GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 911
1 July 1996

REGULATIONS UNDER THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995 (ACT No. 34 OF 1995)

The President has under section 40 of the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995), 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 that meaning and, unless the context otherwise indicates 'the Act' means the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995).

TARIFF OF ALLOWANCES

Subsistence allowance

2. (1) Any person who attends a hearing of the Commission in compliance with a subpoena issued in terms of the Act shall be entitled to the following allowances for each 24 hours or part thereof for which he or she is, for the purpose of such attendance, absent from his or her place of residence or sojourn:

(a) A person, excluding a person referred to in paragraph (b), who resides or sojourns more than eight kilometers from the place where he or she appears: R10: Provided that if the Chairperson is satisfied that the person had to incur expenses exceeding R10 in respect of such attendance, the person may be paid his or her reasonable actual expenses.

(b) A person who of necessity has to hire accommodation for the night: His or her reasonable actual expenses.

(c) A person who resides or sojourns eight kilometers or less from the place where he or she appears, if the Chairperson is satisfied that the person had to incur expenses in respect of such attendance: His or her reasonable actual expenses.

(d) Subject to the provisions of regulation 7, the decision of the Chairperson in respect of the amounts payable in terms of paragraphs (a), (b) and (c) shall be final.

(2) A person shall qualify for the allowance referred to in subregulation (1) (b) for the full period for which he or she is absent from his or her place of residence or sojourn for the purpose of attending a hearing if during such absence he or she has to hire accommodation for a night or spend a night on a train.

Income forfeited

3. The Chairperson may, on satisfactory proof having been produced that a person has forfeited income as a result of his or her attendance of a hearing, order that, in addition to any allowance that may be payable to the person in terms of regulation 2, an allowance equal to the actual amount of income so
Travelling expenses and transport

4. (1) (a) Whenever a person has to make use of railway transport to attend a hearing, he or she shall be issued with a rail warrant for a return ticket for the class in which presumably he or she would ordinarily travel or such other class as the Chairperson may deem appropriate, and the decision of the Chairperson in this respect shall be final.

(b) Whenever a person makes use of railway transport without a rail warrant having been issued to him or her an amount equal to the reasonable actual fare shall be paid to the person.

(2) Whenever suitable railway transport is not available and a person makes use of any other means of public transport to attend a hearing an amount equal to the fare for the forward and return journey along the shortest convenient route shall be paid to him or her: Provided that if more than one such other means of public transport is available, the fare for the least expensive thereof shall be paid.

(3) Whenever suitable public transport is not available and a person makes use of his or her own or hired transport to attend a hearing, an amount for the forward and return journey along the shortest convenient route shall be paid, calculated at R1,00 per kilometer in respect of a motor vehicle.

(4) Whenever suitable public transport is available and a person makes use of his or her own or hired transport to attend a hearing, the amount referred to in subregulation (3) may be paid for a forward and return journey not exceeding 300 kilometers: Provided that if the Chairperson is satisfied that the circumstances in a particular instance justify the use of transport other than public transport for a distance in excess of 300 kilometers, he or she may order that the amount referred to in subregulation (3), or such lesser amount as he or she may deem equitable in the circumstances, be paid for such longer distance, and the decision of the Chairperson in this respect shall be final.

(5) If the Chairperson is satisfied that the use of such transport is warranted, he or she may grant approval for a person to make use of air transport at the Commission's expense to attend a hearing.

Supplementary provisions

5. In calculating the period of his or her absence for the purposes of regulation 2 a person shall be allowed not more than 24 hours-

(a) if he or she makes use of private transport, for each-

(i) 600 kilometers or part thereof if he or she travels by motor vehicle; or

(ii) 60 kilometers or part thereof if he or she travels by means of transport other than a motor vehicle; or

(b) if he or she travels on foot, for each 30 kilometers or part thereof.

6. Whenever the fare of a person includes the cost of meals and sleeping accommodation, no allowance in terms of regulation 2 shall be paid.

7. The Chairperson may authorise a departure from the prescribed tariff in the case of a person who resides outside the Republic of South Africa or in any other case, if he or she is satisfied that the application of the said provisions may cause a person hardship.

8. (1) These regulations shall not apply to a public servant.

(2) Where the expenses incurred by a person in connection with his or her attendance at a hearing are provided or from any other source, no allowance in terms of these regulations shall be paid to him or her.