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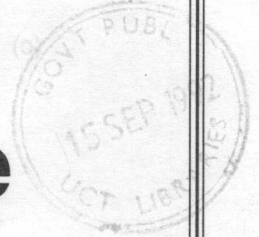
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GOEWERMENSKENNISGEWING

DEPARTEMENT VAN JUSTISIE

No. R. 2513 11 September 1992

WYSIGING VAN DIE REGULASIES UITGEVAARDIG Kragtens DIE WET OP BEMIDDELING IN SEKERE EGSKEIDINGSAANGELEENTHEDE, 1987 (WET No. 24 VAN 1987)

Die Minister van Justisie het kragtens artikel 5 van die Wet op Bemiddeling in Sekere Egskeidingsaangeleentehede, 1987 (Wet No. 24 van 1987), die regulasies in die Bylae hiervan uiteengesit, uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Regulasies" die Regulasies op Bemiddeling in Sekere Egskeidingsaangeleentehede, afgekondig by Goewermentskennisgewing No. R. 2385 van 3 Oktober 1990.

Invoeging van regulasie 7A in die Regulasies

2. Die volgende regulasie word hierby in die Regulasies ingevoeg na regulasie 7:

"Vergoeding en toelaes betaalbaar aan 'n Gesinsadvokaat kragtens artikel 2 (1) van die Wet aangesetel om in 'n bepaalde egskeidingsgeding of 'n aansoek of in meer as een sodanige geding of aansoek op te tree.

7A. (1) 'n Gesinsadvokaat wat kragtens artikel 2 (1) van die Wet aangestel is om in 'n bepaalde egskeidingsgeding of 'n aansoek of in meer as een sodanige geding of aansoek op te tree en wat nie 'n beampte in die staatsdiens is nie, is, vir dienste deur hom in dié verband gelewer, geregtig op die volgende vergoeding:

(a) Vir verskyning in die hof: R300,00 per dag, ongeag die aantal sodanige gedinge of aansoeke in verband waarmee hy op dié dag voor die hof verskyn.

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 2513 11 September 1992

AMENDMENT OF THE REGULATIONS MADE UNDER THE MEDIATION IN CERTAIN DIVORCE MATTERS ACT, 1987 (ACT No. 24 OF 1987)

The Minister of Justice has, under section 5 of the Mediation in Certain Divorce Matters Act, 1987 (Act No. 24 of 1987), made the regulations set out in the Schedule hereto.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the Mediation in Certain Divorce Matters Regulations published under Government Notice No. R. 2385 of 3 October 1990.

Insertion of regulation 7A in the Regulations

2. The following regulation is hereby inserted in the Regulations after regulation 7:

"Remuneration and allowances payable to a Family Advocate appointed under section 2 (1) of the Act to act in a specific divorce action or an application or in more than one such action or application.

7A. (1) A Family Advocate appointed under section 2 (1) of the Act to act in a specific divorce action or an application or in more than one such action or application and who is not an officer in the public service shall, for services rendered by him in that regard, be entitled to the following remuneration:

(a) For appearance in court: R300,00 per day, irrespective of the number of such actions or applications in connection with which he appears before the court on that day.

