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GOVERNMENT NOTICES

GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 391

11 April 2008

CRIMINAL PROCEDURE ACT, 1977: REGULATIONS PRESCRIBING THE TARIFF OF ALLOWANCES PAYABLE TO WITNESSES IN CRIMINAL PROCEEDINGS

The Minister for Justice and Constitutional Development has, in consultation with the Minister of Finance, under sections 191(3) and 191(4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), made the regulations in the Schedule.

SCHEDULE

TARIFF OF ALLOWANCES

Definitions

1. In these regulations 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;
“registrar” includes assistant registrar;
“the Act” means the Criminal Procedure Act, 1977 (Act No. 51 of 1977); and
“witness” means a person who attends a criminal case as a witness for the State.

Subsistence allowance

2.(1) A witness is entitled to the following allowances for each 24 hours or part thereof for which the witness is, for the purpose of the attendance of criminal proceedings, absent from his or her residence or place of sojourn:

- (a) the reasonable actual expenses if it is necessary to hire accommodation for the night;
and
- (b) (i) R20 ; or
(ii) the reasonable actual expenses incurred for meals on submission of proof of the expenses to the satisfaction of the court manager or the registrar.

(2) The allowances provided for in subregulation (1) are payable for the full period for which the witness 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 (1), a witness is allowed 24 hours for each distance of 600 kilometres or part thereof traveled.

(4) The allowance provided for in subregulation (1) is not payable if the fare of a witness includes the cost of meals and accommodation.

Transport and travelling expenses

3.(1) A witness may, subject to subregulation (2), make use of public or private transport and is entitled to the following allowances:

(a) In the case of private transport -

(i) 92c per kilometre in the case of a motorcycle; or

(ii) R1,30 per kilometre in the case of a motor vehicle, calculated along the shortest route; or

(b) in the case of public transport, an amount equal to the fare for the least expensive transport along the shortest route.

(2) A witness may only use air transport at State expense if the court manager or registrar-

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

(b) has approved that the witness may make use of air transport.

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

Income forfeited

4. The court manager or a registrar may, on satisfactory proof having been produced that a witness has forfeited income as a result of his or her attendance of a criminal case, in addition to the allowance that may be payable to the witness in terms of regulation 2, order the payment of an allowance equal to the actual amount of income so forfeited, subject to a maximum of R1500,00 per day.

Supplementary provisions

5. The Director-General or a person designated by him or her may authorise a deviation from the prescribed tariff in the case of -

(i) a witness claiming more than R1 500,00 per day for income forfeited in terms of regulation 4; and

(ii) in any other case,

if he or she is satisfied that the application of the provisions of these regulations may cause financial hardship.

6.(1) A witness who cannot attend a criminal case without prior financial assistance by the State, may make a request for such assistance at any magistrate's office or High Court.

(2) The court manager or the registrar of the High Court contemplated in subregulation (1) must make the necessary arrangements in respect of a witness contemplated in subregulation (1), including the authorisation for the payment of an advance to the witness.

(3) The financial assistance rendered in terms of subregulation (1) must be taken into account before payment of an allowance in terms of regulations 2 to 4 is made.

7. A witness who attends more than one criminal case as a witness in the same court on the same day, is for the purposes of these regulations deemed to have attended one criminal case only.

8. These regulations do not apply to persons referred to in section 8(1) of the Public Service Act, 1994 (Act No. 93 of 1994).

9. Where the expenses incurred by a witness in connection with his or her attendance at a criminal case are provided for from any other source, no allowance in terms of these regulations is to be paid to him or her.
10. The decision of a court manager or a registrar of a High Court in respect of the amounts payable in terms of regulations 2, 3 and 4 shall be final.
11. The allowances prescribed in this Schedule are also payable to a person who, of necessity, accompanies a witness on account of the youth or infirmity, owing to old age, or any other infirmity of the witness.
12. Government Notice No. R. 2596 of 1 November 1991, is repealed.

