

Church Square Association of Advocates

Church Square Association of Advocates
Church Square Bar

Kerkplein Vereniging van Advokate
Kerkplein Balie

4 December 2017

NOTICE

PLEASE TAKE NOTE THAT:

PROCLAMATION NO. R.1337 OF 2017 PROMULGATED IN GOVERNMENT GAZETTE NO. 41288, DATED 1 DECEMBER 2017, the Minister of Justice and Correctional Services, acting under section 97 of the **CHILD JUSTICE ACT, 2008 (ACT NO. 75 OF 2008)**, in consultation with the Cabinet members responsible for social development, safety and security and health, made Regulations in this Schedule.

PROCLAMATION NO. R.1338 OF 2017 PROMULGATED IN GOVERNMENT GAZETTE NO. 41288, DATED 1 DECEMBER 2017, the Minister of Justice and Correctional Services, acting under section 97(3) of the **CHILD JUSTICE ACT, 2008 (ACT NO. 75 OF 2008)**, hereby:

1. Withdraws Government Notice. R273 dated 1 April 2010:
 - (a) determines that the category or class of persons listed in Column 1 of the Table in paragraph 1 of the Schedule are competent to assess the elements of development of a child listed in Column 2 of the Table in

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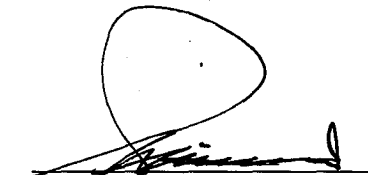
paragraph 1 of the Schedule for purposes of evaluating the criminal capacity of a child, and;

- (b) in consultation with the Minister of Finance, determines the allowances and remuneration set out in paragraph 2 of the Schedule in respect of persons mentioned in paragraph (a) above.

Same is available on our website at www.churchsquarebar.co.za under legal amendments.

Should you not have internet access, same is available at our Chambers, Suite 410, Standard Bank Chambers, Pretoria, for your perusal.

MEMBERS ARE URGED to take note thereof and to comply with the said amendments in order to avoid embarrassment.



ADV. W F PIENAAR
CHAIRMAN

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DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1337

01 DECEMBER 2017

CHILD JUSTICE ACT, 2008:
AMENDMENTS TO REGULATIONS RELATING TO CHILD JUSTICE ACT

The Minister of Justice and Correctional Services has, under section 97 of the Child Justice Act, 2008 (Act No. 75 of 2008) and after consultation, where appropriate, with the Cabinet members responsible for social development, safety and security and health, made the Regulations in this Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.

In this Schedule "the Regulations" means the Regulations published by Government Notice No. R.251 of 31 March 2010.

Amendment of regulation 21 of Regulations

1. Regulation 21 of the Regulations is hereby amended –
- (a) by the substitution for paragraph (d) of subregulation (1) of the following paragraph:
- “(d) The police official who received the complaint or made the observation must, upon completion of the actions required in terms of this regulation, ensure that the following details are entered in the register referred to in section 28(3) of the Act:
- (i) The number allocated to the complaint;
 - (ii) the date on which the complaint was lodged;
 - (iii) the nature of the injury sustained or severe psychological trauma suffered;
 - (iv) the circumstances surrounding the injury or trauma;
 - (v) the signature and particulars of the complainant;
 - (vi) the date on which the report was handed to the station commissioner;
 - (vii) the particulars of the medical treatment which the child received, if any;

- (viii) the date on which the report referred to in subregulation (1)(a) was submitted to the **[National] Provincial** Commissioner of Police and a copy thereof to the National Commissioner;
- (ix) the nature of the instructions, if any, given by the **[National] Provincial** Commissioner of Police; and
- (x) the steps taken to comply with the instructions of the **[National] Provincial** Commissioner of Police.”;
- (b) by the substitution for subregulation (4) of the following subregulation:
 - “(4) The station commissioner must—
 - (a) after having investigated the matter and, if necessary, after ensuring that the child received medical treatment, submit the report together with the medical report, if any, to the **[National] Provincial** Commissioner of Police and a copy thereof to the National Commissioner of Police in an appropriate manner;
 - (b) ensure that the **[National] Provincial** Commissioner of Police has received the report and that the National Commissioner of Police has received a copy of the report; and
 - (c) file a copy of the report and its attachments in the docket.”;
- (c) by the substitution for subregulation (5) of the following subregulation:
 - “(5) The **[National] Provincial** Commissioner of Police may, after considering the report and recommendations made by the station commissioner, issue any instruction he or she deems fit.”; and
- (d) by the substitution for subregulation (6) of the following subregulation:
 - “(6) (a) The station commissioner must, upon submission to the **[National] Provincial** Commissioner of Police of the documents referred to in subregulation (4), submit a copy thereof to the Independent Complaints Directorate, established by section 50(1) of the South African Police Service Act, 1995 (Act No. 68 of 1995).
 - (b) The station commissioner may submit the documents in any manner he or she deems fit but must keep proof of the manner of submission.”.

