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PROCLAMATION

by the

President of the Republic of South Africa

No. R. 17, 1998

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

REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL

WHEREAS allegations as contemplated in section 2 (2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), have been made in respect of the matters mentioned in the Schedule;

AND WHEREAS I deem it necessary that the said allegations should be investigated and any justiciable civil disputes emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2 (1) of the said Act, and after consultation with the Premier of the Province of the Eastern Cape, refer the matters in the Schedule for investigation to the Special Investigating Unit and for adjudication of any justiciable civil dispute emanating from such investigation to the Special Tribunal established by Proclamation No. R. 24 of 14 March 1997 and determine that, for the purposes of the investigation of these matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the said Act, any—

- (a) serious maladministration in connection with the affairs of any State institution mentioned in the Schedule;
- (b) improper or unlawful conduct by employees of any State institution mentioned in the Schedule;
- (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 State institution mentioned in the Schedule; 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 1 January 1995 and the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this Seventeenth day of February, One thousand Nine hundred and Ninety-eight.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

A. M. OMAR

Minister of the Cabinet

SCHEDULE

1. The improper administration of the State feeding scheme in the Eastern Cape by the Daily Bread Charitable Trust.
2. The improper or unlawful purchases or channelling of purchases of nutritional products for purposes of the State feeding scheme in the Eastern Cape through Imonti Commodities CC.
3. The payment of excessively high prices for nutritional products for purposes of the State feeding scheme in the Eastern Cape by the Department of Health and Welfare of the Eastern Cape.

PROKLAMASIE

van die

President van die Republiek van Suid-Afrika

No. R. 17, 1998

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

VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL

AANGESIEN bewerings soos beoog in artikel 2 (2) van die Wet op Spesiale Ondersoekeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede vermeld in die Bylae;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en beregbare siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2 (1) van gemelde Wet en na oorleg met die Premier van die Provinsie van die Oos-Kaap, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekeenheid en vir beregting van enige beregbare siviele geskil voortspruitend uit sodanige ondersoek na die Spesiale Tribunaal ingestel by Proklamasie No. R. 24 van 14 Maart 1997 en bepaal dat, vir die doeleindes van die ondersoek van daardie aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om, soos beoog in gemelde Wet, ondersoek te doen na enige—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van enige Staatsinstelling vermeld in die Bylae;
- (b) onbehoorlike of onregmatige optrede deur werknemers van enige Staatsinstelling vermeld in die Bylae;
- (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 Staatsinstelling vermeld in die Bylae; en
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie van die publiek veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 1995 en die datum van publikasie van hierdie Proklamasie.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sewentiende dag van Februarie Eenduisend Negehoonderd Agt-en-negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet:

A. M. OMAR

Minister van die Kabinet

BYLAE

1. Die onbehoorlike administrering van die Staatsvoedingskema in die Oos-Kaap deur die Daily Bread Charitable Trust.
 2. Die onbehoorlike of onregmatige aankope of kanalisering van aankope van voedingsmiddele vir doeleindes van die Staatsvoedingskema in die Oos-Kaap deur Imonti Commodities BK.
 3. Die betaling van buitensporige hoë pryse vir voedingsmiddele vir doeleindes van die Staatsvoedingskema in die Oos-Kaap deur die Departement van Gesondheid en Welsyn van die Oos-Kaap.
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