- (b) Vir die hou van 'n ondersoek in artikel 4 (1) van die Wet bedoel: R300,00 vir die eerste dag aan sodanige ondersoek bestee en R100,00 vir elke daaropvolgende dag aan sodanige ondersoek bestee.
- (c) Vir die opstel van 'n skriftelike verslag in artikel 4 (1) van die Wet bedoel: R50,00 per uur of gedeelte van 'n uur werklik aan die opstel van sodanige verslag bestee, onderworpe aan 'n maksimumbedrag van R300,00 per dag.
- (d) R50,00 per uur of gedeelte van 'n uur werklik bestee aan die deurlees en oorweging van—
- (i) 'n dagvaarding of kennisgewing van mosie en ingevulde vorms bedoel in regulasie 2 (1) en (2);
 - (ii) 'n ingevulde vorm bedoel in regulasie 3 (2); of
 - (iii) 'n skikkingsakte bedoel in regulasie 3 (3) wat nie met 'n hofverskyning, die hou van die ondersoek of die opstel van die skriftelike verslag bedoel in onderskeidelik paragrawe (a), (b) en (c) van hierdie subregulasie, verband hou nie,
- onderworpe aan 'n maksimumbedrag van R300,00 per dag.
- (2) 'n Gesinsadvokaat bedoel in subregulasie (1) wat, vir doeleindes van verskyning in die hof of die hou van 'n ondersoek beoog in onderskeidelik paragrawe (a) en (b) van dié subregulasie, genoodsaak is om huisvesting vir 'n nag te huur of wat vir 'n tydperk van 24 uur of langer afwesig is van die stad of dorp waar hy normaalweg werksaam of woonagtig is, is geregtig op—
- (a) 'n allesinsluitende onderhoudstoelae van R65,00 per dag; of
 - (b) die werklike uitgawes redelikerwys deur hom aangegaan ten opsigte van huisvesting en maaltye, asook 'n spesiale toelae van R20,00 per dag vir bykomstige uitgawes.
- (3) Indien 'n Gesinsadvokaat bedoel in subregulasie (1) by die lewering van 'n diens in subregulasie (2) beoog vir 'n korter tydperk as 24 uur afwesig is van die stad of dorp waar hy normaalweg werksaam of woonagtig is en nie genoodsaak word om huisvesting vir 'n nag te huur nie, word 'n allesomvattende toelae van R25,00 per dag aan hom betaal.
- (4) (a) Wanneer 'n Gesinsadvokaat bedoel in subregulasie (1) van openbare vervoer gebruik maak vir doeleindes van verskyning in die hof of die hou van 'n ondersoek (soos beoog in daardie subregulasie) by 'n ander stad of dorp as die stad of dorp waar hy normaalweg werksaam of woonagtig is, word
- (b) For conducting an enquiry referred to in section 4 (1) of the Act: R300,00 for the first day spent on such enquiry and R100,00 for each subsequent day spent on such enquiry.
- (c) For drafting a written report referred to in section 4 (1) of the Act: R50,00 per hour or part of an hour actually spent on the drafting of such report, subject to a maximum amount of R300,00 per day.
- (d) R50,00 per hour or part of an hour actually spent on the perusal and consideration of—
- (i) any summons or notice of motion and completed forms referred to in regulation 2 (1) and (2);
 - (ii) any completed form referred to in regulation 3 (2); or
 - (iii) any deed of settlement referred to in regulation 3 (3) which does not have a bearing on a court appearance, conducting an enquiry or drafting a written report referred to in paragraphs (a), (b) and (c), respectively, of this subregulation,
- subject to a maximum amount of R300,00 per day.
- (2) A Family Advocate referred to in subregulation (1) who, for the purposes of appearing in court or conducting an enquiry as contemplated in paragraphs (a) and (b), respectively, of that subregulation, is obliged to rent accommodation for the night or is absent for a period of 24 hours or longer from the city or town where he normally works or resides is entitled to—
- (a) an all-inclusive subsistence allowance of R65,00 per day; or
 - (b) the actual expenses reasonably incurred by him in respect of accommodation and meals, and a special allowance of R20,00 per day for incidental expenses.
- (3) If, in rendering a service contemplated in subregulation (2), a Family Advocate referred to in subregulation (1) is absent for a period of less than 24 hours from the city or town where he normally works or resides and is not obliged to rent accommodation for the night, he shall be paid an all-inclusive allowance of R25,00 per day.
- (4) (a) Whenever a Family Advocate referred to in subregulation (1) makes use of public transport for the purposes of appearing in court or conducting an enquiry (as contemplated in that subregulation) at a city or town other than the city or town where he normally works or resides, an allowance equal

'n toelae gelykstaande met die werklike koste van sodanige vervoer vir die heen-en-terugreis langs die kortste geskikte roete aan hom betaal: Met dien verstande dat indien meer as een geskikte openbare vervoermiddel beskikbaar is, sodanige werklike koste geag word die bedrag geld te wees wat vir vervoer deur middel van die goedkoopste van sodanige openbare vervoermiddels in die betrokke omstandighede gehef sou word.