No. R. 391

11 April 2008

**STRAFPROSESWET, 1977:
REGULASIES WAARBY DIE TARIEF VAN TOELAES VOORGESKRYF WORD WAT AAN
GETUIES IN STRAFREGTELIKE VERRIGTINGE BETAALBAAR IS**

Die Minister vir Justisie en Staatkundige Ontwikkeling het, in oorleg met die Minister van Finansies, kragtens artikels 191 (3) en 191 (4) van die Strafproseswet, 1977 (Wet No. 51 van 1977), die regulasies vervat in die Bylae, uitgevaardig.

BYLAE

TARIEF VAN TOELAES

Woordomskrywings

1. In hierdie hierdie regulasies het enige woord of uitdrukking die betekenis wat in die Wet daarin geheg word, en tensy uit die samehang anders blyk beteken -
"die Wet" die Strafproseswet, 1977 (Wet No. 51 van 1977);
"getuie" 'n persoon wat 'n strafsak as getuie vir die Staat bywoon;
"griffier" ook 'n assistent-griffier; en
"hofbestuurder" 'n persoon in beheer van die administrasie van 'n landroskantoor.

Verblyfstoelae

2.(1) 'n Getuie is geregtig op die volgende toelae vir elke 24 uur of gedeelte daarvan waarvoor die getuie vir die bywoning van strafregtelike verrigtinge afwesig is van sy of haar woonplek of die plek waar hy of sy vertoef:

- (a) die redelike werklike verblyfsuitgawes indien dit noodsaaklik is om huisvesting vir die nag te huur; en
- (b) (i) R20; of
- (ii) by voorlegging van bewys tot die bevrediging van die hofbestuurder of griffier, die redelike werklike uitgawes vir maaltye.

(2) Die toelae bedoel in subregulasie (1) is vir die volle tydperk wat hy of sy vir die doel van bywoning van die hof van sy of haar woonplek of die plek waar hy of sy vertoef, afwesig is, betaalbaar.

(3) By die berekening van die tydperk van afwesigheid vir die toepassing van subregulasies (1) en (2) word 'n getuie 24 uur toegelaat vir elke 600 kilometer of gedeelte daarvan gereis.

(4) Die toelae bedoel in subregulasie (1) is nie betaalbaar nie indien die reisegeld van 'n getuie die koste van voedsel en slaapperiewe insluit.

Vervoer- en reiskoste

3.(1) 'n Getuie mag, behoudens die bepalings van subregulasie (2), van openbare of privaatvervoer gebruik maak en is geregtig op die volgende toelae:

(a) In die geval van privaatvervoer -

(i) 92c per kilometer in die geval van 'n motorfiets; of

(ii) R1,30 per kilometer in die geval van 'n motorvoertuig, bereken langs die kortste roete; of

(b) in die geval van openbare vervoer, a bedrag gelykstaande aan die reiskoste vir die goedkoopste vervoer langs die kortste roete.

(2) 'n Getuie mag slegs van lugvervoer gebruik maak indien 'n hofbestuurder of griffier -

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

(b) goedgekeur het dat die getuie lugvervoer mag gebruik.

(3) By voorlegging van bevredigende bewys is 'n getuie geregtig daarop om vergoed te word vir sy of haar redelike werklike uitgawes aangegaan ten opsigte van parkering en toelae.

Inkomste verbeur

4. Die hofbestuurder of griffier kan, by voorlegging van bevredigende bewys dat 'n getuie inkomste verbeur het as gevolg van sy of haar bywoning van 'n strafsak, gelas dat hy of sy, benewens die toelae wat ingevolge regulasie 2 betaalbaar is, 'n toelae gelyk aan die werklike bedrag van inkomste aldus verbeur betaal word, behoudens 'n maksimum van R1 500,00 per dag.

Aanvullende bepalings

5. Die Direkteur-Generaal of 'n persoon deur hom of haar aangewys kan 'n afwyking van die voorgeskrewe bedrag magtig indien -

(i) 'n getuie meer as R1 500,00 per dag eis vir inkomste verbeur ingevolge regulasie 4; en

(ii) enige ander geval

indien hy of sy tevrede is dat die toepassing van die bepalings van hierdie regulasies finansiële ontbering kan veroorsaak.

