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OF  
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## PROCLAMATION

*by the*

*President of the Republic of South Africa*

**No. R. 72, 1997**

### **SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT No. 74 OF 1996): AMENDMENT OF PROCLAMATION**

Under section 2 (4) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), I hereby amend Proclamation No. R. 24 of 14 March 1997 by—

(a) the substitution for paragraph 4 of the following paragraph:

**“4.** The terms of reference of the Special Investigating Unit are to investigate in respect of the matters in the Schedule, which matters have a bearing on State or public property or public money which belongs to or vests in a State institution of the Government of the Province of the Eastern Cape or which, at any time prior to 27 April 1994, belonged to or vested in any former State or provincial administration which exercised control and administration over any part of the territory which now constitutes the Province of the Eastern Cape, as contemplated in the said Act, any—

- (a) serious maladministration in connection with the affairs of any such State institution;
- (b) improper or unlawful conduct by employees of any such State institution;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;

- (e) intentional or negligent loss of public money or damage to public property;
- (f) corruption in connection with the affairs of any such State institution; or
- (g) unlawful or improper conduct by any person which has caused or may cause serious harm to the interests of the public or any category thereof,

which has taken place between 26 October 1976 and 14 March 1997 and have been brought to the attention of the Special Investigating Unit on or before 14 March 1997.”; and

- (b) the deletion of paragraphs 5 and 6.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this Seventh day of November, 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**

### **SCHEDULE**

1. The affairs of the Eastern Cape Development Agency and/or the bodies that are now part of the Eastern Cape Development Agency, more particularly the Transkei Development Corporation, Transido, the Ciskei People's Development Bank and the Ciskei Small Business Corporation, regarding—
  - (a) the use of State funded auto cards to effect payment for services other than services for which such cards were to be used;
  - (b) the manner in which loans were granted and the failure to repay such loans; and
  - (c) the purchase of motor vehicles by employees and/or Board members without proper authority or approval.
2. The manner in which the Motor Vehicle Finance Scheme for senior officials was implemented in the Eastern Cape.
3. The validity of the sale of State erven, houses, hotels and businesses to individuals and companies in the former Transkei.
4. The transfer of State funds from the bank account of Cicira College and the private use thereof.
5. Unauthorised higher salaries and *ex gratia* payments made to people on the payroll of the Governments in the Eastern Cape, effected in April 1994.
6. Unauthorised claims for overtime payment in the Fire Department of the Department of Public Works.
7. Purchase and delivery of inferior or unrequisitioned woodwork tools and the delivery of furniture, books and stationery to schools.
8. The circumstances in respect of the erection of the Wonkumntu Handcraft Centre, in aid of the Transkei United Women's Organisation.

**PROKLAMASIE**

van die

**President van die Republiek van Suid-Afrika****No. R. 72, 1997****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996****(WET No. 74 VAN 1996): WYSIGING VAN PROKLAMASIE**

Kragtens artikel 2 (4) van die Wet op Spesiale Ondersoekkeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), wysig ek hierby Proklamasie No. R. 24 van 14 Maart 1997 deur—

(a) paragraaf 4 deur die volgende paragraaf te vervang:

“4. Die opdrag van die Spesiale Ondersoekkeenheid is om aangaande die aangeleenthede in die Bylae, welke aangeleenthede betrekking het op Staats- of publieke eiendom of publieke geld wat behoort aan of vestig in 'n Staatsinstelling van die Regering van die provinsie Oos-Kaap of wat, te eniger tyd voor 27 April 1994, behoort het aan of gevestig het in enige voormalige Staat of provinsiale administrasie wat beheer en administrasie uitgeoefen het oor enige gedeelte van die gebied wat nou deel uitmaak van die provinsie Oos-Kaap, soos beoog in gemelde Wet, ondersoek in te stel na enige—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van enige sodanige Staatsinstelling;
- (b) onbehoorlike of onregmatige optrede deur werknemers van enige sodanige Staatsinstelling;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat betrekking het op Staatseiendom;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) korrupsie in verband met die sake van enige sodanige Staatsinstelling; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 26 Oktober 1976 en 14 Maart 1997 en voor of op 14 Maart 1997 onder die aandag van die Spesiale Ondersoekkeenheid gebring is.”; en

(b) die skraping van paragrawe 5 en 6.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg, op hede die Sewende dag van November, Eenduisend Negehoonderd Sewe-en-negentig.

**N. R. MANDELA****President**

Op las van die President-in-Kabinet:

**A. M. OMAR****Minister van die Kabinet****BYLAE**

1. Die sake van die *Eastern Cape Development Agency* en/of die liggame wat nou deel van die *Eastern Cape Development Agency* is, meer bepaald die *Transkei Development Corporation*, *Transido*, die *Ciskei People's Development Bank* en die *Ciskei Small Business Corporation*, aangaande—

- (a) die gebruik van Staatsbefondsde outokaarte om betalings te bewerkstellig vir dienste ander dan dienste waarvoor sodanige kaarte gebruik moes word;

- (b) die wyse waarop lenings toegestaan is en die versuim om sodanige lenings terug te betaal; en
  - (c) die koop van motorvoertuie deur werknemers en/of Raadslede sonder behoorlike magtiging of goedkeuring.
2. Die wyse waarop die Motorfinansieringskema vir Senior Beamptes in die Oos-Kaap geïmplementeer is.
  3. Die geldigheid van die verkoop van Staatserwe, huise, hotelle en besighede aan individue en maatskappye in die voormalige Transkei.
  4. Die oorpasing van Staatsfondse van die bankrekening van Cicira Kollege en die private gebruik daarvan.
  5. Ongemagtigde hoër salarisse en *ex gratia*-betalings aan persone op die betaalstaat van die Oos-Kaapse Regerings, wat in April 1994 bewerkstellig is.
  6. Ongemagtigde eise vir oortydbetaling in die Brandweer van die Departement van Openbare Werke.
  7. Die aankoop en aflewering van minderwaardige of ongerekwisioneerde houtwerkgereedskap en die aflewering van meubels, boeke en skryfbehoeftes by skole.
  8. Die omstandighede met betrekking tot die oprigting van die *Wonkumntu Handcraft Centre*, ten behoeve van die *Transkei United Women's Organisation*.

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