Amendment of regulation 50 of Regulations

2. Regulation 50 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) An official of the Department of Justice and Constitutional Development who [has been designated to deal with] is responsible for processing applications relating to the expungement of convictions and sentences in terms of the Act may, if the information in Form 13 is inadequate or not clear, request further information from the applicant or any organ of state.”.

Amendment of Annexure to Regulations

3. The Annexure to the Regulations is hereby amended -

- (a) by the substitution for Form 2 of the following Form:

Form 2

**ORDER FOR THE EVALUATION OF CRIMINAL CAPACITY OF CHILD
SECTION 11 OF THE CHILD JUSTICE ACT, 2008 (ACT NO. 75 OF 2008)
REGULATIONS RELATING TO CHILD JUSTICE**

[Regulation 13]

At the Preliminary Inquiry / In the Child Justice Court	
Held at	
Case no/File no.	

1. Particulars of the child

Full names and surname:..... Date of birth/ID.No:.....Age:.....Sex.....
--

2. Particulars of parent, appropriate adult or guardian/ Child and Youth Care Centre

(State particulars of person or centre where the child is placed)

Full names and surname of parent, appropriate adult or guardian /Name of Child and Youth Care Centre:..... Physical address of parent, appropriate adult or guardian / Child and Youth Care Centre:..... Contact details of parent, appropriate adult or guardian / Child and Youth Care Centre:.....

3. Order by presiding officer

To:.....

(Particulars of person / institution to conduct evaluation)

In view of the fact that there is doubt about the criminal capacity of the abovementioned child, I hereby make the following order:-

(a) You are ordered to evaluate the following aspects of the criminal capacity of

.....;

- (i) Cognitive development
- (ii) Moral development
- (iii) Emotional development
- (iv) Psychological development
- (v) Social development

and

(b) to provide the court with a written report on the evaluation within 30 days of this order.

.....

Signature: Presiding officer **Date**

Full names of Presiding officer:.....

Official Stamp

Note: 1. In terms of section 11(4) of the Act, you are required to furnish the inquiry magistrate or child justice court with a written report of the evaluation within 30 days of this order.

2. The written report referred to in paragraph (b) above must contain a brief description of how the evaluation of the cognitive, moral, emotional, psychological and social development of the child was done, and include findings and supporting reasons.”;

(b) by the substitution for Form 7 of the following Form:

"Form 7

**CERTIFICATE OF ACCREDITATION OF DIVERSION SERVICE PROVIDER
SECTION 56 OF THE CHILD JUSTICE ACT, 2008 (ACT NO. 75 OF 2008)
REGULATIONS RELATING TO CHILD JUSTICE**

[Regulation 31]

This is to certify that:

(Name and physical address)

Reg No:-----

Accreditation Certificate No: -----

is an accredited diversion service provider to provide diversion programmes, provided that the service provider continues to comply with the minimum standards referred to in section 55 of the Act.

This certificate of accreditation is valid for a period of **[four]** years, commencing on and expiring on

[Minister] Member of the Executive Council: Social Development

Date:

Official Stamp"; and

(c) by the substitution for Form 8 of the following Form:

"Form 8

**CERTIFICATE OF ACCREDITATION OF DIVERSION PROGRAMME
SECTION 56 OF THE CHILD JUSTICE ACT, 2008 (ACT NO. 75 OF 2008)**

REGULATIONS RELATING TO CHILD JUSTICE

[Regulation 31]

This is to certify that:

-----,

an accredited service provider,

Accreditation Certificate No.-----

is accredited to provide the following diversion programme-

-----,

provided that the diversion programme/s continue to comply with the minimum standards referred to in section 55 of the Act.

