

---

## GOVERNMENT NOTICE

---

### DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R. 273

1 April 2010

#### **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**

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:

- (a) 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 psychiatry is also registered; and
- (b) a psychologist who is registered as a clinical psychologist under the Health Professions Act, 1974.

##### **2. Determination of allowances 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 or part-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 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.
- 

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Publications: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504  
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737  
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001  
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504  
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737  
Kaapstad-tak: Tel: (021) 465-7531