys of aangestel is deur, of op versoek van die hof ingevolge artikel 79(1) van die Wet om na die geestestoestand van 'n beskuldigde ondersoek in te stel, en wat nie in die heeltydse diens van die Staat is nie, sal uit staatsgelde vergoed word vir sy of haar dienste in verband met die ondersoek teen 'n tarief van R1000,00 per uur of gedeelte van 'n uur vir 'n ondersoek en voorbereiding van 'n verslag: Met dien verstande dat vooraf goedkeuring vir ondersoeke langer as agt ure van die Direkteur-generaal of 'n persoon deur hom of haar aangewys, verkry word.

(3) Die beslissing van 'n hofbestuurder of 'n griffier ten opsigte van die bedrae betaalbaar ingevolge hierdie Kennisgewing is finaal.

Herroeping van Kennisgewing

4. Goewermentskennisgewing No. R. 393 van 11 April 2008 word hierby herroep.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 965

06 SEPTEMBER 2017

**MAGISTRATES' COURTS ACT, 1944 (ACT NO. 32 OF 1944), AND SUPREME COURT ACT,
1959 (ACT NO. 59 OF 1959)
AMENDMENT OF NOTICE DETERMINING THE TARIFF OF ALLOWANCES PAYABLE TO
WITNESSES IN CIVIL CASES:**

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services, acting under section 51*bis* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and section 42 of the Supreme Court Act, 1959 (Act No. 59 of 1959), hereby, in consultation with the Minister of Finance, amend Notice No. 394 of 11 April 2008 by prescribing the tariff of allowances payable to witnesses in civil cases in the Schedule.

SCHEDULE**Definitions**

1. In this notice "the Notice" means the notice published by Government Notice No. R. 394 of 11 April 2008.

Amendment of paragraph 2 of Notice

2. Paragraph 2 of the Notice is hereby amended by the substitution for subparagraph (1) of the following subparagraph:

"(1) A witness who is for the purpose of the attendance of civil cases absent from his or her residence or place of sojourn and—

- (a) is obliged to be absent for longer than 24 hours from his or her residence or place of sojourn, shall be entitled to the allowances as prescribed from time to time for the Public Service; or
- (b) is obliged to be absent from his or her residence or place of sojourn for less than 24 hours, shall be entitled to the reasonable actual expenses incurred if the necessary corroborative documents accompany the claim to the satisfaction of the court manager or the registrar, or to the expenses as prescribed from time to time for the Public Service."

Amendment of paragraph 3 of Notice

3. Paragraph 3 of the Notice is hereby amended by the substitution for subparagraph (1) of the following subparagraph:

- "(1) A witness may, subject to the provisions of subparagraph (2), make use of—
- (a) public transport, in which case he or she is entitled to an amount equal to the fare for the least expensive transport along the shortest route; or
 - (b) private transport, in which case he or she is entitled to a transport allowance as prescribed from time to time for the Public Service."

Amendment of paragraph 4 of Notice

4. Paragraph 4 of the Notice is hereby amended by the substitution for the expression "R1 500, 00" of the expression "R2 084, 00".

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 965

06 SEPTEMBER 2017

**WET OP LANDDROSHOWE, 1944 (WET NO. 32 VAN 1944), EN WET OP DIE
HOOGGEREGSHOF, 1959 (WET NO. 59 VAN 1959)
WYSIGING VAN KENNISGEWING WAARBY DIE TARIEF VAN TOELAES BETAALBAAR
AAN GETUIES IN SIVIELE SAKE VOORGESKRYF WORD**

Ek, Tshililo Michael Masutha, Minister van Justisie en Korrektiewe Dienste, handelende kragtens artikel 51*bis* van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944) en artikel 42 van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959) wysig hierby, in oorleg met die Minister van Finansies, Kennisgewing No. 394 van 11 April 2008, deur die tariewe betaalbaar aan getuies in siviele sake in die Bylae, voor te skryf.

BYLAE

Woordomskrywing

1. In hierdie kennisgewing beteken "die Kennisgewing" die kennisgewing gepubliseer by Goewermentskennisgewing No. R. 394 van 11 April 2008.

