

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette

No. 5884

Regulasiekoerant

Vol. 381

PRETORIA, 14 MARCH
MAART 1997

No. 17854

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 24, 1997

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT No. 74 OF 1996)

1. Under section 14 (1) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), and upon the request of the executive authority of the Eastern Cape, and because I am of the opinion that the objects of the Commission of Inquiry into Matters relating to State Property in the Province of the Eastern Cape established by Eastern Cape Provincial Notice No. 10 of 1995, can better be achieved by a Special Investigating Unit and a Special Tribunal, I hereby dissolve the said Commission and establish a Special Investigating Unit and a Special Tribunal in its place.
2. Under section 3 (1) of the said Act, I hereby appoint **Mr Justice Willem Hendrik Heath** as head of the Special Investigating Unit.
3. Under section 7 (2) of the said Act, I hereby, after consultation with the Chief Justice, appoint **Mr Justice Gerhardus Petrus Christiaan Kotzé** as Tribunal President.
4. The terms of reference of the Special Investigating Unit are—
 - (1) to examine and report to me on—
 - (a) any acquisitive act, transaction, measure or practise, pending or concluded, having a bearing on State or public property or public money which belongs to or vests in a State institution or which, at any time prior to 27 April 1994, belonged to or vested in any former State or territory that now forms part of the Republic and which public property or public money, were it not for such acquisitive act, transaction, measure or practice, could have belonged to, or vested in, or could have been liable to be allotted to a State institution;
 - (b) any interest in, or in respect of, any property contemplated in subparagraph (a);
 - (c) any person, establishment, institution or society in or by which public property or public money contemplated in subparagraph (a) may be accumulated or may have been used; and
 - (d) any real or personal right to property contemplated in subparagraph (a) or to the fruits of such property that have accrued or will accrue to any person, establishment, institution or society other than a State institution;

- (2) to inquire into, consider and report to me on matters contemplated in subparagraph (1) which have taken place between 26 October 1976 and the date on which the Special Investigating Unit is dissolved; and
 - (3) to inquire into, consider and report to me on any matter contemplated in section 2 (2) of the said Act, which is incidental to the matters referred to in subparagraphs (1) and (2) and which is revealed by any of the investigations of the Special Investigating Unit, and the generality of this subparagraph is not limited by subparagraphs (1) and (2).
5. The seat of the Special Investigating Unit is King William's Town.
 6. Subject to section 9 (2) (b) of the said Act, the seat of the Special Tribunal is King William's Town or any other place that the Tribunal President may designate as such.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twelfth day of March, One thousand Nine hundred and Ninety-seven.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

A. M. OMAR

Minister of the Cabinet

PROKLAMASIE

van die

President van die Republiek van Suid-Afrika

No. R. 24, 1997

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET No. 74 VAN 1996)

1. Kragtens artikel 14 (1) van die Wet op Spesiale Ondersoekkeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), en op versoek van die uitvoerende gesag van die Oos-Kaap en omdat ek van oordeel is dat die oogmerke van die Kommissie van Onderzoek na Aangeleenthede rakende Staatseigendom in die Provinsie van die Oos-Kaap ingestel by Oos-Kaap Provinsiale Kennisgewing No. 10 van 1995, beter deur 'n Spesiale Ondersoekkeenheid en 'n Spesiale Tribunaal bereik kan word, ontbind ek hierby genoemde Kommissie en stel ek 'n Spesiale Ondersoekkeenheid en 'n Spesiale Tribunaal in die plek daarvan in.
2. Kragtens artikel 3 (1) van genoemde Wet, stel ek hierby **Regter Willem Hendrik Heath** as hoof van die Spesiale Ondersoekkeenheid aan.
3. Kragtens artikel 7 (2) van genoemde Wet, stel ek hierby, na oorleg met die Hoofregter, **Regter Gerhardus Petrus Christiaan Kotzé** as Tribunaalpresident aan.
4. Die opdrag van die Spesiale Ondersoekkeenheid is—
 - (1) om ondersoek in te stel na en aan my verslag te doen aangaande—
 - (a) enige verkrygende handeling, transaksie, maatreël of praktyk, hangende of afgehandel, wat 'n uitwerking het op Staats- of publieke eiendom of publieke geld wat behoort aan of vestig in 'n Staatsinstelling of wat, te eniger tyd voor 27 April 1994, behoort het aan of gevestig het in enige voormalige Staat of gebied wat nou deel uitmaak van die Republiek en welke publieke eiendom of publieke geld, indien dit nie vir sodanige verkrygende handeling, transaksie, maatreël of praktyk was nie, kon behoort het aan of gevestig het in of toegewys kon word aan 'n Staatsinstelling;