This certificate of accreditation is valid for a period of **[four]** years, commencing onand expiring on

[Minister] Member of the Executive Council: Social Development

Date:

Official Stamp".

KITSISO YA PUSO**LEFAPHA LA BOSIAMISI LE TLHABOLOLO YA MOLAO THEO****NMR. R****2017****MOLAO WA BOSIAMISI WA NGWANA, 2008:****DITLHABOLOLO TSA MELAWANATAOLO E E AMANANG LE MOLAO WA BOSIAMISI WA NGWANA**

Tona ya Bosiamisi le Ditirelo tsa Kgopololo o, ka fa tlase ga karolo 97 ya Molao wa Bosiamisi wa Ngwana, 2008 (Molao 75 wa 2008) le morago ga therisano, fa go tlhokega, le maloko a Kabinete a a rwalang maikarabelo a tlhabolololoago, pabalesego le tshireletsego le boitekanelo, dirile Melawanataolo mo Šejuleng eno.

ŠEJULE**NTLHATLHALOSO YA KAKARETSO:**

[] Mafoko a a kwetsweng ka bontsho mo masakaneng a sekwere a bontsha tseo di tlogetsweng go tswa mo go dirweng ga melao e e leng teng.

_____ Mafoko a a thaletsweng ka mola o o kitlaneng a bontsha tseo di tsentsweng mo go dirweng ga melao e e leng teng.

Mo Šejuleng eno "Melawanataolo" e kaya Melawanataolo e e phasaladitsweng ka Kitsiso ya Puso Nmr. R.251 ya 31 Mopitlwe 2010.

Tlhabololo ya Molawanataolo 21 wa Melawanataolo

1. Molawanataolo 21 wa Melawanataolo o tlhabololwa jaana –
(a) ka kemisetso ya temana (d) ya molawanataolotlaleletso (1) ka temana e e latelang:

(d) Motlhankedi wa sepodisi yo o amogetseng ngongorego kgotsa yo o beileng leitlho o tshwanetse, fa a fetsa go konosetsa dikgato tse di tshwanetseng go tsewa go latela molawanataolo ono, go netefatsa gore dintlha tse di latelang di tsenngwa mo rejisetareng e e kailweng mo karolong 28(3) ya Molao:

- (xi) Nomoro e e filweng mongongoregi;
- (xii) letlha le ngongorego e dirilweng ka lona;
- (xiii) mofuta wa kgobalo e e bonweng kgotsa kgobalo e e tseneletseng ya monagano e e bonweng;
- (xiv) mabaka a kgobalo kgotsa letshogo le ikaegileng ka ona;
- (xv) tshaeno le dintlha tsa mongongoregi;
- (xvi) letlha le pegelo e neetsweng mokhomišenara wa seteišene ka lona;
- (xvii) dintlha tsa kalafo ya bongaka e ngwana a e abetsweng, fa e le teng;