6. (1) 'n Getuie wat nie 'n strafsak sonder vooraf finansiële bystand van die Staat kan bywoon nie, kan 'n versoek vir sodanige bystand by enige landdroskantoor of Hoë Hof rig.

(2) Die hofbestuurder of die griffier van die Hoë Hof bedoel in subregulasie (1) tref die nodige reëlins ten opsigte van 'n getuie bedoel in subregulasie (1), insluitend die goedkeuring van die betaling van 'n voorskot aan die getuie.

(3) Die finansiële bystand gelewer ingevolge subregulasie (1) moet in ag geneem word voordat 'n betaling van 'n toelaag ingevolge regulasies 2 tot 4 gemaak word.

7. Iemand wat as getuie meer as een strafsak op dieselfde dag in dieselfde hof bywoon, word in die toepassing van hierdie regulasies geag slegs een strafsak by te gewoon het.

8. Hierdie regulasies is nie van toepassing op persone omskryf in die Staatsdienswet, 1994 (Wet No. 93 van 1994) nie.

9. Waar daar uit enige ander bron voorsiening gemaak word vir die uitgawes wat 'n getuie aangaan het vir doeleindes van sy of haar bywoning van 'n strafsak, word geen toelae

ingevolge hierdie regulasies aan hom of haar betaal nie.

10. Die beslissing van `n hofbestuurder of `n griffier van 'n Hoë Hof ten opsigte van die bedrae betaalbaar ingevolge regulasies 2, 3 en 4 is finaal.

11. Die toelaes hierin voorgeskryf, is ook betaalbaar aan iemand wat `n getuie weens jeugdigheid of `n ouderdomsgebrek of `n ander gebrek van die getuie noodwendig moet vergesel.

12. Goewermentskennisgewing No. R. 2596 van 1 November 1991 word herroep.

No. R. 392

11 April 2008

CRIMINAL PROCEDURE ACT, 1977
REGULATIONS PRESCRIBING THE TARIFF OF ALLOWANCES PAYABLE TO
PSYCHIATRISTS AND CLINICAL PSYCHOLOGISTS WHO APPEAR AS
WITNESSES IN COURT

The Minister for Justice and Constitutional Development 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 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;
“registrar” includes an assistant registrar; and
“the Act” means the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

Subsistence allowance

2. (1) A psychiatrist or 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, who must attend court in connection with an accused whom he or she has examined is entitled to the following allowances for each 24 hours or part thereof for which the psychiatrist or clinical psychologist is, for the purpose of the attendance, absent from his or her residence or place of sojourn:

- (a) the reasonable actual expenses if it is necessary to hire accommodation for the night;
and
- (b) the reasonable actual expenses incurred for meals on submission of proof of the expenses to the satisfaction of the court manager or the registrar.

(2) The allowances provided for in subregulation (1) 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 (1)(a), a psychiatrist or clinical psychologist is allowed 24 hours for each distance of 600 kilometres or part thereof

travelled.

Transport and travelling expenses

3.(1) A psychiatrist or clinical psychologist may, subject to subregulation (2), make use of public or private transport and is entitled to the following allowances:

- (a) In the case of private transport -
 - (i) 92c per kilometre in the case of a motorcycle; or
 - (ii) R1,30 per kilometre in the case of a motor vehicle, calculated along the shortest route; or
- (b) in the case of public transport, an amount equal to the fare for the least expensive transport along the shortest route.

(2) A psychiatrist or clinical psychologist may only use air transport at State expense if the court manager or registrar-

- (a) is satisfied that the use thereof is warranted; and
- (b) has approved that the psychiatrist or clinical psychologist may make use of air transport.

