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SOUTH AFRICA



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No. 19860

PROCLAMATIONS

by the

President of the Republic of South Africa

No. R. 29, 1999

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 affairs of the provincial Government Departments of the Province of the Northern Cape mentioned in the Schedule (hereinafter referred to as "the Departments");

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 Northern Cape, 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 the Departments;
- (b) improper or unlawful conduct by employees of the Departments;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) intentional or negligent loss of public money or damage to public property;
- (e) corruption in connection with the affairs of the Departments; or
- (f) 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 June 1996 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 Tenth day of March, One thousand Nine hundred and Ninety-nine.

T. M. MBEKI
Acting President

By Order of the President-in-Cabinet:

A. M. OMAR
Minister of the Cabinet

SCHEDULE

1. The theft and/or loss of cheques at the Department of Education and/or the Department of Finance in Kimberley and/or the subsequent fraudulent, irregular and/or unauthorised drawing and/or cashing of such cheques.
2. The failure to exercise proper control over cheques by the Department of Education and/or the Department of Finance in Kimberley.

PROKLAMASIES*van die**President van die Republiek van Suid-Afrika***No. R. 29, 1999****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 Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die provinsiale Staatsdepartemente van die Provinsie van die Noord-Kaap vermeld in die Bylae (hierna "die Departemente" 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 van die Noord-Kaap, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekeenheid 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 die Departemente;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Departemente;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (e) korrupsie in verband met die sake van die Departemente; of
- (f) 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 Junie 1996 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 Tiende dag van Maart Eenduisend Negehonderd Nege-en-negentig.

T. M. MBEKI

Waarnemende President

Op las van die President-in-Kabinet:

A. M. OMAR

Minister van die Kabinet

BYLAE

1. Die diefstal en/of verlies van tjeks by die Departement van Onderwys en/of die Departement van Finansies in Kimberley en/of die gevolglike bedrieglike, onreëlmatige en/of ongemagtigde trekking en/of uitbetaling van sodanige tjeks.
2. Die versuim om behoorlike beheer uit te oefen oor tjeks deur die Departement van Onderwys en/of die Departement van Finansies in Kimberley.

No. R. 30, 1999

**SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996
(ACT No. 74 OF 1996): REFERRAL OF MATTER 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 public funds allocated to the South African Chamber for Agricultural Development in Africa to advance agricultural development in a neighbouring country which funds are administered by the Department of Foreign Affairs and/or the Development Bank of Southern Africa (hereinafter referred to as "the State institutions");

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, refer an allegation of unlawful, unauthorised and/or irregular appropriation and/or expenditure by the State

institutions and/or South African Chamber for Agricultural Development in Africa of the above-mentioned funds 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 hereof, 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 of the State institutions;
- (b) improper or unlawful conduct by employees of any of the State institutions;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) intentional or negligent loss of public money or damage to public property;
- (e) corruption in connection with the affairs of any of the State institutions; or
- (f) 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 September 1996 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 Eighth day of March, One thousand Nine hundred and Ninety-nine.

N. R. MANDELA
President

By Order of the President-in-Cabinet:

A. M. OMAR
Minister of the Cabinet

No. R. 30, 1999

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET No. 74 VAN 1996): VERWYSING VAN AANGELEENTHEID NA
BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met publieke fondse toegeken aan die *South African Chamber for Agricultural Development in Africa* om landbou-ontwikkeling in 'n buurstaat te bevorder welke fondse deur die Departement van Buitelandse Sake en/of die Ontwikkelingsbank van Suider Afrika (hierna "die Staatsinstellings" genoem) geadministreer word;

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, 'n bewering van onregmatige, ongemagtigde en/of onreëlmatige toe-eiening en/of besteding van

bovermelde fondse deur die Staatsinstellings en/of *South African Chamber for Agricultural Development in Africa* vir ondersoek na die Spesiale Ondersoekeenheid 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 hiervan, 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 van die Staatsinstellings;
- (b) onbehoorlike of onregmatige optrede deur werknemers van enige van die Staatsinstellings;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (e) korrupsie in verband met die sake van enige van die Staatsinstellings; of
- (f) 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 September 1996 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 Agtste dag van Maart Eenduisend Negehonderd Nege-en-negentig.