- (xviii) letlha le pegelo e e kailweng mo molwananataolong (1)(a) e rometsweng go Mokhomisenara wa **[Bosetšhaba] Porofense** wa Mapodisi le kgatiso ya yona kwa go Mokhomisenara wa Bosetšhaba;
- (xix) mofuta wa ditaello, fa di le teng, tse di neetsweng ke Mokhomisenara wa **[Bosetšhaba] Porofense** wa Mapodisi le
- (xx) dikgato tse di tserweng go obamela ditaello tsa Mokhomisenara wa **[Bosetšhaba] Porofense** wa Mapodisi.”;
- (b) ka kemisetso ya molwananataolotlaleletso (4) ka molwananataolotlaleletso o o latelang:
- “(4) Mokhomisenara wa seteišene o tshwanetse—
- (a) morago ga go batlisisa morero le, fa go tlhokega, morago ga go netefatsa gore ngwana o amogetse kalafo ya bongaka, go romela pegelo mmogo le pegelo ya bongaka, fa e le teng, kwa go Mokhomisenara wa **[Bosetšhaba] Porofense** wa Mapodisi le kgatiso ya yona go Mokhomisenara wa Bosetšhaba wa Mapodisi ka mokgwa o o maleba;
- (b) go netefatsa gore Mokhomisenara wa **[Bosetšhaba] Porofense** wa Mapodisi o amogetse pegelo le gore Mokhomisenara wa Bosetšhaba wa Mapodisi o amogetse kgatiso ya yona; le
- (c) go faela kgatiso ya pegelo le dimametlelelo tsa yona mo toketeng.”;
- (c) ka kemisetso ya molwananataolotlaleletso (5) ka molwananataolotlaleletso o o latelang:
- “(5) Mokhomisenara wa **[Bosetšhaba] Porofense** wa Mapodisi o ka, morago ga go sekaseka pegelo le dikatlanegiso tse di dirilweng ke mokhomisenara wa seteišene, rebola taelo nngwe le nngwe e a e bonang e le matshwanedi.”; le
- (d) ka kemisetso ya molwananataolotlaleletso (6) ka molwananataolotlaleletso o o latelang:
- “(6) (a) Mokhomisenara wa seteišene o tshwanetse, fa a romela dikwalo tse di kailweng mo molwananataolotlaleletsong (4) kwa go Mokhomisenara wa **[Bosetšhaba] Porofense** wa Mapodisi, go romela kgatiso ya tsona kwa Bokaeding jo bo Ikemetseng jwa Dingongorego (Independent Complaints Directorate), jo bo tlhomilweng ka karolo 50(1) ya *South African Police Service Act, 1995* (Molao 68 wa 1995).
- (b) Mokhomisenara wa seteišene o ka romela dikwalo ka mokgwa o a bonang o le matshwanedi e bile o tshwanetse go tshola bosupi jwa mokgwa wa thomelo.”.

Tlhabololo ya molwananataolo 50 wa Melwananataolo

2. Molwananataolo 50 o tlhabololwa ka kemisetso ya molwananataolotlaleletso (1) ka molwananataolotlaleletso o o latelang:

“(1) Motlhankedi wa Lefapha la Bosiamisi le Tlhabololo ya Molaotheo yo o **[thapetsweng go samagana le]** o rwala maikarabelo mabapi le tiragatso ya dikopo tse di amanang le phimolo ya diponomolato le dikattholo go ya ka Molao o ka, fa tshedimosetso e e mo Foromong 13 e sa lekana kgotsa e

sa tlhapa, kopa tshedimosetso e nngwe go tswa mo modirakopong kgotsa mo setheong sengwe le sengwe sa puso.”.

Tlhabololo ya Mametlelelo ya Melawanataolo

3. Mametlelelo ya Melawanataolo e tlhabololwa jaana-
(a) ka kemisetso ya Foromo 2 ka Foromo e e latelang:

“Foromo 2

**TAELO MABAPI LE TSHEKATSHEKO YA KITSO YA BOSENYI YA NGWANA
KAROLO 11 YA MOLAO WA BOSIAMISI WA NGWANA, 2008 (MOLAO 75 WA 2008)**

MELAWANATAOLO E E AMANANG LE BOSIAMISI JWA NGWANA

[Molawanataolo 13]

Kwa Ntlhapatlisisong ya Pele / Kwa Kgotlatshekelong ya Bosiamisi jwa Ngwana	
E e tshwaretsweng kwa	
Nomoro ya kgetse/nomoro ya faele	

1. Dintlha tsa ngwana

Maina ka botlalo le
sefane:.....

Letlha la matsalo/Nomoro ya
Lokwaloitshupo:.....Dingwaga:.....Bong.....

2. Dintlha tsa motsadi, mogolo yo o matshwanedi kgotsa motlhokomedi/ Senthara ya Tlhokomelo ya Bana le Bašwa

(Neela dintlha tsa motho kgotsa senthara e ngwana a beilweng kwa go yona)

Maina ka botlalo le sefane sa motsadi, mogolo yo o matshwanedi kgotsa motlhokomedi /
Leina la Ngwana le Senthara ya Tlhokomelo ya Bana le
Bašwa:.....

Aterese ya bonno ya motsadi, mogolo yo o tshwanetseng kgotsa motlhokomedi /

Sentlha ya Tlhokomelo ya Bana le

Bašwa.....

Dintlha tsa kgokagano tsa motsadi mogolo yo o tshwanetseng kgotsa motlhokomedi /
Sentlha ya Tlhokomelo ya Bana le

Bašwa:.....