- (b) enige belang in, of in verband met, enige eiendom beoog in subparagraaf (a);
 - (c) enige persoon, onderneming, instelling of vereniging waarin of waardeur publieke eiendom of publieke geld beoog in subparagraaf (a) ingesamel of gebruik kon word; en
 - (d) enige saaklike of persoonlike reg op eiendom beoog in subparagraaf (a) of op die opbrengste van sodanige eiendom wat opgeloopt het of sal oploop vir enige persoon, onderneming, instelling of vereniging anders as 'n Staatsinstelling;
- (2) om ondersoek in te stel na, oorweging te skenk aan en aan my verslag te doen aangaande aangeleenthede beoog in subparagraaf (1) wat plaasgevind het tussen 26 Oktober 1976 en die datum waarop die Spesiale Ondersoekeenhed ontbind word; en
 - (3) om ondersoek in te stel na, oorweging te skenk aan en aan my verslag te doen aangaande enige aangeleentheid beoog in artikel 2 (2) van genoemde Wet, wat bykomstig is tot die aangeleenthede bedoel in subparagrafe (1) en (2) en wat deur enige van die ondersoeke deur die Spesiale Ondersoekeenhed aan die lig gebring word, en die algemeenheid van hierdie subparagraaf word nie deur subparagrafe (1) en (2) beperk nie.
5. Die setel van die Spesiale Ondersoekeenhed is King William's Town.
6. Behoudens artikel 9 (2) (b) van genoemde Wet, is die setel van die Spesiale Tribunaal King William's Town of enige ander plek wat die Tribunaalpresident as sodanig mag aanwys.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Twaalfde dag van Maart Eenduisend Negehoenderd Sewe-en-negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet:

A. M. OMAR

Minister van die Kabinet

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF JUSTICE DEPARTEMENT VAN JUSTISIE

No. R. 420

14 March 1997

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT No. 74 OF 1996): REGULATIONS

The Minister of Justice has, under section 11 of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates—

“**Interested party**” means any party who has a direct and substantial interest in an issue which is such that a judgment or order by a Special Tribunal cannot be sustained without necessarily prejudicing that interest;

“**Head of the Unit**” means the Head of the Special Investigating Unit appointed under section 3 (1) of the Act;

"the Act" means the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996); and

"Tribunal President" means the Tribunal President appointed under section 7 (2) of the Act.

Recording of proceedings

2. The proceedings of the Special Investigating Unit or Special Tribunal shall be recorded in the manner determined by the Head of the Unit or the Tribunal President, as the case may be.

Taking of oath

3. (1) Any person appointed or designated to take down or record the proceedings of the Special Investigating Unit or Special Tribunal in shorthand or by mechanical means or to transcribe such proceedings which have been so taken down or recorded, shall at the outset take an oath or make an affirmation in the following form:

"I, A.B., declare under oath/affirm and declare—

- (a) that I shall faithfully and to the best of my ability take down/record the proceedings of the Special Investigating Unit/Special Tribunal and related matters in shorthand/by mechanical means as ordered by the Head of the Unit/Tribunal President;
- (b) that I shall transcribe fully and to the best of my ability any shorthand notes/mechanical record of the proceedings of the Special Investigating Unit/Special Tribunal made by me or by any other person."

(2) No shorthand notes or mechanical record of the proceedings of the Special Investigating Unit or Special Tribunal shall be transcribed except by order of the Head of the Unit or the Tribunal President, as the case may be.

4. The Head of the Unit or the Tribunal President, as the case may be, shall direct that any person appointed in terms of section 3 (2), seconded in terms of section 3 (3) or designated in terms of section 7 (7) of the Act, and before that person performs any function in terms of the Act, takes and subscribes to an oath of fidelity or secrecy in the following form:

"I, A.B., declare under oath/affirm and declare that, except in so far as it is necessary in the performance of my duties in connection with the functions of the Special Investigating Unit/Special Tribunal or by order of a competent court, I shall not communicate to any person any matter or information which may come to my knowledge in connection with the investigation by the Special Investigating Unit/adjudication by the Special Tribunal, or suffer or permit any person to have access to any records of the Special Investigating Unit/Special Tribunal, including any note, record or transcription of the proceedings of the said Unit/Tribunal in my possession or custody or in the possession or custody of the said Unit/Tribunal or any official thereof."

