

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.