Wysiging van paragraaf 2 van Kennisgewing

2. Paragraaf 2 van die Kennisgewing word hierby gewysig deur subparagraaf (1) deur die volgende subparagraaf te vervang:

- "(1) 'n Getuie wat vir die doel van bywoning van siviele sake afwesig is van sy of haar woonplek of die plek waar hy of sy vertoef en—
- (a) genoodsaak is om 24 uur of langer van sy of haar woonplek of die plek waar hy of sy vertoef afwesig te wees, is geregtig op die toelaes soos van tyd tot tyd vir die Staatsdiens voorgeskryf; of
 - (b) genoodsaak is om minder as 24 uur van sy of haar woonplek of die plek waar hy of sy vertoef afwesig te wees, is geregtig op die redelike werklike uitgawes aangegaan indien die eis, tot die bevrediging van die hofbestuurder of die griffier, van die nodige stawende dokumente vergesel gaan, of op die uitgawes soos van tyd tot tyd vir die Staatsdiens voorgeskryf."

Wysiging van paragraaf 3 van Kennisgewing

3. Paragraaf 3 van die Kennisgewing word hierby gewysig deur subparagraaf (1) deur die volgende subparagraaf te vervang:

- "(1) 'n Getuie mag, behoudens die bepalings van subparagraaf (2), gebruik maak van—
- (a) openbare vervoer, in welke geval hy of sy geregtig is op 'n bedrag gelykstaande aan die reiskoste vir die goedkoopste vervoer langs die kortste roete; of
 - (b) privaatvervoer, in welke geval hy of sy geregtig is op 'n vervoertoelae soos van tyd tot tyd vir die Staatsdiens voorgeskryf."

Wysiging van paragraaf 4 van Kennisgewing

4. Paragraaf 4 van die Kennisgewing word hierby gewysig deur die uitdrukking "R1 500,00 deur die uitdrukking "R2 084,00" te vervang.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 966

06 SEPTEMBER 2017

**MAINTENANCE ACT, 1998 (ACT NO. 99 OF 1998)
REGULATIONS RELATING TO MAINTENANCE: AMENDMENT**

The Minister of Justice and Correctional Services has, in consultation with the Minister of Finance, under section 44 of the Maintenance Act, 1998 (Act No. 99 of 1998) made the regulations in the Schedule.

SCHEDULE**Definitions**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 1361 of 15 November 1999, as amended by Government Notice No. R. 1099 of 3 November 2006.

Amendment of regulation 5 of Regulations

2. Regulation 5 of the Regulations is hereby amended by—
- (a) the substitution for paragraph (a) of the following paragraph:
"(a)(i) the allowances as prescribed from time to time for the Public Service if he or she is obliged to be absent for longer than 24 hours from his or her residence or place of sojourn; or
(ii) the reasonable actual expenses incurred if he or she is obliged to be absent from his or her residence or place of sojourn for less than 24 hours, if the necessary corroborative documents accompany the claim to the satisfaction of the maintenance officer, or to the expenses as prescribed from time to time for the Public Service:
Provided that the allowances provided for in subparagraphs (i) and (ii) are payable for the full period for which he or she is absent from his or her residence or place of sojourn for purposes of attending the enquiry."; and
- (b) the substitution for paragraph (d) of the following paragraph:
"(d) Whenever suitable public transport is not available and a person against whom a maintenance order may be made makes use of his or her own or hired transport to attend the enquiry, he or she is entitled to a transport allowance as prescribed from time to time for the Public Service."

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 966

06 SEPTEMBER 2017

WET OP ONDERHOUD, 1998 (WET NO. 99 VAN 1998)
REGULASIES TEN OPSIGTE VAN ONDERHOUD: WYSIGING

Die Minister van Justisie en Korrektiewe Dienste het in oorleg met die Minister van Finansies, kragtens artikel 44 van die Wet op Onderhoud, 1998 (Wet No. 99 van 1998) die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Regulasies" die regulasies soos gepubliseer by Goewermentskennisgewing No. R. 1361 van 15 November 1999, soos gewysig deur Goewermentskennisgewing No. R. 1099 van 3 November 2006.

