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CONTENTS

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
PROCLAMATIONS			
R. 49	Special Investigating Units and Special Tribunals Act (74/1996): Amendment of Proclamation	3	29456
R. 50	do.: Referral of matter to existing Special Investigating Unit and Special Tribunal ..	5	29456

INHOUD

<i>No.</i>		<i>Bladsy No.</i>	<i>Koerant No.</i>
PROKLAMASIES			
R. 49	Wet op Spesiale Ondersoekeenheide en Spesiale Tribunale (74/1996): Wysiging van Proklamasie.....	4	29456
R. 50	do.: Verwysing van aangeleentheid na bestaande Spesiale Ondersoekeenheid en Spesiale Tribunaal	8	29456

PROCLAMATIONS*by the**President of the Republic of South Africa***No. R. 49, 2006****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. 9 of 2 February 2004 by the substitution for paragraph 1 of the Proclamation of the following paragraph:

“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 Umzinyathi Regional Council, the Amajuba District Municipality, the Umzinyathi District Municipality, the Uthungulu Regional Council, the Uthungulu District Municipality, the Estcourt/Wembezi Transitional Local Council and the Umtshezi Local Municipality, situated in the KwaZulu-Natal Province (hereinafter referred to as “the Municipalities”);”.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Fifth day of December Two thousand and six.

T. M. MBEKI**President**

By Order of the President-in-Cabinet:

B. S. MABANDLA**Minister of the Cabinet**

PROKLAMASIES
van die
President van die Republiek van Suid-Afrika

No. R. 49, 2006

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 Ondersoekenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), wysig ek hierby Proklamasie No. R. 9 van 2 Februarie 2004 deur paragraaf 1 van die Proklamasie deur die volgende paragraaf te vervang:

“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 die aangeleenthede van die Umzinyathi Streeksraad, die Amajuba Distriksmunisipaliteit, die Umzinyathi Distriksmunisipaliteit, die Uthungulu Streeksraad, die Uthungulu Distriksmunisipaliteit, die Estcourt/Wembezi Plaaslike-oorgangsraad en die Umtshezi Plaaslike Munisipaliteit, geleë in die KwaZulu-Natal Provinsie (hierna die “Munisipaliteite” genoem);”.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Vyfde dag van Desember Tweeduisend-en-ses.

T. M. MBEKI

President

Op las van die President-in-Kabinet:

B. S. MABANDLA

Minister van die Kabinet

No. R. 50, 2006

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 the affairs of the Special Pensions Board established by section 15 of the Special Pensions Act, 1996 (Act No. 69 of 1996) (hereinafter referred to as the "Board");

AND WHEREAS the Board suffered losses that may be recovered;

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 mentioned in the Schedule for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 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 Board;
- (b) improper or unlawful conduct by officials of the Board;
- (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) offence referred to in Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004, and which offences were committed in connection with the affairs of the Board; 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 have taken place between 1 December 1996 and the date of publication of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the said Act, in relation to the said matters in the Schedule, for the purpose of the recovery of any losses suffered by the Board.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Fifth day of December Two thousand and six.

T. M. MBEKI

President

By Order of the President-in-Cabinet:

B. S. MABANDLA

Minister of the Cabinet

SCHEDULE

1. The payment of Special Pensions by the Board to persons who -
 - (a) were not entitled to receive Special Pensions; or
 - (b) submitted false, irregular, invalid or defective applications for Special Pensions to the Board.
2. Any conduct by members of the Board, the Board's staff or contractors that contributed to such irregular payments.

No. R. 50, 2006**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 Ondersoekenehede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Raad op Spesiale Pensioene totstand gebring deur artikel 15 van die Wet op Spesiale Pensioene, 1996 (Act No. 69 of 1996) (hierna die "Raad" genoem);

EN AANGESIEN die Raad verliese gely het wat verhaal kan 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, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekeneheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van daardie aangeleenthede, die opdrag van die Spesiale Ondersoekeneheid is om soos beoog in gemelde Wet, ondersoek te doen na enige -

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Raad;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Raad;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;

- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, in verband met die sake van die Raad; 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 1 Desember 1996 en die datum van publikasie van hierdie Proklamasie, en om die bevoegdhede en werksaamhede wat deur die Wet aan die Spesiale Ondersoekkeenheid toegewys of opgedra is uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, vir doeleindes van die verhaal van enige verliese wat deur die Raad gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Vyfde dag van Desember Tweeduisend-en-ses.

T. M. MBEKI

President

Op las van die President-in-Kabinet:

B. S. MABANDLA

Minister van die Kabinet

BYLAE

- (1) Die betaling van Spesiale Pensioene deur die Raad aan persone wat –
 - (a) nie geregtig is om Spesiale Pensioene te ontvang nie; of
 - (b) valse, onreëlmatige, ongeldige of defektiewe aansoeke vir Spesiale Pensioene ingedien het.
 - (2) Enige optrede van lede van die Raad, die Raad se personeel of kontraktante wat tot sulke onreëlmatige betalings bygedra het.
-

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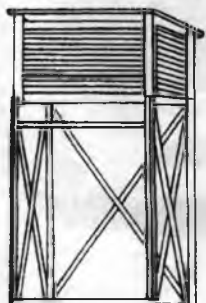
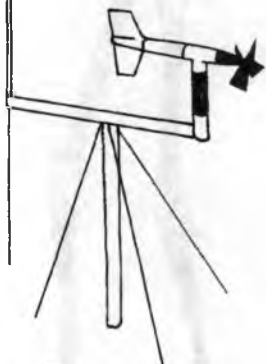


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