Confidentiality

5. No person shall communicate to any other person any matter or information which may have come to his or her knowledge in connection with the investigation of the Special Investigating Unit or suffer or permit any other person to have access to any records of the Special Investigating Unit except in so far as it is necessary in the performance of his or her duties with the functions of the Special Investigating Unit or the Special Tribunal or by order of a competent Court.

Existing proceedings or other investigations

6. (1) Whenever it appears from the evidence or information presented to the Special Investigating Unit that the Special Investigating Unit's investigation may adversely affect or greatly overlap with any existing, instituted or pending legal proceedings or with any other investigation carried out in terms of any law, evidence which is relevant to such legal proceedings or other investigation shall be dealt with by the Special Investigating Unit in such a manner as not to affect adversely such legal proceedings or other investigation.

(2) The Special Investigating Unit shall notify the other body or institution before which legal proceedings are instituted or pending or by which the other investigation is carried out, of its intention to investigate the matter concerned and of the result thereof.

Notice to interested party

7. (1) Wherever the Special Investigating Unit decides to institute civil proceedings or to cause such proceedings to be instituted in a Special Tribunal, the Special Investigating Unit must notify any interested party of its decision.

- (2) The notice contemplated in subregulation (1) must state clearly—
- the issues on which the proceedings are instituted;
 - the relief to be applied for;
 - an invitation to the interested party to file with the Special Tribunal any issues he or she would like to raise any relief he or she would like to apply for; and
 - that the interested party is entitled to legal representation.

Offence and penalty

8. Any person who contravenes the provisions of regulation 5, shall be guilty of an offence and on conviction be liable to a fine or to imprisonment for a period not exceeding three months.

Staff rules

9. Subject to sections 3 (3) and 7 (7) of the Act, the Head of the Unit and the Tribunal President may jointly or separately make rules to regulate the conduct of their respective staff to promote the efficiency of their respective offices.

No. R. 420

14 Maart 1997

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE , 1996 (WET No. 74 VAN 1996): REGULASIES

Die Minister van Justisie het, kragtens artikel 11 van die Wet op Spesiale Ondersoekenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“**belanghebbende party**” enige party wat 'n direkte en wesenlike belang het by 'n aangeleentheid wat van so 'n aard is dat 'n uitspraak of bevel van 'n Spesiale Tribunaal nie gehandhaaf kan word nie sonder om noodwendig daardie belang aan te tas;

“**die Wet**” die Wet op Spesiale Ondersoekenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996);

“**Hoof van die Eenheid**” die Hoof van die Spesiale Ondersoekenhede aangestel kragtens artikel 3 (1) van die Wet; en

“**Tribunaalpresident**” die Tribunaalpresident aangestel kragtens artikel 7 (2) van die Wet.

Notulering van verrigtinge

2. Die verrigtinge van die Spesiale Ondersoekenhede of Spesiale Tribunaal word genotuleer op die wyse bepaal deur die Hoof van die Eenheid of die Tribunaalpresident, na gelang van die geval.

Aflê van eed

3. (1) Iemand wat aangestel of aangewys is om die verrigtinge van die Spesiale Ondersoekenhede of Spesiale Tribunaal in snelskrif aan te teken of op meganiese wyse op te neem of om sodanige verrigtinge wat aldus aangeteken of opgeneem is, te transkribeer, moet vooraf 'n eed of bevestiging in die volgende vorm aflê:

“Ek, A.B., verklaar onder eed/bevestig en verklaar—

- dat ek getrou en na my beste vermoë die verrigtinge van die Spesiale Ondersoekenhede/Spesiale Tribunaal en verbandhoudende aangeleenthede in snelskrif sal aanteken/op meganiese wyse sal opneem soos deur die Hoof van die Eenheid/Tribunaalpresident gelas;
- dat ek enige snelskrifaantekeninge/meganiese opname van die verrigtinge van die Spesiale Ondersoekenhede/Spesiale Tribunaal deur my of iemand anders gemaak, volledig en na my beste vermoë sal transkribeer.”

(2) Geen snelskrifaantekeninge of meganiese opname van die verrigtinge van die Spesiale Ondersoekkeenheid of Spesiale Tribunaal word getranskribeer nie behalwe op las van die Hoof van die Eenheid of die Tribunaalpresident, na gelang van die geval.