3. Taelo ka motlhankedimokaedi

Go:.....

(Dintlha tsa motho / setheo se se tla dirang tshekatsheko)

Ka kelotlhoko go ntlha ya gore go na le ketsaetsego ya kitso ya bosenyi ya ngwana yo o
kailweng fa godimo, **ke dira taelo e e latelang:-**

(a) O laelwa go sekaseka dintlha tse di latelang ka kitso ya bosenyi ya ga

- (vi) Nonofo ya tthaloganyo
 - (vii) Nonofo ya maitsholo
 - (viii) Nonofo ya maikutlo
 - (ix) Nonofo ya bosaekholoji
 - (x) Nonofo ya loago
- le

(b) go tlamela kgotlatshekelo ka pegelo e e kwetseng ka ga tshekatsheko mo
matsatsing a le 30 a taelo eno.

.....
Tshaeno: Motlhankedimokaedi

.....
Letlha

Maina ka botlalo a

Motlhankedimokaedi:.....

Setempe sa Semmuso

Ela tlhoko: 1. Go ya ka karolo 11(4) ya Molao, o tshwanetse go tlamela magiseterata wa ntlhapatlisiso kgotsa kgotlatshekelo ya bosiamisi jwa ngwana ka pegelo e e kwetsweng ya tshekatsheko mo matsatsing a le 30 a taelo eno.

2. Pegelo e e kwetsweng e e kailweng mo temaneng (b) fa godimo e tshwanetse go tsenyeletsa tlhaloso e khutshwane ya ka moo tshekatsheko ya nonofo ya tlhaloganyo, maitsholo, maikutlo, bosaekholoji le loago e dirilweng ka teng, le go akaretsa diphitlhelelo le mabaka a tshegetso.”;

(b) ka kemisetso ya Foromo 7 ka Foromo e e latelang:

“Foromo 7

SETIFIKEITI SA KAMOGELOSEMUSO YA MOTLAMELADITIRELO TSA PHAPOSO

KAROLO 56 YA MOLAO WA BOSIAMISI WA NGWANA, 2008 (MOLAO 75 WA 2008)

MELAWANATAOLO E E AMANANG LE BOSIAMISI JWA NGWANA

[Molawanataolo 31]

Seno ke go netefatsa gore:

(Leina le aterese ya lefelo)

Nomorokwadiso:-----

Nomoro ya Setifikeiti sa Kamogelosemmuso: -----

Ke motlamedi yo o amogetsweng semmuso wa ditirelo tsa phaposo go tlamela ka mananeo a phaposo, fa fela motlamedi wa ditirelo a tswelela go obamela ditekanyetso tsa maemo a boleng tse di kailweng mo karolong 55 ya Molao.

Setifikeiti seno sa kamogelosemmuso se amogelesega sebaka sa paka ya dingwaga tse [nne], go simologa ka le go ya bokhutlong ka

[Tona] Mokhuduthamaga: Tihabolololoago

Letlha:

Setempe sa Semmuso”; le

(c) ka kemisetso ya Foromo 8 ka Foromo e e latelang:

“Foromo 8

**SETIFIKEITI SA KAMOGELOSEMUSO YA POROGRAMA YA PHAPOSO
KAROLO 56 YA MOLAO WA BOSIAMISI WA NGWANA, 2008 (MOLAO 75 WA 2008)
MELAWANATAOLO E E AMANANG LE BOSIAMISI JWA NGWANA**

[Molawanataolo 31]

Seno ke go netefatsa gore:

Motlamedi yo o amogetsweng semmuso wa ditirelo,

Nomoro ya Kamogelosemmuso ya Setifikeiti. _____

O amogetswe semmuso go tlamela ka porograma ya phaposo e e latelang-

fa fela di/porograma di tswelela go obamelela ditekanyetso tsa maemo a boleng tse di kailweng mo karolong 55 ya Molao.