Wysiging van regulasie 5 van Regulasies

2. Regulasie 5 van die Regulasies word hierby gewysig deur—
- (a) paragraaf (a) deur die volgende paragraaf te vervang:
- "(a)(i) die toelaes soos van tyd tot tyd vir die Staatsdiens voorgeskryf indien hy of sy genoodsaak is om 24 uur of langer van sy of haar woonplek of die plek waar hy of sy vertoef afwesig te wees; of
- (ii) die redelike werklike uitgawes aangegaan indien hy of sy genoodsaak is om minder as 24 uur van sy of haar woonplek of die plek waar hy of sy vertoef afwesig te wees indien die eis, tot die bevrediging van die onderhoudsbeampte van die nodige stawende dokumente vergesel gaan, of op die uitgawes soos van tyd tot tyd vir die Staatsdiens voorgeskryf:
- Met dien verstande dat die toelaes in paragrawe (i) en (ii) voor voorsiening gemaak, betaalbaar is vir die volle tydperk waarvoor hy of sy afwesig is van sy of haar woonplek of die plek waar hy of sy vertoef vir doeleindes van die ondersoek."; en
- (b) paragraaf (d) deur die volgende paragraaf te vervang:
- "(d) Indien gepaste openbare vervoer nie beskikbaar is nie en 'n persoon teen wie 'n onderhoudsbevel gemaak kan word, van sy of haar eie of gehuurde vervoer gebruik maak om die ondersoek by te woon, is hy of sy geregtig op die vervoertoelae soos van tyd tot tyd vir die Staatsdiens voorgeskryf."

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 967

06 SEPTEMBER 2017

**CRIMINAL PROCEDURE ACT, 1977 (ACT NO. 51 OF 1977)
REGULATIONS PRESCRIBING THE TARIFF OF ALLOWANCES PAYABLE TO
WITNESSES IN CRIMINAL PROCEEDINGS: AMENDMENT**

The Minister of Justice and Correctional Services has, in consultation with the Minister of Finance, under sections 191(3) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R. 391 of 11 April 2008.

Amendment of regulation 2 of Regulations

2. Regulation 2 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

- "(1) A witness who is for the purpose of the attendance of criminal proceedings absent from his or her residence or place of sojourn and—
- (a) is obliged to be absent for longer than 24 hours from his or her residence or place of sojourn, shall be entitled to the allowances as prescribed from time to time for the Public Service; or
 - (b) is obliged to be absent from his or her residence or place of sojourn for less than 24 hours, shall be entitled to the reasonable actual expenses incurred if the necessary corroborative documents accompany the claim to the satisfaction of the court manager or the registrar, or to the expenses as prescribed from time to time for the Public Service."

Amendment of regulation 3 of Regulations

3. Regulation 3 of the Regulations is hereby amended by substitution for subregulation (1) of the following subregulation:

- "(1) A witness may, subject to the provisions of subregulation (2), make use of—
- (a) public transport, in which case he or she is entitled to an amount equal to the fare for the least expensive transport along the shortest route; or

- (b) private transport, in which case he or she is entitled to a transport allowance as prescribed from time to time for the Public Service."

Amendment of regulation 4 of Regulations

4. Regulation 4 of the Regulations is hereby amended by the substitution for the expression "R1 500, 00" of the expression "R2 084, 00".

Amendment of regulation 5 of Regulations

5. Regulation 5 of the Regulations is hereby amended by the substitution for the expression "R1 500, 00" in subparagraph (i) of the expression "R2 084, 00".

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 967

06 SEPTEMBER 2017

**STRAFPROSESWET, 1977 (WET NO. 51 VAN 1977)
REGULASIES WAARBY DIE TARIEF VAN TOELAES BETAALBAAR AAN GETUIES IN
STRAFREGTELIKE VERRIGTINGE VOORGESKRYF WORD: WYSIGING**

Die Minister van Justisie en Korrektiewe Dienste het, in oorleg met die Minister van Finansies, kragtens artikel 191(3) van die Strafproseswet, 1977 (Wet No. 51 van 1977) die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die regulasies soos gepubliseer by Goewermentskennisgewing No. R. 391 van 11 April 2008.

Wysiging van regulasie 2 van Regulasies

2. Regulasie 2 van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

- "(1) 'n Getuie wat vir die doel van bywoning van strafregtelike verrigtinge afwesig is van sy of haar woonplek of die plek waar hy of sy vertoef en—
- (a) genoodsaak is om 24 uur of langer van sy of haar woonplek of die plek waar hy of sy vertoef afwesig te wees, is geregtig op die toelaes soos van tyd tot tyd vir die Staatsdiens voorgeskryf; of
 - (b) genoodsaak is om minder as 24 uur van sy of haar woonplek of die plek waar hy of sy vertoef afwesig te wees, is geregtig op die redelike werklike uitgawes aangegaan indien die eis, tot die bevrediging van die hofbestuurder of die griffier, van die nodige stawende dokumente vergesel gaan, of op die uitgawes soos van tyd tot tyd vir die Staatsdiens voorgeskryf."