4. Die Hoof van die Eenheid of die Tribunaalpresident, na gelang van die geval, moet gelas dat enige persoon aangestel kragtens artikel 3 (2), gesekondeer kragtens artikel 3 (3) of aangewys kragtens artikel 7 (7) van die Wet, en voordat hy of sy enige werksaamheid ingevolge die Wet verrig, 'n eed van getrouheid of geheimhouding in die volgende vorm aflê en onderteken:

"Ek, A.B., verklaar onder eed/bevestig en verklaar dat, behalwe vir sover dit by die uitvoering van my pligte in verband met die werksaamhede van die Spesiale Ondersoekkeenheid/Spesiale Tribunaal of ingevolge 'n bevel van 'n bevoegde hof nodig is, ek geen aangeleentheid of inligting wat in verband met die Spesiale Ondersoekkeenheid se ondersoek/Spesiale Tribunaal se beregting tot my kennis kom, aan enigiemand sal meedeel nie en iemand sal toelaat of veroorloof om toegang tot stukke van die Spesiale Ondersoekkeenheid/Spesiale Tribunaal te verkry nie, met inbegrip van enige aantekening, opname of transkripsie van die verrigtinge van genoemde Eenheid/Tribunaal in my besit of bewaring of in die besit of bewaring van genoemde Eenheid/Tribunaal of 'n beampte daarvan."

Vertroulikheid

5. Niemand mag enige aangeleentheid of inligting wat in verband met die Spesiale Ondersoekkeenheid se ondersoek tot sy of haar kennis gekom het, aan iemand anders meedeel of iemand anders toelaat of veroorloof om toegang te verkry tot stukke van die Spesiale Ondersoekkeenheid nie, behalwe vir sover dit by die uitoefening van sy of haar pligte in verband met die werksaamhede van die Spesiale Ondersoekkeenheid of die Spesiale Tribunaal of ingevolge 'n bevel van 'n bevoegde hof nodig is.

Bestaande verrigtinge of ander ondersoeke

6. (1) Wanneer dit aan die Spesiale Ondersoekkeenheid uit getuienis of inligting aan hom voorgelê, blyk dat die Spesiale Ondersoekkeenheid se ondersoek enige bestaande, ingestelde of hangende regsproses of enige ander ondersoek wat ingevolge die bepalings van enige wet uitgevoer word, nadelig kan raak of grootliks daarmee kan oorvleuel, word getuienis wat relevant is tot sodanige regsproses of ander ondersoek op so 'n wyse deur die Spesiale Ondersoekkeenheid hanteer dat daardie regsproses of ander ondersoek nie nadelig daardeur geraak word nie.

(2) Die Spesiale Ondersoekkeenheid moet die ander liggaam of instelling voor wie die regsproses ingestel of hangende is of deur wie die ander ondersoek uitgevoer word, van sy voorneme om die betrokke aangeleentheid te ondersoek en van die uitslag daarvan, in kennis stel.

Kennisgewing aan belanghebbende party

7. (1) Wanneer die Spesiale Ondersoekkeenheid besluit om siviele verrigtinge voor 'n Spesiale Tribunaal in te stel of te laat instel, moet die Spesiale Ondersoekkeenheid enige belanghebbende party van sy besluit in kennis stel.

(2) Die kennisgewing beoog in subregulasie (1) moet duidelike vermeld—

- (a) die aangeleentheid op grond waarvan verrigtinge ingestel word;
- (b) die regshulp wat versoek word;
- (c) dat die belanghebbende party uitgenooi word om enige aangeleentheid wat hy of sy wil opper of enige regshulp waarvoor hy of sy wil aansoek doen, by die Spesiale Tribunaal te liasseer; en
- (d) dat die belanghebbende party geregtig is op regsverteenvoordiging.