(3) 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

4.(1) A clinical psychologist who is directed by 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 giving evidence in court in connection with such enquiry from public funds at the following rates:

- (a) R3 000,00 per day;
- (b) R1 750,00 for giving evidence in the morning; or
- (c) R1 250,00 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 the mental condition of an accused 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 from public funds at the following rates:

- (a) R3 500,00 per day;
- (b) R2 000,00 for giving evidence in the morning; or
- (c) R1 500,00 for giving evidence in the afternoon.

Supplementary provisions

5.(1) A psychiatrist or clinical psychologist who must attend a criminal case as a witness for the State and who cannot do so without prior financial assistance by the State, may make a request for such assistance at any magistrates office or High Court.

(2) The court manager or the registrar of the High Court contemplated in subregulation (1) must make the necessary arrangements in respect of a psychiatrist or clinical psychologist contemplated in subregulation (1), including the authorisation for the payment of an advance to the person .

(3) The financial assistance rendered in terms of subregulation (1) must be taken into account before payment of an allowance in terms of regulations 2 to 4 is made.

6. A psychiatrist or clinical psychologist who attends more than one criminal case as a witness at the same court on the same day is for the purposes of these regulations deemed to have attended one criminal case only.

7. Where the expenses incurred by a psychiatrist or clinical psychologist in connection with his or her attendance at a criminal case are provided for from any other source, no allowance in terms of these regulations is to be paid to him or her.

8. The decision of the court manager or the registrar of a High Court in respect of the amounts payable in terms of regulations 2, 3 and 4 shall be final.

9. Government Notice No. R. 214 of 28 February 2002, is repealed.

No. R. 392

11 April 2008

**STRAFPROSESWET, 1977:
REGULASIES WAARBY DIE TARIEF VAN TOELAES BETAALBAAR AAN
PSIGIATERS WAT AS GETUIES IN DIE HOF OPTREE, VOORGESKRYF WORD**

Die Minister vir Justisie en Staatkundige Ontwikkeling 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

Definisies

1. In hierdie regulasies het enige woord of uitdrukking die betekenis wat in die Wet daarin geheg word, en tensy uit die samehang anders blyk beteken –
“die Wet” die Strafproseswet, 1977 (Wet No. 51 van 1977);
“griffier” ook ‘n assistent-griffier; en
“hofbestuurder” ‘n persoon in beheer van die administrasie van ‘n landroskantoor.

Verblyftoelae

2.(1) ‘n Psigiater of ‘n kliniese sielkundige wat aangewys of aangestel is deur, of op versoek van die hof ingevolge artikel 79(1) van die Wet na die geestestoestand van ‘n beskuldigde ondersoek instel en wat nie in die healtydse 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 toelae vir elke 24 uur of gedeelte daarvan wat die psigiater of kliniese sielkundige vir die doel van sodanige bywoning afwesig is van sy of haar woonplek of die plek waar hy of sy vertoef:

- (a) die redelike werklike verblyfsuitgawes indien dit noodsaaklik is om huisvesting vir die nag te huur; en
- (b) by voorlegging van bewys tot die bevrediging van die hofbestuurder of griffier, die redelike werklike uitgawes vir maaltye.

(2) Die toelae bedoel in subregulasie (1) 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, betaalbaar.

(3) By die berekening van die tydperk van afwesigheid vir die toepassing van subregulasies (1) en (2) word ‘n psigiater of kliniese sielkundige 24 uur toegelaat vir elke 600 kilometer of gedeelte

daarvan gereis.

Vervoer- en reiskoste

3.(1) 'n Psigiater of kliniese sielkundige mag, behoudens die bepalings van subregulasie (2), van openbare of privaatvervoer gebruik maak en is geregtig op die volgende toelae:

(a) In die geval van privaatvervoer -

(i) 92c per kilometer in die geval van 'n motorfiets; of

(ii) R1,30 per kilometer in die geval van 'n motorvoertuig, bereken langs die kortste roete; of

(b) in die geval van openbare vervoer, a bedrag gelykstaande aan die reiskoste vir die goedkoopste vervoer langs die kortste roete.

