

South Africa

Prevention of Organised Crime Act, 1998

Prevention of Organised Crime Regulations, 1999

Government Notice R416 of 1999

Legislation as at 1 September 2000

FRBR URI: /akn/za/act/gn/1999/r416/eng@2000-09-01

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PDF created on 19 June 2024 at 11:41.

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Prevention of Organised Crime Regulations, 1999
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South Africa

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Government Notice R416 of 1999

Published in Government Gazette 19914 on 1 April 1999

Commenced on 1 April 1999

Note: See section 7(1)

[This is the version of this document from 1 September 2000.]

[Amended by Prevention of Organised Crime Regulations, 1999: Amendment (Government Notice R850 of 2000) on 1 September 2000]

The Minister of Justice has, in terms of section 77 of the Prevention of Organised Crime Act, 1998 ([Act No. 121 of 1998](#)), made the regulations in the Schedule.

1. Definitions

In these regulations any word or expression to which a meaning has been assigned in the Act has that meaning and, unless the context otherwise indicates—

"**designated person**" means the person referred to in regulation 3, and includes, for the purposes of regulations 4(2) and 5, any official of the subcomponent of that person;

"**Master**" means the Master, Deputy Master or Assistant Master of the High Court appointed in terms of section 2 of the Administration of Estates Act, 1965 ([Act No. 66 of 1965](#)), who has jurisdiction in respect of the matter, property or estate concerned; and

"**the Act**" means the Prevention of Organised Crime Act, 1998 ([Act No. 121 of 1998](#)).

2. Tariff of fees payable to *curator bonis*

- (1) A *curator bonis* appointed under the Act is entitled to a fee which must be assessed according to the following tariff:
 - (a) On income collected during the existence of the curatorship: six per cent;
 - (b) on the value of property, other than money, realised on completion of his or her curatorship: two per cent;
 - (c) on the value of money realised on completion of his or her curatorship: one per cent;
 - (d) on the value of property, other than money, subject to a restraint order where no confiscation order is made: two per cent;
 - (e) on the value of money subject to a restraint order where no confiscation order is made: one per cent.
- (2) Despite subregulation (1), the Master may—
 - (a) if in any particular case there are special reasons for doing so, reduce or increase any such fee; or
 - (b) if the *curator bonis* has failed to discharge his or her duties or has discharged them in an unsatisfactory manner, disallow any such fee, either wholly or in part.

3. Person to whom suspicion regarding proceeds of unlawful activities to be reported

The Commander of the Commercial Crime Investigations Subcomponent of the South African Police Service is hereby designated for the purposes of section 7 of the Act.

4. Nature of information and manner in which it is to be reported

- (1) A report contemplated in section 7 of the Act must be made in writing and must—
 - (a) substantially correspond to Form 1 of the Annexure;
 - (b) contain full particulars of—
 - (i) the person making the report;
 - (ii) the person against whom the suspicion has been formed, in so far as such particulars are available;
 - (iii) the transaction or other action whereby the property concerned has come into the possession of the person making the report;
 - (iv) the property concerned;
 - (c) set out the grounds on which the suspicion rests;
 - (d) indicate what documentary or other proof is available in respect of the transaction or other action referred to in paragraph (b)(iii), and of the grounds referred to in paragraph (c); and
 - (e) be accompanied by copies of documentation directly relevant to the suspicion and the grounds on which it rests.
- (2) The report must be handed or faxed to the designated person.

5. Acknowledgement of receipt of report

The designated person must, on receipt of a report referred to in regulation 4, forthwith acknowledge receipt thereof to the person who made it, on a form substantially corresponding to Form 2 of the Annexure, and must affix the stamp of his or her office thereto.

6. Procedure at meetings of Committee

- (1) A majority of the members of the Committee forms a quorum at any meeting of the Committee.
- (2) The decision of the majority of all the members of the Committee present at a meeting thereof is the decision of the Committee and, in the event of an equality of votes on any matter, the chairperson or person designated by the chairperson to attend the meeting in his or her place has a casting vote in addition to his or her deliberative vote.
- (3) Reasonable notice of a meeting of the Committee must be given in writing to the members of the Committee and the Committee must cause minutes to be kept of the proceedings of any such meeting.
- (4) Except where otherwise provided for in these regulations, the Committee determines its own procedure.

6A. Notice in terms of section 51(3) of the Act

The notice contemplated in section 51(3) of the Act must substantially correspond to Form 3 of the Annexure.

[regulation 6A inserted by section 2 of [Government Notice R850 of 2000](#)]

7. Title and repeal

- (1) These regulations are called the Prevention of Organised Crime Regulations, 1999, and come into operation on 1 April 1999.
- (2) The Prevention of Organised Crime Regulations, 1999, published by Government Notice No. R. 86 of 21 January 1999, are hereby repealed.

Annexure

Forms

[Editorial note: The forms have not been reproduced.]

[form 3 inserted by section 3 of [Government Notice R850 of 2000](#)]