



**IN THE SPECIAL TRIBUNAL ESTABLISHED IN TERMS OF SECTION 2 (1)
OF THE SPECIAL INVESTIGATIONS UNIT AND
SPECIAL TRIBUNALS ACT 74 OF 1996**

(REPUBLIC OF SOUTH AFRICA)

BEFORE THE HONOURABLE MS JUSTICE MODIBA

23 AUGUST 2022

CASE NO: WC04/2021

In the matter between:

SPECIAL INVESTIGATING UNIT

First Plaintiff

NATIONAL DEPARTMENT OF PUBLIC WORKS

Second Plaintiff

and

ROY'S OIL & GAS CC

First Defendant

(Registration number: 1994/011826/23)

WENDY DARRIES

Second Defendant

(Identity number: [...])

ROY TREVOR PRINSLOO

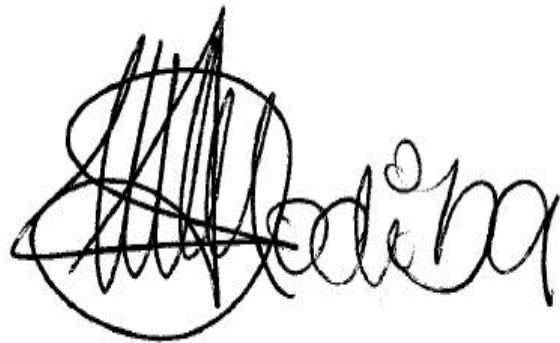
Third Defendant

(Identity number: [...])

ORDER

HAVING READ AND CONSIDERED THE PAPERS FILED OF RECORD AND BY AGREEMENT BETWEEN THE FIRST AND SECOND PLAINTIFFS ("THE PLAINTIFFS") AND THE FIRST, SECOND AND THIRD DEFENDANTS ("THE DEFENDANTS"), IT IS HEREBY ORDERED THAT:

1. The settlement agreement entered into between the parties DATED 25 July 2022 and annexed hereto marked "X" is made an Order.

A handwritten signature in black ink, appearing to read 'L.T. Modiba', is written over a horizontal line.

JUDGE L.T. MODIBA
PRESIDENT OF THE SPECIAL TRIBUNAL

"X"

IN THE SPECIAL TRIBUNAL OF SOUTH AFRICA
ESTABLISHED IN TERMS OF SECTION 2(1) OF THE SPECIAL
INVESTIGATIONS UNIT AND SPECIAL TRIBUNALS ACT 74 OF 1996

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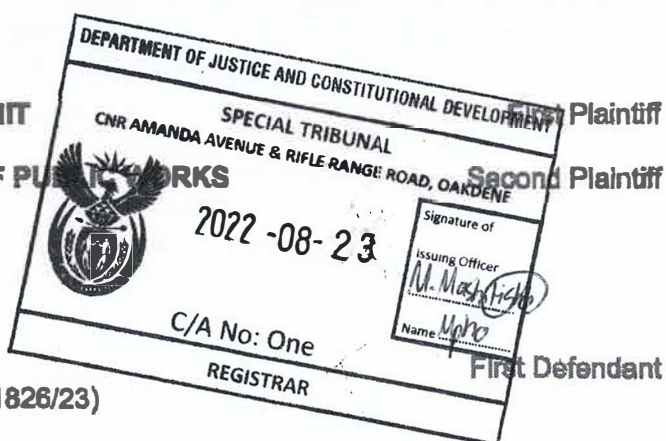
(Registration number: 1994/011826/23)

WENDY DARRIES

(Identity number: [....])

ROY TREVOR PRINSLOO

(Identity number: [...])



First Plaintiff

Second Plaintiff

First Defendant

Second Defendant

Third Defendant

SETTLEMENT AGREEMENT

WHEREAS on or about 03 November 2021, the First Plaintiff and Second Plaintiff ("the Plaintiffs") instituted legal proceedings in the Special Tribunal of South Africa, held at the Booysens Magistrates Court under case number WC04/2021 against the First Defendant, Second Defendant and Third Defendant ("the Defendants") for payment in the amount of R2 337 221.54 in respect of claim 1 and R3 450.00 in respect of claim 2.

[Handwritten signature]

AND WHEREAS the First to Third Defendants opposed the proceedings and whereas the First and Second Plaintiffs and the First, Second and Third Defendants ("the parties") have reached settlement, which agreement the parties hereto desire to record in writing and make an Order of Court.