(2) 'n Psigiater of kliniese sielkundige mag van lugvervoer gebruik maak indien 'n hofbestuurder of griffier -

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

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

(3) 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

4.(1) 'n Kliniese sielkundige wat aangewys of aangestel is deur, of op versoek van die hof ingevolge artikel 79(1) van die Wet na die geestestoestand van 'n beskuldigde ondersoek instel en wat nie in dië healtydse diens van die Staat is nie sal uit staatsgelde vergoed word vir getuielewering in verband met sodanige ondersoek teen die volgende tariewe:

(a) R 3 000,00 per dag;

(b) R1 750,00 vir getuielewering in die oggend; of

(c) R1 250,00 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 na die geestestoestand van 'n beskuldigde ondersoek instel en wat nie in die healtydse diens van die Staat is nie sal uit staatsgelde vergoed word vir getuielewering in verband met sodanige ondersoek teen die volgende tariewe:

(a) R 3 500,00 per dag;

(b) R2 000,00 vir getuielewering in die oggend; of

(c) R1 500,00 vir getuielewering in die middag.

Aanvullende bepalings

5. (1) 'n Psigiater of kliniese sielkundige wat nie 'n strafszaak sonder vooraf finansiële bystand van die Staat kan bywoon nie, kan 'n versoek vir sodanige bystand by enige landdroskantoor of Hoë Hof rig.

(2) Die hofbestuurder of griffier van die landdroskantoor of Hoë Hof bedoel in subregulasie (1) tref die nodige reëlins ten opsigte van 'n psigiater of kliniese sielkundige bedoel in subregulasie (1), insluitend die magtiging van die betaling van 'n voorskot aan die persoon.

(3) Die finansiële bystand gelewer ingevolge subregulasie (1) moet in ag geneem word voordat 'n betaling van 'n toelaag ingevolge regulasies 2 tot 4 gemaak word.

6. 'n Psigiater of kliniese sielkundige wat meer as een strafszaak as getuie op dieselfde dag by dieselfde hof bywoon, word in die toepassing van hierdie regulasies geag slegs een strafszaak by te gewoone het.

7. Waar daar uit enige ander bron voorsiening gemaak word vir die uitgawes wat 'n psigiater of kliniese sielkundige aangaan het vir doeleindes van sy of haar bywoning van 'n strafsak, word geen toelae ingevolge hierdie regulasies aan hom of haar betaal nie.
8. Die beslissing van 'n hofbestuurder of 'n griffier van 'n Hoë Hof ten opsigte van die bedrae betaalbaar ingevolge regulasies 2,3 en 4 is finaal.
9. Goewermentskennisgewing No. R. 214 van 28 Februarie 2002 word herroep.

No. R. 393

11 April 2008

CRIMINAL PROCEDURE ACT, 1977
TARIFF PAYABLE TO A PSYCHIATRIST OR CLINICAL PSYCHOLOGIST FOR AN
ENQUIRY INTO THE MENTAL CONDITION OF AN ACCUSED

The Minister for Justice and Constitutional Development has, in consultation with the Minister of Finance, for the purposes of section 79(11) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), determined the tariff in the Schedule.

SCHEDULE

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-
"the Act" the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
"court manager" means the person in control of the administration of a magistrate's office; and
"registrar" includes an assistant registrar.

Transport and travelling expenses

2.(1) A psychiatrist or clinical psychologist may, subject to subregulation (2), make use of public or private transport and is entitled to the following allowances:

(a) In the case of private transport -

- (i) 92c per kilometre in the case of a motorcycle; or
- (ii) R1,30 per kilometre in the case of a motor vehicle, calculated along the shortest route; or

(b) in the case of public transport, an amount equal to the fare for the least expensive transport along the shortest route.

(2) A psychiatrist or clinical psychologist may only use air transport at State expense if the court manager or registrar-

- (a) is satisfied that the use thereof is warranted; and
- (b) has approved that the psychiatrist or clinical psychologist may make use of air transport.

