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GENERAL NOTICE

NOTICE 65 OF 2010

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

INVITATION FOR PUBLIC COMMENTS ON DRAFT NOTICE IN TERMS OF SECTION 97(3) OF THE CHILD JUSTICE ACT, 2008

Interested persons are invited to submit written comments on the draft notice on or before **19 February 2010** to:

The Director-General: Justice and Constitutional Development
Private Bag X81, Pretoria, 0001; or
Momentum Centre, 329 Pretorius Street (c/o Pretorius and Prinsloo Streets), Pretoria, marked for the attention of Ms T Skhosana and may be emailed or faxed to her at thskhosana@justice.gov.za, fax 0866487875.

DRAFT NOTICE

SECTION 97(3) OF THE CHILD JUSTICE ACT, 2008: DETERMINATION OF PERSONS OR CATEGORY OR CLASS OF PERSONS COMPETENT TO CONDUCT THE EVALUATION OF CRIMINAL CAPACITY OF A CHILD AND THE ALLOWANCES AND REMUNERATION

I, Jeffrey Thamsanqa Radebe, Minister of Justice and Constitutional Development, acting under section 97(3) of the Child Justice Act, 2008 (Act No. 75 of 2008) ("the Act"), hereby-

- (a) determine that the categories or classes of persons mentioned in paragraph 1 of the Schedule are competent to conduct the evaluation of the criminal capacity of a child; and
- (b) in consultation with the Minister of Finance, determine the allowances and remuneration set out in paragraph 2 of the Schedule in respect of the persons mentioned in paragraph (a) above.

J T Radebe
Minister of Justice and Constitutional Development

SCHEDULE

1. Determination of categories or classes of persons to conduct evaluation of criminal capacity

- (a) The following categories or classes of persons are competent to conduct the evaluation of the criminal capacity of a child referred to in section 11(3) of the Act:
- (i) A medical practitioner who is registered as such under the Health Professions Act, 1974 (Act No. 56 of 1974), and against whose name the speciality psychiatrist is also registered;
 - (ii) a psychologist who is registered as a clinical psychologist under the Health Professions Act, 1974;
 - (iii) a criminologist¹ who is in possession of at least a masters degree in criminology and who has four years' practical experience as a criminologist.

2. Determination of allowance and remuneration

- (a) Any person referred to in paragraph 1 of this Schedule, who has been ordered by the court in terms of section 11(3) of the Act to evaluate the criminal capacity of a child and who is in the full-time employment of the State, shall not be entitled to any additional professional allowance or remuneration in connection with the evaluation.
- (b) A psychiatrist who has been ordered by the court in terms of section 11(3) of the Act to evaluate the criminal capacity of a child and who is not in the full or part-time employment of the State, shall be remunerated for the evaluation and preparation of the report at the rate of R550.00 per hour or part thereof.
- (c) A psychologist or criminologist who has been ordered by the court in terms of section 11(3) of the Act to evaluate the criminal capacity of a child and who is not in the full or part-time employment of the State, shall be remunerated for the evaluation and preparation of the report at the rate of R420.00 per hour or part thereof.

¹ Comments are specifically requested as to whether a criminologist is competent on his or her own to conduct the evaluation.