- (b) Wanneer 'n Gesinsadvokaat bedoel in subregulasie (1) van private vervoer gebruik maak vir doeleindes van verskyning in die hof of die hou van 'n ondersoek by 'n ander stad of dorp as die stad of dorp waar hy normaalweg werksaam of woonagtig is, word 'n bedrag vir die heen-en-terugreis langs die kortste geskikte roete, bereken teen R1,00 per kilometer, aan hom betaal.
- (5) Vir sover die uitgawe verbonde aan die vervoer, huisvesting of maaltye van 'n Gesinsadvokaat bedoel in subregulasie (1), gedra of bestry word vanuit enige ander bron, is geen toelae aan hom betaalbaar ingevolge subregulasie (2), (3) of (4) nie, watter een ook al van toepassing mag wees.
- (6) By die voorlegging, vir betaling ingevolge subregulasie (2) (b), van 'n eis vir die werklike uitgawes ten opsigte van huisvesting en maaltye deur hom aangegaan, moet 'n Gesinsadvokaat bedoel in subregulasie (1) die nodige kwitansies of ander bewysstukke ter staving van sodanige uitgawes aan die Griffier van die Hooggeregshof verstrek.
- (7) Die beslissing van die Griffier van die Hooggeregshof betreffende die bedrae ingevolge hierdie regulasie betaalbaar, is afdoende."

Inwerkingtreding

3. Hierdie regulasies tree op **11 September 1992** in werking.

to the actual cost of such transport for the forward and return journey by the shortest convenient route shall be paid to him: Provided that if more than one suitable means of public transport is available, such actual cost shall be deemed to be the amount of money which, in the circumstances, would have been charged for transportation by the least expensive of such means of public transport.

- (b) Whenever a Family Advocate referred to in subregulation (1) makes use of private transport for the purposes of appearing in court or conducting an enquiry at a city or town other than the city or town where he normally works or resides, an amount for the forward and return journey by the shortest convenient route, calculated at R1,00 per kilometre, shall be paid to him.
- (5) In so far as the costs of the transport, accommodation or meals of a Family Advocate referred to in subregulation (1) are borne by or defrayed from any other source, no allowance shall be payable to him in terms of subregulation (2), (3) or (4), whichever may be applicable.
- (6) When submitting, for payment in terms of subregulation (2) (b), a claim for the actual expenses incurred by him in respect of accommodation and meals, a Family Advocate referred to in subregulation (1) shall submit the necessary receipts or other vouchers in support of such expenses to the Registrar of the Supreme Court.
- (7) The decision of the Registrar of the Supreme Court regarding the amounts payable in terms of this regulation shall be final."

Commencement

3. These regulations shall come into operation on **11 September 1992**.

to the actual cost of such transport for the forward and return journey by the shortest convenient route shall be paid to him. Provided that if more than one suitable means of public transport is available, such actual cost shall be deemed to be the amount of money which, in the circumstances, would have been charged for transportation by the least expensive of such means of public transport.

(b) Whenever a Family Advocate referred to in subsection (1) makes use of private transport for the purpose of appearing in court or conducting an enquiry at a city or town other than the city or town where he normally works or resides, an amount for the forward and return journey by the shortest convenient route, calculated at R1,00 per kilometre, shall be paid to him.

(c) In so far as the costs of the transport, accommodation or meals of a Family Advocate...

in 'n toelae getykstaande met die werklike koste van sodanige vervoer vir die heen-en-terugreis langs die kortste geskikte roete aan hom betaal. Met dien verstande dat indien meer as een geskikte openbare vervoermiddel beskikbaar is, sodanige werklike koste gegad word die bedrag geld te wees wat vir vervoer deur middel van die goedkoopste van sodanige openbare vervoermiddels in die betrokke omstandighede betaal sou word.

(b) Wanneer 'n Gesinsadvokaat bedoel in subseksie (1) van private vervoer gebruik maak vir doeleindes van verskyning in die hof of die hof van ondersoek by 'n ander stad of dorp as die stad of dorp waar hy normaalweg werkzaam of woonagtig is, word 'n bedrag vir die heen-en-terugreis langs die kortste geskikte roete, bereken teen R1,00 per kilometer, aan hom betaal.

(c) Vir sover die uitgawe verbonde aan die vervoer, oornagting of maaltye van 'n...

INHOUD		<i>Bladsy</i>	<i>Koerant</i>
<i>No.</i>		<i>No.</i>	<i>No.</i>
GOEWERMENSKENNISGEWING			
Justisie, Departement van			
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Registrar of the Supreme Court
 (7) The decision of the Registrar of the Supreme Court regarding the amounts payable in terms of this regulation shall be final.

Commentary
 3. These regulations shall come into operation on 11 September 1992.

Griffier van die Hooggeregterhof
 (7) Die beslissing van die Griffier van die Hooggeregterhof betreffende die bedraes betaalbaar in terme van hierdie regulasie, is aldefinitief.

Inwerkingtreding
 3. Hierdie regulasies tree op 11 September 1992 in werking.