(3) 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

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 R420,00 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 R550,00 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.

4. The decision of a court manager or a registrar of a High Court in respect of the amounts payable in terms of this tariff shall be final.

5. Government Notice No. R. 215 of 28 February 2002 is repealed.

No. R. 393

11 April 2008

**STRAFPROSESWET, 1977:
TARIEF BETAALBAAR AAN PSIGIATERS VIR DIE ONDERSOEK NA DIE
GEESTESTOESTAND VAN 'N BESKULDIGDE**

Die Minister vir Justisie en Staatkundige Ontwikkeling het, in ooreenstemming met die Minister van Finansies, kragtens artikel 79(11) van die Strafproseswet, 1977 (Wet No. 51 van 1977), die tarief in die Bylae bepaal.

BYLAE

1. In hierdie Bylae het enige woord of uitdrukking die betekenis wat in die Wet daarin geheg word, en tensy uit die samehang anders blyk beteken -

“die Wet” die Strafproseswet, 1977 (Wet No. 51 van 1977);

“griffier” ook ‘n assistent-griffier; en

“hofbestuurder” ‘n persoon in beheer van die administrasie van ‘n landroskantoor.

Vervoer- en reiskoste

2.(1) ‘n Psigiater of kliniese sielkundige mag, behoudens die bepalings van subregulasie (2), van openbare of privaatvervoer gebruik maak en is geregtig op die volgende toelae:

(a) In die geval van privaatvervoer -

(i) 92c per kilometer in die geval van ‘n motorfiets; of

(ii) R1,30 per kilometer in die geval van ‘n motorvoertuig,
bereken langs die kortste roete; of

(b) in die geval van openbare vervoer, a bedrag gelykstaande aan die reiskoste vir die goedkoopste vervoer langs die kortste roete.

(2) ‘n Psigiater of kliniese sielkundige mag van lugvervoer gebruik maak indien ‘n hofbestuurder of griffier -

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

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

(3) 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

3.(1) 'n Kliniese sielkundige wat aangewys of aangestel is deur, of op versoek van die hof ingevolge artikel 79(1) van die Wet na die geestestoestand van 'n beskuldigde ondersoek instel en wat nie in die heelydse diens van die Staat is nie sal uit staatsgelde vergoed word vir sy of haar dienslewering in verband met sodanige ondersoek teen die tarief van R420,00 per uur of gedeelte van 'n uur vir ondersoek en voorbereiding van 'n verslag: Met dien verstande dat vooraf goedkeuring vir 'n ondersoek van langer as agt ure vooraf van die Direkteur-Generaal of 'n persoon deur hom of haar aangewys verkry moet word.

(2) 'n Psigiater wat aangewys of aangestel is deur, of op versoek van die hof ingevolge artikel 79(1) van die Wet na die geestestoestand van 'n beskuldigde ondersoek instel en wat nie in die heelydse diens van die Staat is nie sal uit staatsgelde vergoed word vir sy of haar dienslewering in verband met sodanige ondersoek teen die tarief van R550,00 per uur of gedeelte van 'n uur vir ondersoek en voorbereiding van 'n verslag: Met dien verstande dat vooraf goedkeuring vir 'n ondersoek van langer as agt ure vooraf van die Direkteur-Generaal of 'n persoon deur hom of haar aangewys verkry moet word.

4. Die beslissing van 'n hofbestuurder of 'n griffier van 'n Hoë Hof ten opsigte van die bedrae betaalbaar ingevolge hierdie tarief, is finaal.

5. Goewermentskennisgewing No. R. 215 van 28 Februarie 2002 word herroep.

No. R. 394

11 April 2008

**MAGISTRATES' COURTS ACT, 1944, AND
THE SUPREME COURT ACT, 1959:
TARIFF OF ALLOWANCES PAYABLE TO WITNESSES IN CIVIL CASES**

The Minister for Justice and Constitutional Development has, in consultation with the Minister for Finance, 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), prescribed the tariff of allowances in the Schedule.