Setifikeiti seno sa kamogelosemmuso se amogelesega sebaka sa paka ya dingwaga tse [nne], go simologa kale go ya bokhutlong ka

[Tona] Mokhuduthamaga: Tihabolololoago

Letlha:

Setempe sa Semmuso”.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1338

01 DECEMBER 2017

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

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services, acting under section 97(3) of the Child Justice Act, 2008 (Act No. 75 of 2008) ("the Act"), hereby-

1. withdraw Government Notice No. R.273 dated 1 April 2010;
2. (a) determine that the category or class of persons listed in Column 1 of the Table in paragraph 1 of the Schedule are competent to assess the elements of development of a child listed in Column 2 of the Table in paragraph 1 of the Schedule for purposes of evaluating 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.

T M MASUTHA
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

SCHEDULE

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

COLUMN 1	COLUMN 2
Category or class of persons competent to conduct evaluation of criminal capacity of a child	Element of development of a child
A medical practitioner who is registered as such in terms of the	Cognitive, emotional, moral, psychological and social

Health Professions Act, 1974 (Act No. 56 of 1974), and against whose name the speciality psychiatry is also registered.	
A psychologist who is registered as a clinical, educational or counselling psychologist in terms of the Health Professions Act, 1974.	Cognitive, emotional, moral, psychological and social

2. Determination of Remuneration and Allowances

2.1 Determination of Remuneration

- (a) A psychiatrist who, in terms of section 11(3) of the Act, is ordered by the court to evaluate the criminal capacity of a child and who is not in full-time service of the State is remunerated for the evaluation and preparation of the report at the rate of R1000,00 per hour or part thereof.
- (b) A clinical, educational or counselling psychologist who, in terms of section 11(3) of the Act, is ordered by the court to evaluate the criminal capacity of a child and who is not in full-time service of the State is remunerated for the evaluation and preparation of the report at the rate of R765,00 per hour or part thereof.

2.2 Determination of Allowances

Definitions

For the purposes of this paragraph -

“**court manager**” means a person in control of the administration of the magistrate’s court and includes a court manager appointed in terms of section 11 of the Superior Courts Act, 2013 (Act No. 10 of 2013);

“**registrar**” means a registrar of any regional division or of any division the High Court, and includes an assistant registrar.

Transport and travelling expenses

- (a) For purposes of conducting the evaluation, a competent person referred to in paragraph (1) to the Schedule, if necessary, may make use of a public or private transport.
- (b) A competent person who uses public transport is entitled to an amount equal to the fare for the least expensive means of transport along the shortest route.
- (c) A competent person who uses private motor vehicle is entitled to a transport allowance as prescribed from time to time for the Public Service.
- (d) A competent person may only use air transport at State expense, if the court manager or the registrar –
- (i) is satisfied that the use thereof is warranted; and

- (ii) has, prior to the flight, approved that the competent person may make use of the air transport.
- (e) A competent person is entitled to be reimbursed for reasonable actual expenses incurred in respect of parking and toll fees.

TLHOMAMISO YA BATHO KGOTSA MOFUTA KGOTSA MAEMO A BATHO BA BA NANG LE BOKGONI JWA GO DIRA TSHEKATSHEKO YA KITSO YA BOSENYI YA NGWANA LE DITUELOTETLA LE MEGOLO: KAROLO 97(3) YA MOLAWANA WA BOSIAMISI WA NGWANA, 2008

Nna, Tshililo Michael Masutha, Tona ya Bosiamisi le Ditirelo tsa Kgopololo, ka go dira ka fa tlase ga karolo 97(3) ya Molao wa Bosiamisi wa Ngwana, 2008 (Molao 75 wa 2008) ("Molao"), ke-

- 3. gogela morago Kitsiso ya Puso ya Nomoro R.273 ya letlha la 1 Moranang 2010;
- 4. (a) tihomamisa gore mofuta kgotsa maemo a batho a a neetsweng mo Kholomong 1 ya Tafole e e mo temaneng 1 ya Šejule a siametse go lekola dipopi tsa nonofo ya ngwana tse di neetsweng mo Kholomong 2 ya Tafole e e mo temaneng 1 ya Šejule mabapi le maitlhommo a go sekaseka kitso ya bosenyi ya ngwana; le
- (b) ka therisano le Tona ya Matlotlo, tihomamisa dituelotetla le megolo e e tihagisitsweng mo temaneng 2 ya Šejule mabapi le batho ba ba kailweng mo temaneng (a) fa godimo.