Wysiging van regulasie 3 van Regulasies

3. Regulasie 3 van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

- "(1) 'n Getuie mag, behoudens die bepalings van subregulasie (2), gebruik maak van—

- (a) openbare vervoer, in welke geval hy of sy geregtig is op 'n bedrag gelykstaande aan die reiskoste vir die goedkoopste vervoer langs die kortste roete; of
- (b) privaatvervoer, in welke geval hy of sy geregtig is op 'n vervoertoelae soos van tyd tot tyd vir die Staatsdiens voorgeskryf."

Wysiging van regulasie 4 van Regulasies

4. Regulasie 4 van die Regulasies word hierby gewysig deur die uitdrukking "R1 500,00 deur die uitdrukking "R2 084,00" te vervang.

Wysiging van regulasie 5 van Regulasies

5. Regulasie 5 van die Regulasies word hierby gewysig deur die uitdrukking "R1 500,00" in subparagraaf (i) deur die uitdrukking "R2 084,00" te vervang.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 968

06 SEPTEMBER 2017

**CHILD JUSTICE ACT, 2008 (ACT NO. 75 OF 2008): AMENDMENT OF NOTICE
DETERMINING THE ALLOWANCES AND REMUNERATION OF PERSONS
COMPETENT TO CONDUCT THE EVALUATION OF CRIMINAL CAPACITY OF A
CHILD**

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services, acting under section 97(3) of the Child Justice Act, 2008 (Act No. 75 of 2008) hereby, in consultation with the Minister of Finance, amend Government Notice No. R.273 dated 1 April 2010 by—

- (a) the substitution for the expression "R550.00" in paragraph 2(b) of the Schedule of the expression "R1000.00"; and
- (b) the substitution for the expression "R420.00" in paragraph 2(c) of the Schedule of the expression "R765.00".

T. M MASUTHA
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

KITSISO YA PUSO

LEFAPHA LA BOSIAMISI LE TLHABOLOLO YA MOLAO THEO

No. R.

2017

**MOLAO WA BOSIAMISI JWA NGWANA WA 2008(MOLAO WA BO 75 WA 2008): PHETOLO
YA KITSISO E E BAYANG DITETLELELO LE DITUELO TSA BATHO BA BA
LEKANETSENG GO TSAMAISA TSHEKATSHEKO YA KITSO BOSINYI YA NGWANA**

Nna, Tshililo Michael Masutha, Tona ya Bosiamisi le Ditirelo tsa Kgopololo, ke dira ka fa tlase ga karolo 97(3) ya Molao wa Bosiamisi jwa Ngwana wa 2008 (Molao wa bo 75 wa 2008) ke buisane le Tona ya Matlotlo, ke fetola fano Kitsiso ya Puso ya Nmr. R. 273 ya letlha la 1 Moranang 2010 ka go-

- (a) sutisa lefoko "R550.00" mo temana 2(b) ya Mametlelelo le go baya lefoko "R1000.00"; le go
- (b) sutisa lefoko "R420.00" mo temana 2(c) ya Mametlelelo le go baya lefoko "R765.00".

TM MASUTHA**TONA YA BOSIAMISI LE DITIRELO TSA KGOPOLOLO**

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 969

06 SEPTEMBER 2017

**CRIMINAL PROCEDURE ACT, 1977 (ACT NO. 51 OF 1977)
REGULATIONS PRESCRIBING THE TARIFF OF ALLOWANCES PAYABLE TO
PSYCHIATRISTS AND CLINICAL PSYCHOLOGISTS WHO APPEAR AS
WITNESSES IN COURT: AMENDMENT**

The Minister of Justice and Correctional Services has, in consultation with the Minister of Finance, under section 191(3) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R. 392 of 11 April 2008.