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Acts 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;
"registrar" includes assistant registrar;
"the Acts" means the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and the Supreme Court Act, 1959 (Act No. 59 of 1959); and
"witness" means a person who attends a civil case as a witness.

Subsistence allowance

2.(1) A witness is entitled to the following allowances for each 24 hours or part thereof for which the witness is, for the purpose of the attendance of a civil case, absent from his or her residence or place of sojourn:

- (a) the reasonable actual expenses if it is necessary to hire accommodation for the night;
and
- (b) (i) R50 ; or
(ii) the reasonable actual expenses incurred for meals on submission of proof of the expenses to the satisfaction of the court manager or the registrar.

(2) The allowances provided for in subregulation (1) are payable for the full period for which the witness 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 subregulations (1) and (2), a witness is allowed 24 hours for each distance of 600 kilometres or part thereof travelled.

(4) The allowance provided for in subregulation (1) is not payable if the fare of a witness includes the cost of meals and accommodation.

Transport and traveling expenses

3.(1) A witness may, subject to subregulation (2), make use of public or private transport and is entitled to the following allowances:

(a) In the case of private transport -

(i) 92c per kilometre in the case of a motorcycle; or

(ii) R1,30 per kilometre in the case of a motor vehicle,

calculated along the shortest route; or

(b) in the case of public transport, an amount equal to the fare for the least expensive transport along the shortest route.

(2) A witness may only use air transport if the court manager, registrar, or taxing master of the High Court of South Africa -

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

(b) has approved that the witness may make use of air transport.

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

Income forfeited

4. On satisfactory proof having been produced that a witness has forfeited income as a result of his or her attendance of a civil case, he or she is, in addition to the allowance that may be payable to the witness in terms of regulation 2, entitled to an allowance equal to the actual amount of income so forfeited, subject to a maximum of R1500,00 per day.

Supplementary provisions

5. The court manager, registrar or taxing master of a High Court may approve -

(a) the payment of-

(i) an allowance not provided for in this Schedule; or

(ii) an allowance under circumstances not provided for in this Schedule,

to a witness if he or she is of the opinion that fairness so requires but with due regard to the principle that a witness should not be remunerated for the evidence given in a court of law; or

(b) the deviation from the prescribed tariff in the case of -

(i) a witness residing outside the Republic of South Africa; or

(ii) in any other case,

if he or she is satisfied that the application of the provisions of this Schedule may cause financial hardship.

6. Where the expenses of a witness are provided for from any other source, no allowance in terms of this Schedule shall be paid to him or her.

7. The allowances prescribed in this Schedule are also payable to a person who, of necessity, accompanies a witness on account of the youth or infirmity, owing to old age, or any other infirmity of the witness.

8. The decision of a court manager, registrar, or taxing master of a High Court in respect of the amounts payable in terms of regulations 3, 4 and 5 shall be final.

9. Government Notice No. R. 2597 of 1 November 1991 is repealed.

No. R. 394

11 April 2008

**WET OP LANDDROSHOWE, 1944, EN
DIE WET OP DIE HOOGGEREGSHOF, 1959:
TARIEF VAN TOELAES BETAALBAAR AAN GETUIES IN SIVIELE SAKE**

Minister vir Justisie en Staatkundige Ontwikkeling het, in oorleg met die Minister vir Finansies, 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), die tarief van toelaes in die Bylae voorgeskryf.

BYLAE

Definisies

1. In hierdie Bylae het enige woord of uitdrukking die betekenis wat in die Wette daarin geheg word, en tensy uit die samehang anders blyk beteken -
"die Wette" die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), en die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959);
"getuie" 'n persoon wat 'n siviele saak as getuie bywoon;
"griffier" ook 'n assistent-griffier; en
"hofbestuurder" 'n persoon in beheer van die administrasie van 'n landroskantoor.