**T M MASUTHA
TONA YA BOSIAMISI LE DITIRELO TSA KGOPOLOLO**

ŠEJULE

1. Tlhomamiso ya mofuta kgotsa maemo a batho ba ba nang le bokgoni jwa go dira tshekatsheko ya kitso ya bosenyi ya ngwana

KHOLOMO 1	KHOLOMO 2
Mofuta kgotsa maemo a batho ba ba nang le bokgoni jwa go dira tshekatsheko ya kitso ya bosenyi ya ngwana	Popi ya nonofo ya ngwana
Modiri wa tsa kalafi yo o kwadisitsweng jalo go ya ka <i>Health Professions Act, 1974</i> (Molao 56 wa 1974), le yo kgaatlhanong le leina la gagwe saekhaeteri ya kgethego e kwadisitsweng.	Tlhaloganyo, maikutlo, maitsholo, bosaekholoji le loago
Mosaekholoji yo o kwadisitsweng jaaka mosaekholoji wa tliiniki, wa tsa thuto kgotsa yo o gakololang go ya ka <i>Health Professions Act, 1974</i> .	Tlhaloganyo, maikutlo, maitsholo, bosaekholoji le loago

2. Tlhomamiso ya Megolo le Dituelotetla

2.1 Tlhomamiso ya Megolo

- (a) Mosaekhaeteri yo, go ya ka karolo 11(3) ya Molao, o laelwa ke kgotlatshekelo go sekaseka kitso ya bosenyi ya ngwana le yo o seng mo tirelong ya Puso ya leruri o duelwa mabapi le tshekatsheko le paakanyo ya pegelo ka seelo sa R1000,00 ura nngwe le nngwe kgotsa karolo ya sona.
- (b) Mosaekholoji wa tsa tliiniki, tsa thuto kgotsa yo o gakololang yo, go ya ka karolo 11(3) ya Molao, o laelwa ke kgotlatshekelo go sekaseka kitso ya bosenyi ya ngwana le yo o seng mo tirelong ya Puso ya leruri o duelwa mabapi le tshekatsheko le paakanyo ya pegelo ka seelo sa R765,00 ura nngwe le nngwe kgotsa karolo ya sona.

2.2 Tlhomamiso ya Dituelotetla

Ditlhaloso

Mabapi le maitlhomamo a temana eno -

“molaodi wa kgotlatshekelo” o kaya motho yo o laolang tsamaiso ya kgotlatshekelo ya magiseterata le go akaretsa molaodi wa kgotlatshekelo yo o thapilweng go ya ka karolo 11 ya *Superior Courts Act, 2013* (Molao 10 wa 2013);

“mokwadisi” o kaya mokwadisi wa lekala lengwe le lengwe la kgaolo kgotsa wa lekala lengwe le lengwe la Kgatlatshekelokgolo, le go akaretsa mothusamokwadisi.

Sepalangwa le ditshenyegelo tsa mosepele

- (a) Mabapi le maitlhommo a go dira tshekatsheko, motho yo o nang le bokgoni yo o kailweng mo temaneng (1) ya Šejule, fa go tihokega, o ka dirisa sepalangwa sa botlhe kgotsa sa poraefete.
- (b) Motho yo o nang le bokgoni yo o dirisang sepalangwa sa botlhe o tshwanetswe ke madi a go palama a boleng jo bo lekanang le jwa sepalangwa sa tuelo e e kwa tlase mo tseleng ya sekgala se se khutshwane.
- (c) Motho yo o nang le bokgoni yo o dirisang kolozi ya poraefete o tshwanetswe ke tuelotetla ya sepalangwa jaaka e tihalositswe nako le nako mabapi le Tirelosetšhaba.
- (d) Motho yo o nang le bokgoni o ka dirisa fela sepalangwa sa mo moweng ka ditshenyegelo tsa Puso, fa motsamaisi wa kgatlatshekelo kgotsa mokwadisi—
 - (i) a kgotsofaditswe ke gore tiriso ya sona e a tihokega; le
 - (ii) o, pele ga go namela sefofane, netefaditse gore motho yo o nang le bokgoni o ka dirisa senamelwa sa mo moweng.
- (e) Motho yo o nang le bokgoni o tshwanetswe ke go busetswa mabapi le ditshenyegelo tsa nnete ka mabaka tse di bonweng mabapi le go paka le dituelelo tsa makgetho.