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OF  
SOUTH AFRICA



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VAN  
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**No. 19939**

## PROCLAMATIONS

*by the*

*President of the Republic of South Africa*

**No. R. 40, 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 State institutions mentioned in the Schedule and/or their predecessors and/or successors in law (hereinafter referred to as "the 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 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 those 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 Institutions;
- (b) improper or unlawful conduct by employees of the 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 the 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 January 1980 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 Twenty-fourth 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**

## SCHEDULE

1. The issuing by the national Department of Agriculture and/or the Land and Agricultural Bank of South Africa Ltd of directives relating to the utilisation by agricultural co-operatives and/or their predecessors and/or successors in law of funds allocated to farmers for drought relief contrary to the guidelines originally laid down by Cabinet for a drought relief scheme and the subsequent utilisation of such funds by co-operatives and/or their predecessors and/or successors in law in accordance with such directives.
2. The unlawful, unauthorised and/or irregular charging of interest by agricultural co-operatives and/or their predecessors and/or successors in law on farmers' debts and the unlawful, unauthorised and/or irregular adjusting of interest rates on such debts by co-operatives and/or their predecessors and/or successors in law.
3. The unlawful and/or irregular application of drought relief schemes.
4. The unlawful, unauthorised and/or irregular discounting of State guarantees on debts owed by farmers to agricultural co-operatives and/or their predecessors and/or successors in law and/or the Land and Agricultural Bank of South Africa Ltd.

**PROKLAMASIES***van die**President van die Republiek van Suid-Afrika***No. R. 40, 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 Ondersoekkeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Staatsinstellings vermeld in die Bylae en/of hulle regsvoorgangers en/of -opvolgers (hierna "die Instellings" 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, 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 die Instellings;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Instellings;
- (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 Instellings; 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 Januarie 1980 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 Vier-en-twintigste 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

**BYLAE**

1. Die uitreiking deur die nasionale Departement van Landbou en/of die Land- en Landboubank van Suid-Afrika Bpk van voorskrifte met betrekking tot die aanwending deur landboukoöperasies en/of hulle regsvoorgangers en/of -opvolgers van fondse bewillig vir droogtehelp aan boere in stryd met die riglyne aanvanklik neergelê deur die Kabinet vir 'n droogtehelp skema en die gevolglike aanwending van sodanige fondse deur koöperasies en/of hulle regsvoorgangers en/of -opvolgers ooreenkomstig sodanige voorskrifte.
2. Die onregmatige, ongemagtigde en/of onreëlmatige heffing van rente deur landboukoöperasies en/of hulle regsvoorgangers en/of -opvolgers op boere se skulde en die onregmatige, ongemagtigde en/of onreëlmatige aanpassing van rentekoerse op sodanige skulde deur landboukoöperasies en/of hulle regsvoorgangers en/of -opvolgers.
3. Die onregmatige en/of onreëlmatige toepassing van droogtehelp skemas.
4. Die onregmatige, ongemagtigde en/of onreëlmatige verdiskontering van Staatswaarborgs op skulde verskuldig deur boere aan landboukoöperasies en/of hulle regsvoorgangers en/of -opvolgers en/of die Land- en Landboubank van Suid-Afrika Bpk.

No. R. 41, 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 national Department of Home Affairs, the South African Revenue Services and the South African Police Services (hereinafter referred to as "the Institutions") pertaining to ports of entry at the Northern Province borders;

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 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 Institutions;
- (b) improper or unlawful conduct by employees of the 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 the 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 January 1990 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 Twenty-fifth 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**

## **SCHEDULE**

1. The unlawful, unauthorised and/or irregular admission of persons, vehicles, and/or commercial goods through ports of entry by officials of the Institutions.
2. The failure to act in terms of appropriate legislation against offenders at ports of entry by officials of the Institutions.
3. The failure to collect the prescribed fees and/or payments from agents and/or persons passing through ports of entry by officials of the Institutions and/or the unlawful, unauthorised and/or irregular collection of such fees and/or payments.
4. The unlawful, unauthorised and/or irregular storing of vehicles and goods within the Customs Control Areas and State Warehouses by officials of the Institutions.
5. The unlawful, unauthorised and/or irregular receipt of commission by officials of the Institutions.

**No. R. 41, 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 Ondersoekkeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die nasionale Departement van Binnelandse Sake, die Suid-Afrikaanse Inkomstediens en die Suid-Afrikaanse Polisie (hierna "die Staatsinstellings" genoem) met betrekking tot toegangsoorde aan die grense van die Noordelike Provinsie;

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, 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 Ondersoekeenheid is om, soos beoog in gemelde Wet, ondersoek te doen na enige -

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Staatsinstellings;
- (b) onbehoorlike of onregmatige optrede deur werknemers 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 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 Januarie 1990 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 Vyf-en-twintigste dag van Maart Eenduisend Negehondered Agt-en-negentig.

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

Op las van die President-in-Kabinet:

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

### **BYLAE**

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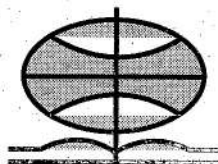
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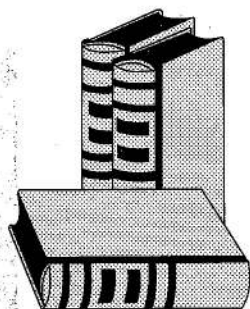
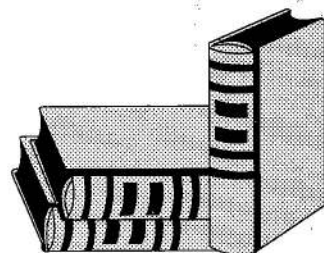
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Department of Environmental Affairs and Tourism  
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**CONTENTS****INHOUD**

| <i>No.</i>                                                                                                                                                        | <i>Page<br/>No.</i> | <i>Gazette<br/>No.</i> | <i>No.</i>                                                                                                                                                                        | <i>Bladsy<br/>No.</i> | <i>Koerant<br/>No.</i> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------|
| <b>PROCLAMATIONS</b>                                                                                                                                              |                     |                        | <b>PROKLAMASIES</b>                                                                                                                                                               |                       |                        |
| R. 40                                                                                                                                                             |                     |                        | R. 40                                                                                                                                                                             |                       |                        |
| Special Investigating Units and Special<br>Tribunals Act (74/1996): Referral of mat-<br>ters to existing special investigating unit<br>and special tribunal ..... | 1                   | 19939                  | Wet op Spesiale Onderzoek eenhede en<br>Spesiale Tribunale (74/1996): Verwysing<br>van aangeleenthede na bestaande spe-<br>siale ondersoekkeenheid en spesiale<br>tribunaal ..... | 4                     | 19939                  |
| R. 41                                                                                                                                                             | 7                   | 19939                  | R. 41                                                                                                                                                                             | 10                    | 19939                  |
| do.: do. ....                                                                                                                                                     |                     |                        | do.: do. ....                                                                                                                                                                     |                       |                        |

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