Amendment of regulation 1 of Regulations

2. Regulation 1 of the Regulations is hereby amended by the insertion of the following definition before the definition of "court manager":
"Child Justice Act" means the Child Justice Act, 2008 (Act No. 75 of 2008);"

Substitution of regulation 2 of Regulations

3. Regulation 2 of the Regulations is hereby substituted for the following regulation:

"Subsistence allowance

2. (1) A psychiatrist or clinical psychologist who is—

- (a) designated or appointed by or at the request of the court in terms of section 79(1) of the Act to enquire into and report on the mental condition of an accused; or
- (b) ordered to evaluate the criminal capacity of a child in terms of section 11(3) of the Child Justice Act,

and who is not in the full-time service of the State, who must attend court in connection with an accused whom he or she has examined is entitled to the following allowances contemplated in subregulation (2).

(2) The psychiatrist or clinical psychologist contemplated in subregulation (1) who is for the purpose of the attendance of court absent from his or her residence or place of sojourn and—

- (a) is obliged to be absent for longer than 24 hours from his or her residence or place of sojourn, shall be entitled to the allowances as prescribed from time to time for the Public Service; or
- (b) is obliged to be absent from his or her residence or place of sojourn for less than 24 hours, shall be entitled to the reasonable actual expenses incurred if the necessary corroborative documents accompany the claim to the satisfaction of the court manager or the registrar, or to the expenses as prescribed from time to time for the Public Service:

Provided that the allowances provided for in paragraphs (a) and (b) are payable for the full period for which the psychiatrist or clinical psychologist is absent from his or her residence or place of sojourn for purposes of attending the court.

(3) In calculating the period of absence for purposes of subregulation (2)(a), a psychiatrist or clinical psychologist is allowed 24 hours for each distance of 600 kilometres or part thereof travelled."

Amendment of regulation 3 of Regulations

3. Regulation 3 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) A psychiatrist or clinical psychologist may, subject to subregulation (2), make use of—

- (a) public transport, in which case he or she is entitled to an amount equal to the fare for the least expensive transport along the shortest route; or
- (b) private transport, in which case he or she is entitled to a transport allowance as prescribed from time to time for the Public Service."

Substitution of regulation 4 of Regulations

4. Regulation 4 of the Regulations is hereby substituted for the following regulation:

"Remuneration for court attendance

4. (1) A clinical psychologist who is designated or appointed by, or at the request of the court in terms of section 79(1) of the Act to enquire into and report on the mental condition of an accused or a clinical psychologist who is ordered to evaluate the criminal capacity of a child in terms of section 11(3) of the Child Justice Act and who is not in the full-time service of the State, shall be compensated for giving evidence in court in connection with such enquiry or evaluation from public funds at the following rates:

- (a) R3 825,00 per day;
- (b) R2 295,00 for giving evidence in the morning; or
- (c) R1 530,00 for giving evidence in the afternoon.

(2) A psychiatrist who is designated or appointed by, or at the request of the court in terms of section 79(1) of the Act to enquire into and report on the mental condition of an accused, or a psychiatrist who is ordered to evaluate the criminal capacity of a child in terms of section 11(3) of the Child Justice Act and who is not in the full-time service of the State, shall be compensated for giving evidence in court in connection with such enquiry or evaluation from public funds at the following rates:

- (a) R5 000,00 per day;
- (b) R3 000,00 for giving evidence in the morning; or
- (c) R2 000,00 for giving evidence in the afternoon."

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 969

06 SEPTEMBER 2017

**STRAFPROSESWET, 1977 (WET NO. 51 VAN 1977)
REGULASIES WAARBY DIE TARIEF VAN TOELAES BETAALBAAR AAN PSIGIATERS EN
KLINIESE SELKUNDIGES WAT AS GETUIES IN HOF OPTREE, VOORGESKRYF WORD:
WYSIGING**

Die Minister van Justisie en Korrektiewe Dienste het, in oorleg met die Minister van Finansies, kragtens artikel 191(3) van die Strafproseswet, 1977 (Wet No. 51 van 1977) die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die regulasies soos gepubliseer by Goewermentskennisgewing No. R. 392 van 11 April 2008.

Wysiging van regulasie 1 van Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig deur die volgende woordomskrywing voor die woordomskrywing van "die Wet" by te voeg: "Child Justice Act" die "Child Justice Act, 2008 (Act No. 75 of 2008);".