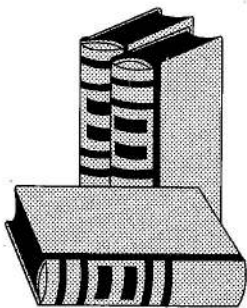
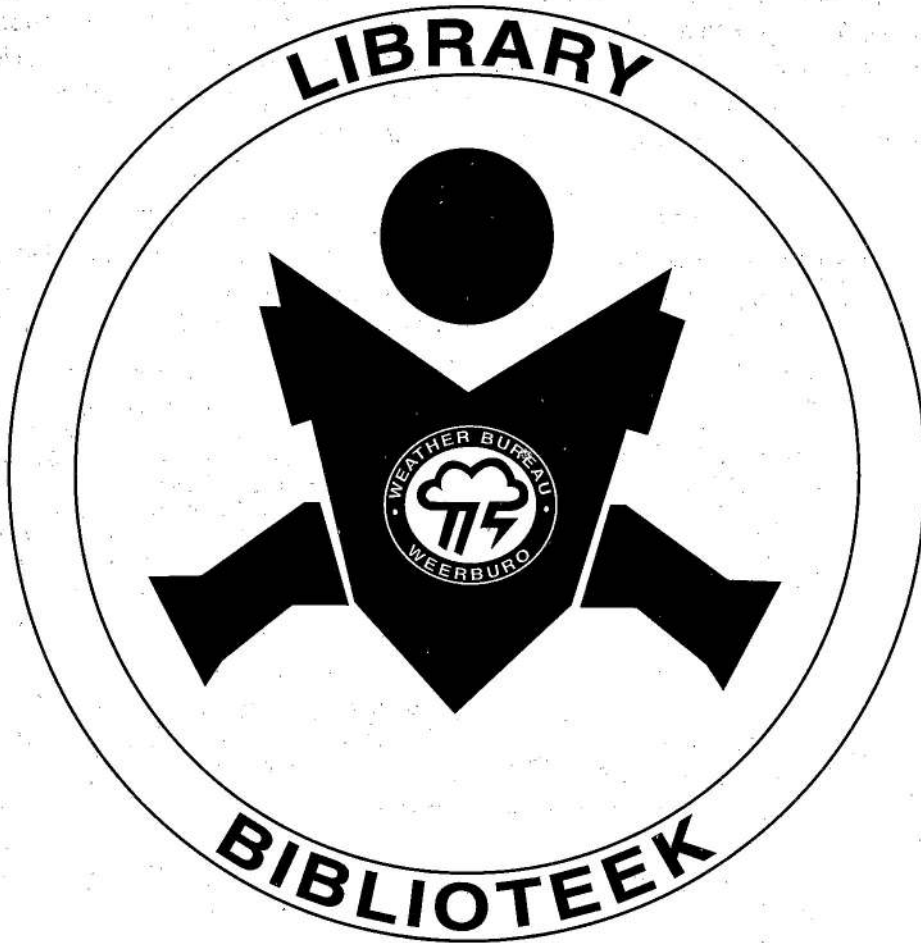
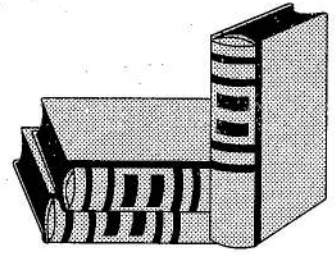
Misdryf en straf

8. Enige persoon wat die bepalings van regulasie 5 oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Reëls vir personeel

9. Behoudens artikel 3 (3) en 7 (7) van die Wet, kan die Hoof van die Eenheid en die Tribunaalpresident gesamentlik of afsonderlik reëls maak om die gedrag van hulle onderskeie personeel te reël ten einde die doeltreffendheid van hulle onderskeie kantore te bevorder.

Where is the largest amount of meteorological information in the whole of South Africa available?



Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?

Department of Environmental Affairs and Tourism
Departement van Omgewingsake en Toerisme

CONTENTS

No.		Page No.	Gazette No.
PROCLAMATION			
R. 24	Special Investigating Units and Special Tribunals Act (74/1996); Commission of Inquiry into Matters relating to State Property in the Province of the Eastern Cape: Dissolving of Commission and appointment of a Special Investigating Unit and a Special Tribunal.....	1	17854

GOVERNMENT NOTICE**Justice, Department of***Government Notice*

R. 420	Special Investigating Units and Special Tribunals Act (74/1966): Regulations.....	3	17854
--------	---	---	-------

INHOUD

No.		Bladsy No.	Koerant No.
PROKLAMASIE			
R. 24	Wet op Spesiale Ondersoekeenheide en Spesiale Tribunale (74/1996): Kommissie van Onderzoek na Aangeleenthede rakende Staatseigendom in die Provinsie van die Oos-Kaap: Ontbinding van Kommissie en aan-stelling van 'n Spesiale Ondersoekeenheid en 'n Spesiale Tribunaal.....	2	17854

GOEWERMENSKENNISGEWING**Justisie, Departement van***Goewermenskennisgewing*

R. 420	Wet op Spesiale Ondersoekeenheide en Spesiale Tribunale (74/1996): Regulasies	5	17854
--------	---	---	-------