

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.