Vervanging van regulasie 2 van Regulasies

3. Regulasie 2 van die Regulasies word hierby deur die volgende regulasie vervang:

"Verblyftoelae

2. (1) 'n Psigiater of 'n kliniese sielkundige wat—
- (a) aangewys of aangestel is deur, of op versoek van die hof ingevolge artikel 79(1) van die Wet om na die geestestoestand van 'n beskuldigde ondersoek in te stele n verslag te doen; of
 - (b) beveel is om die strafregtelike vermoë van 'n kind ingevolge artikel 11(3) van die Child Justice Act te evalueer,

en wat nie in die heelstydse diens van die Staat is nie, wat 'n hof moet bywoon in verband met 'n beskuldigde wat hy of sy ondersoek het, is geregtig op die volgende toelaes beoog in subregulasie (2).

(2) Die psigiater of kliniese sielkundige beoog in subregulasie (1) wat vir die doel van sodanige bywoning afwesig is van sy of haar woonplek of die plek waar hy of sy vertoef en—

- (a) genoodsaak is om 24 uur of langer van sy of haar woonplek of die plek waar hy of sy vertoef afwesig te wees, is geregtig op die toelaes soos van tyd tot tyd vir die Staatsdiens voorgeskryf; of
- (b) genoodsaak is om minder as 24 uur van sy of haar woonplek of die plek waar hy of sy vertoef afwesig te wees, is geregtig op die redelike werklike uitgawes aangegaan indien die eis van die nodige stawende dokumente vergesel gaan, of op die uitgawes soos van tyd tot tyd vir die Staatsdiens voorgeskryf:

Met dien verstande dat die toelaes in paragrawe (a) en (b) bedoel betaalbaar is vir die volle tydperk wat die psigiater of kliniese sielkundige vir die doel van bywoning van die hof van sy of haar woonplek of die plek waar hy of sy vertoef, afwesig is.

(3) By die berekening van die tydperk van afwesigheid vir die toepassing van subregulasie (2)(a) word 'n psigiater of kliniese sielkundige 24 uur toegelaat vir elke 600 kilometer of gedeelte daarvan gereis."

Wysiging van regulasie 3 van Regulasies

3. Regulasie 3 van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

- "(1) 'n Psigiater of kliniese sielkundige mag, behoudens die bepalings van subregulasie (2), gebruik maak van—
- (a) openbare vervoer, in welke geval hy of sy geregtig is op 'n bedrag gelykstaande aan die reiskoste vir die goedkoopste vervoer langs die kortste roete; of
 - (b) privaatvervoer, in welke geval hy of sy geregtig is op 'n vervoertoelae soos van tyd tot tyd vir die Staatsdiens voorgeskryf."

Vervanging van regulasie 4 van Regulasies

4. Regulasie 4 van die Regulasies word hierby deur die volgende regulasie vervang:

"Vergoeding vir hofbywoning

4. (1) 'n Kliniese sielkundige wat aangewys of aangestel is deur, of op versoek van die hof ingevolge artikel 79(1) van die Wet om na die geestestoestand van 'n beskuldigde ondersoek in te stele n verslag te doen, of 'n

kliniese sielkundige wat ingevolge artikel 11(3) van die Child Justice Act beveel is om die strafregtelike vermoë van 'n kind te evalueer, en wat nie in die healtydse diens van die Staat is nie, sal uit staatsgelde vergoed word vir getuielewering in verband met sodanige ondersoek of evaluasie teen die volgende tariewe:

- (a) R3 825,00 per dag;
- (b) R2 295,00 vir getuielewering in die oggend; of
- (c) R1530,00 vir getuielewering in die middag.

(2) 'n Psigiater wat aangewys of aangestel is deur, of op versoek van die hof ingevolge artikel 79(1) van die Wet om na die geestestoestand van 'n beskuldigde ondersoek in te stele n veslag te doen, of 'n psigiater wat ingevolge artikel 11(3) van die Child Justice Act bevel is om die strafregtelike vermoë van 'n kind te evalueer, en wat nie in die healtydse diens van die Staat is nie, sal uit staatsgelde vergoed word vir getuielewering in verband met sodanige ondersoek of evaluasie teen die volgende tariewe:

- (a) R5 000,00 per dag;
- (b) R3 000,00 vir getuielewering in die oggend; of
- (c) R2 000,00 vir getuielewering in die middag."

WARNING!!!

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