Verblyftoelae

2. (1) 'n Getuie is geregtig op die volgende toelaes vir elke 24 uur of gedeelte daarvan waarvoor die getuie vir die doel van bywoning van 'n siviele saak afwesig is van sy of haar woonplek of die plek waar hy of sy vertoef:

- (a) die redelike werklike verblyfsuitgawes indien dit noodsaaklik is om huisvesting vir die nag te huur; en
- (b) (i) R50; of
(ii) by voorlegging van bewys tot die bevrediging van die hofbestuurder of griffier, die redelike werklike uitgawes vir maaltye.

(2) Die toelae bedoel in subregulasie (1) is vir die volle tydperk wat hy of sy vir die doel van bywoning van die hof van sy of haar woonplek of die plek waar hy of sy vertoef, afwesig is, betaalbaar.

(3) By die berekening van die tydperk van afwesigheid vir die toepassing van subregulasies (1) en (2) word 'n getuie 24 uur toegelaat vir elke 600 kilometer of gedeelte daarvan gereis.

(4) Die toelae bedoel in subregulasie (1) is nie betaalbaar nie indien die reisgeld van 'n getuie die koste van voedsel en slaapperiewe insluit.

Vervoer- en reiskoste

3. (1) 'n Getuie mag, behoudens die bepalings van subregulasie (2) van openbare of privaatvervoer gebruik maak en is geregtig op die volgende toelae:

(a) In die geval van privaatvervoer -

(i) 92c per kilometer in die geval van 'n motorfiets; of

(ii) R1,30 per kilometer in die geval van 'n motorvoertuig, bereken langs die kortste roete; of

(b) in die geval van openbare vervoer, a bedrag gelykstaande aan die reiskoste vir die goedkoopste vervoer langs die kortste roete.

(2) 'n Getuie mag slegs van lugvervoer gebruik maak indien 'n kantoorbestuurder of 'n griffier, of takseermeester van die Hoë Hof van Suid-Afrika -

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

(b) goedgekeur het dat die getuie lugvervoer mag gebruik.

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

Inkomste verbeur

4. By voorlegging van bevredigende bewys dat 'n getuie inkomste verbeur het as gevolg van sy of haar bywoning van 'n siviele saak, is hy of sy, benewens die toelae wat ingevolge regulasie 2 betaalbaar is, geregtig op 'n toelae gelyk aan die werklike bedrag van inkomste aldus verbeur, behoudens 'n maksimum van R1 500,00 per dag.

Aanvullende bepalings

5. 'n hofbestuurder, griffier of takseermeester van 'n Hoë Hof -

(a) die betaling aan 'n getuie van -

(i) 'n toelae waarvoor nie in hierdie Bylae voorsiening gemaak is nie; of

(ii) 'n toelae vir omstandighede waarvoor nie in hierdie Bylae voorsiening gemaak is nie, magtig, indien hy of sy van oordeel is dat billikheid so vereis maar met inagneming van die beginsel dat 'n getuie nie vergoed moet word vir getuie in 'n geregshof gelewer nie; of

(b) 'n afwyking van die voorgeskrewe tarief in die geval van -

(i) 'n getuie wat buite die Republiek van Suid-Afrika woon; of

(ii) enige ander geval,

magtig, indien hy of sy tevrede is dat die toepassing van die bepalings van hierdie Bylae finansiële ontbering kan veroorsaak.

6. Waar daar uit enige ander bron voorsiening gemaak word vir 'n getuie se uitgawes word geen toelae ingevolge hierdie Bylae aan hom of haar betaal nie.

7. Die toelaes in hierdie Bylae voorgeskryf is ook betaalbaar aan iemand wat 'n getuie weens jeugdigheid of 'n ouderdomsgebrek of 'n ander gebrek van die getuie noodwendig moet vergesel.

8. Die beslissing van 'n kantoorbestuurder, griffier of takseermeester van 'n Hoë Hof ten opsigte van die bedrae betaalbaar ingevolge regulasies 2, 3 en 4 is final.

9. Goewermentskennisgewing No. R. 2597 van 1 November 1991 word herroep.