NOW THEREFORE the parties hereto wish to agree and record as follows:

PRIMARY CLAIM

1. The Defendants are indebted to the Plaintiffs in an amount of **R2 000 000.00 (TWO MILLION RAND)** in full and final settlement of all claims arising from the causes of action pleaded under case number WC 4/2021 ("the debt amount").
2. The Defendants undertake to make payment of the debt amount of **R2 000 000.00** as follows:
 - 2.1 payment of the sum of **R250 000.00 (TWO HUNDRED AND FIFTY THOUSAND RAND)** to the First Plaintiff's nominated bank account within **5(FIVE)** working days of the granting of this Order.
 - 2.2 payment of monthly instalments in the sum of **R40 000.00 (FOURTY THOUSAND RAND)** to be made on or before the 5th day of each consecutive month, with the first instalment becoming payable on 05 September 2022 until the debt amount of **R2 000 000.00** has been settled in full.
3. Interest shall accrue, *tempore morae*, on the outstanding debt amount from the date of the granting of this Order until to the payment of the full debt amount.

ed. P. NW

4. Payment of the aforesaid amount shall made to the Special Investigative Units
First National Bank Account as follows:

Bank: First National Bank

Account type: Public Sector Business Account

Account number: [...]

Branch Code: 250345


Branch Name: Pretorius Street 098

Ref: Roy's Oil Gas

SECONDARY CONDITIONS

5. The Second and Third Defendants' and/or an employee of the First Defendant shall provide full co-operation to the First Plaintiffs' duly authorised investigators which shall include but is not limited to information under oath in respect of the unlawful conduct of employees, ex-employees, or other persons within the Second Plaintiff, to wit:

- 5.1 the identity of inspectors of the Second Plaintiff, insofar as such inspectors acted in a manner which compelled, or otherwise imposed upon the Defendants to overinflate and/or overcharge and/or in any way seek to claim monies from the Second Plaintiff that was not authorised in law;
- 5.2 the *modus operandi* of the implicated staff and employees of the Second Plaintiff that resulted and/or could reasonably be anticipated to result in the misconduct on the part of the Defendants;



6. The Second and Third Defendants shall, insofar as is permitted in law, avail themselves to testify on behalf of any criminal or civil proceedings that may arise from the information and/or evidence provided to the First Plaintiff in respect of paragraphs 5, 5.1 and 5.2 above.
7. Any information provided under oath in respect of paragraphs 5, 5.1 and 5.2 above shall not be admissible against any of the Defendants in any criminal proceedings and is solely provided on the basis to assist the First Plaintiff in investigating and prosecuting any provable offence committed by employees, ex-employees or other persons involved in unlawful and/or criminal conduct leading to the loss of public funds.

BREACH

8. In the event that the Defendants breach any of the terms of this Order, the Plaintiffs shall provide notice of such a breach in writing and afford the Defendants 7 (SEVEN) calendar days to remedy such breach.
9. In the event that the Defendants fail to rectify said breach, the total outstanding debt amount will become due and payable, and the Plaintiffs shall be entitled to obtain an order of execution against the Defendants, jointly and severally the one paying the other to be absolved, without any further notice to them.

COSTS

10. Each party shall pay their own costs in respect of these proceedings up until the date of the granting of this Order.

Handwritten signature/initials

DATED AND SIGNED AT PRETORIA ON THIS THE 22ND DAY
OF JULY 2022.

August

AS WITNESSES:

1. [Signature]

[Signature]

First Plaintiff

2. [Signature]

AS WITNESSES:

1. _____

Second Plaintiff

2. _____

DATED AND SIGNED AT CAPE TOWN ON THIS THE 25 DAY
OF JULY 2022.

AS WITNESSES:

1. [Signature]

[Signature]

First Defendant

2. [Signature]

(Duly Authorised)

[Signature]

AS WITNESSES:

1. 

2. 

AS WITNESSES:

1. 


2. 



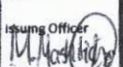
Second Defendant



Third Defendant

| | |
|---|--------------|
| DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | |
| SPECIAL TRIBUNAL | |
| CNR AMANDA AVENUE & RIFLE RANGE ROAD, OAKDENE | |
|  | 2022 -08- 23 |
| | C/A No: One |
| REGISTRAR | |

Signature of

Issuing Officer 

Name Mpho