N. R. MANDELA

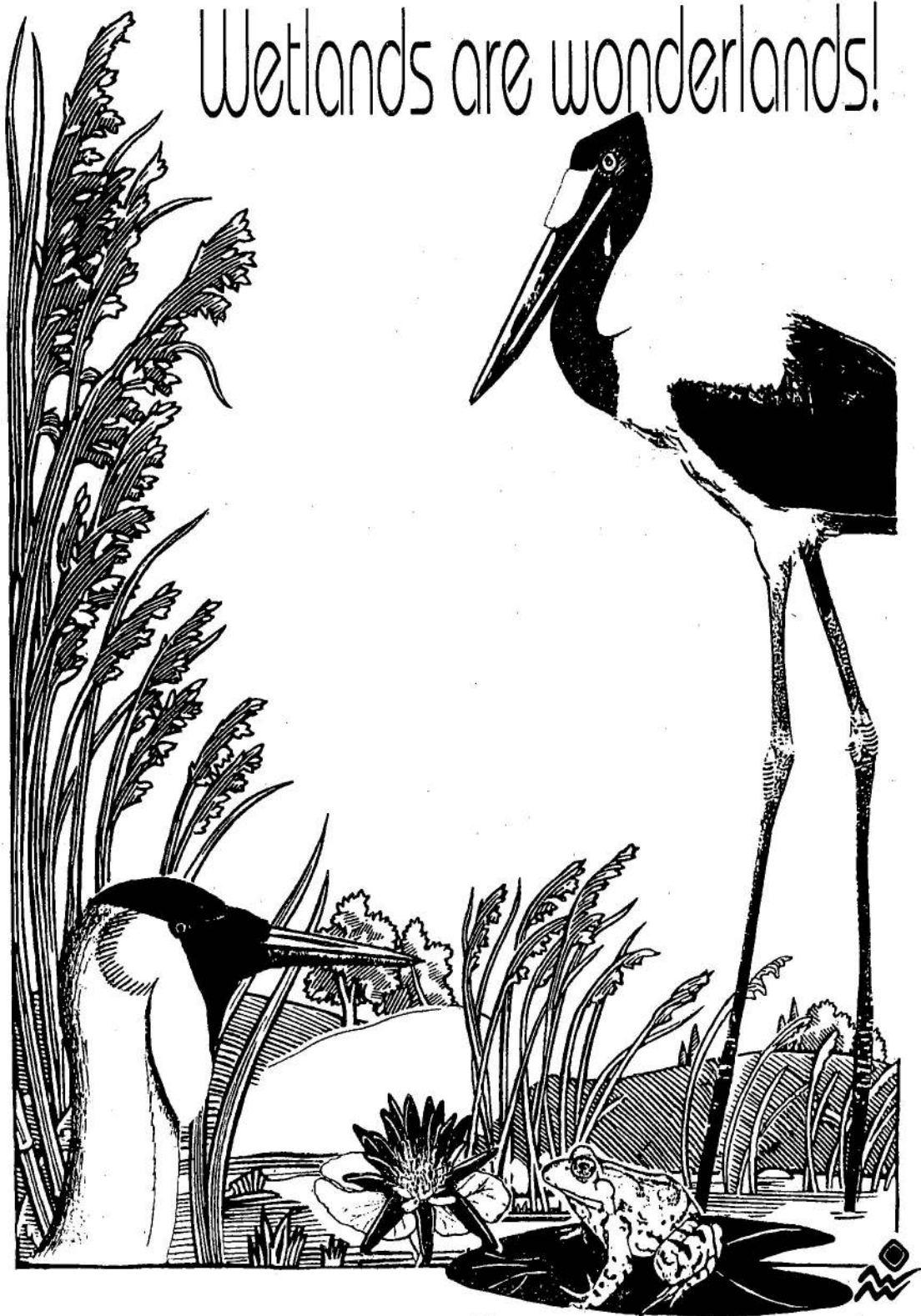
President

Op las van die President-in-Kabinet:

A. M. OMAR

Minister van die Kabinet

Wetlands are wonderlands!



Department of Environmental Affairs and Tourism

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OFFICE OF THE PRESIDENT

No. 367.

19 March 1999

It is hereby notified that the Acting President has assented to the following Act which is hereby published for general information:—

No. 2 of 1999: Constitution of the Republic of South Africa
Second Amendment Act, 1999.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.
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*(English text signed by the Acting President.)
(Assented to 17 March 1999.)*

ACT

To amend the Constitution of the Republic of South Africa, 1996, so as to allow a proclamation calling and setting dates for an election of the National Assembly to be issued either before or after the expiry of the term of the National Assembly; and to dispense with the requirement that the chairperson and deputy chairperson of the Financial and Fiscal Commission must be full-time members of the Commission; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 49 of Act 108 of 1996

1. Section 49 of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (2) 5 of the following subsection:

“(2) If the National Assembly is dissolved in terms of section 50, or when its term expires, the President, by proclamation must call and set dates for an election, which must be held within 90 days of the date the Assembly was dissolved or its term expired. A proclamation calling and setting dates for an election may be issued before or after the expiry of the term of the National Assembly.” 10

Amendment of section 221 of Act 108 of 1996

2. Section 221 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) A chairperson and a deputy chairperson [**who are full-time members**];” 15

Short title

3. This is the Constitution of the Republic of South Africa Second Amendment Act, 1999.

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the Acting President.)
(Assented to 17 March 1999.)

To amend the Constitution of the Republic of South Africa, 1996, so as to enable a proclamation calling and setting dates for an election of a provincial legislature to be issued either before or after the expiry of the term of that legislature; and to provide for the allocation of undistributed delegates in a provincial delegation to the National Council of Provinces in a case where competing surpluses are equal; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

1. Section 108 of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If a provincial legislature is dissolved in terms of section 109, or when its term expires, the Premier of the province, by proclamation, must call and set dates for an election, which must be held within 90 days of the date the legislature was dissolved or its term expired. A proclamation calling and setting dates for an election may be issued before or after the expiry of the term of a provincial legislature.”.

2. Part B of Schedule 3 to the principal Act is hereby amended by the addition of the following item:

“3. If the competing surpluses envisaged in item 2 are equal, the undistributed delegates in the delegation must be allocated to the party or parties with the same surplus in sequence of votes recorded, starting with the party which recorded the highest number of votes during the last election for the provincial legislature concerned.”.

3. This is the Constitution of the Republic of South Africa Amendment Act, 1999.

