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PROCLAMATION

by the

President of the Republic of South Africa

No. R. 61, 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 State or public property mentioned in the Schedule (hereinafter referred to as "the Property");

AND WHEREAS I deem it necessary that the said allegations should be investigated and 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 with regard to the matters set out in paragraphs 7 and 8 of the Schedule, refer the matters in the Schedule for investigation to the Special Investigating Unit and for adjudication of justiciable civil disputes 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 in relation to the property;
- (b) improper or unlawful conduct by employees of any State institution in relation to the property;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practise 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 in relation to the property; 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 the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Second day of June, 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

State or public property in the Province of the Eastern Cape

National Government

1. The unlawful, unauthorised and/or unapproved encroachment upon State land within the coastal reserve near **Cintsa East** by the building of various structures.
2. The unlawful, invalid and/or irregular sale of immovable State or public property in the **Eastern Cape**, which belonged to the former Ciskeian and Transkeian Governments, by the said Governments to certain persons and juristic persons.
3. The unlawful, unauthorised and/or irregular occupation of State farms in the **Eastern Cape** by persons who are either in breach of their lease agreements with the former Transkeian and Ciskeian Governments or who do not have valid lease agreements in terms of which they may occupy such farms.
4. The irregular donation of Hafton farm in the former **Transkei** to Mr George Matanzima by the former Transkeian Government.
5. The unlawful and/or unauthorised erection of structures on State or public property by a number of persons along the **Transkei Wild Coast** and the role played by tribal authorities and the National Departments of Land Affairs and of Environmental Affairs in this regard.
6. The unlawful, unauthorised and/or unapproved encroachment upon State land at **Umgazi** by the building of various structures.

Provincial Government

7. 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 the unlawful, invalid and/or irregular sale and/or lease of businesses, hotels and recreational facilities, houses, erven and improvements on erven that are or were the property of the State.
8. The irregular procedures followed in respect of the conclusion of the contract awarded by the Eastern Cape Government for the development of a business site and the lease of State land at **Kei Bridge** to Sunshine Developers.

PROKLAMASIE*van die****President van die Republiek van Suid-Afrika*****No. R. 61, 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 Ondersoekkeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die Staats- of openbare eiendom vermeld in die Bylae (hierna "die eiendom" genoem);

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 Oos-Kaap met betrekking tot die aangeleenthede vermeld in paragrawe 7 en 8 van die Bylae, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekkeenheid en vir beregting van beregbare siviele geskille 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 Ondersoekkeenheid is om, soos beoog in gemelde Wet, ondersoek te doen na enige—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van enige Staatsinstelling met betrekking tot die eiendom;
- (b) onbehoorlike of onregmatige optrede deur werknemers van enige Staatsinstelling met betrekking tot die eiendom;
- (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 met betrekking tot die eiendom; of
- (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 26 Oktober 1976 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 Tweede dag van Junie Eenduisend Negehoonderd Agt-en-negentig.

N. R. MANDELA**President**

Op las van die President-in-Kabinet:

A. M. OMAR**Minister van die Kabinet****BYLAE****Staats- of openbare eiendom in die provinsie Oos-Kaap****Nasionale Regering**

1. Die onregmatige, ongemagtigde en/of onreëlmatige indringing op Staatsgrond binne die kusreservaat naby **Cintsa-Oos** deur die bou van verskeie strukture.
2. Die onregmatige, ongemagtigde en/of onreëlmatige verkoping van onroerende Staats- of openbare eiendom in die **Oos-Kaap** wat behoort het aan die voormalige Ciskeise en Transkeise Regerings, deur die gemelde Regerings aan sekere persone en regs persone.

3. Die onregmatige, ongemagtigde en/of onreëlmatige besetting van Staatsplase in die **Oos-Kaap** deur persone óf in stryd met hulle huurooreenkomste met die voormalige Transkeise en Ciskeise Regerings óf wat nie geldige huurooreenkomste het ingevolge waarvan hulle sodanige plase mag beset nie.
4. Die onreëlmatige skenking van die plaas Hafton in die voormalige **Transkei** aan mnr. George Matanzima deur die voormalige Transkeise Regering.
5. Die onregmatige en/of ongemagtigde oprigting van strukture op Staats- of openbare eiendom deur 'n aantal persone langs die **Transkeise Wildekus** en die rol wat stamowerhede en die nasionale Departemente van Grondsake en van Omgewingsake in hierdie verband gespeel het.
6. Die onregmatige, ongemagtigde en/of nie-goedgekeurde indringing op Staats- of openbare grond by **Umgazi** deur die bou van verskeie strukture.

Provinsiale Regering

7. Die aangeleenthede van die **Eastern Cape Development Agency** en/of die liggame wat nou deel uitmaak van die *Eastern Cape Development Agency*, meer in die besonder die *Transkei Development Corporation*, *Transido*, die *Ciskei People's Development Bank* en die *Ciskei Small Business Corporation* aangaande die onregmatige, ongemagtigde en/of onreëlmatige verkoping en/of verhuring van besighede, hotelle en ontspanningsgeriewe, huise, erwe en verbeteringe op erwe wat die eiendom van die Staat is of was.
8. Die onreëlmatige prosedures wat gevolg is in verband met die sluiting van die kontrak wat deur die Oos-Kaapse regering toegeken is vir die ontwikkeling van 'n besigheidspersoneel en die verhuring van Staatsgrond by **Kei Bridge** aan *Sunshine Developers*.

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