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PROCLAMATIONS

by the

President of the Republic of South Africa

No. 99, 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 affairs of the North West Department of Education, Arts, Sports and Culture and/or the North West Tender Board, as mentioned in the Schedule (hereinafter referred to as "the Department" and "the Tender Board", respectively);

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 North West Province, 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 Department and/or the Tender Board;
- (b) improper or unlawful conduct by employees of the Department and/or the Tender 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) corruption in connection with the affairs of the Department and/or the Tender Board; or
- (g) unlawful or improper conduct by any person which has caused or may cause serious harm to the interest of the public or any category thereof,

which has taken place between 1 May 1994 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 Thirtieth day of September, 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 unlawful, unauthorised and/or irregular awarding of tenders by the Tender Board to various suppliers of text books, stationery and educational aids, and booksellers and/or publishers.
2. The submission of inadequate and/or incorrect information to the Tender Board by the Department.
3. The unlawful, unauthorised and/or irregular procurement of text books, stationery and educational aids by the Department and/or as a result of tenders awarded by the Tender Board.
4. The unlawful, unauthorised and/or irregular expenditure of public money by the Department and/or the Tender Board in respect of the procurement of text books, stationery and educational aids.
5. The non delivery of text books, stationery and educational aids by suppliers, booksellers and/or publishers to the Department and/or the failure by the Department to account for text books, stationery and educational aids.

PROKLAMASIES

van die

President van die Republiek van Suid-Afrika

No. 99, 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 Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Noordwes Departement van Onderwys, Kuns, Sport en Kultuur en/of die Noordwes Tenderraad soos vermeld in die Bylae (hierna onderskeidelik "die Departement" en "die Tenderraad" 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 Noordwes Provinsie, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekeenhede 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 Ondersoekeenhede is om, soos beoog in gemelde Wet, ondersoek te doen na enige—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement en/of die Tenderraad;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Departement en/of die Tenderraad;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatregel 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 die Departement en/of die Tenderraad; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie van die publieke veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Mei 1994 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 Dertigste dag van September, Eenduisend Negehonderd Agt-en-negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet:

A. M. OMAR

Minister van die Kabinet

BYLAE

1. Die onregmatige, ongemagtigde en/of onreëlmatige toekenning van tenders deur die Tenderraad aan verskeie verskaffers van handboeke, skryfbehoeftes en opvoedkundige hulpmiddels, en boekhandelaars en/of uitgewers.
2. Die voorlegging van onvoldoende en/of foutiewe inligting aan die Tenderraad deur die Departement.
3. Die onregmatige, ongemagtigde en/of onreëlmatige verkryging van handboeke, skryfbehoeftes en opvoedkundige hulpmiddels deur die Departement en/of as gevolg van tenders toegeken deur die Tenderraad.
4. Die onregmatige, ongemagtigde en/of onreëlmatige besteding van publieke geld deur die Departement en/of die Tenderraad ten opsigte van die verkryging van handboeke, skryfbehoeftes en opvoedkundige hulpmiddels.
5. Die nie-aflowering van handboeke, skryfbehoeftes en opvoedkundige hulpmiddels deur verskaffers, boekhandelaars en/of uitgewers aan die Departement en/of die versuim deur die Departement om rekenskap te gee van handboeke, skryfbehoeftes en opvoedkundige hulpmiddels.

No. R. 100, 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 affairs of the Government Departments as 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, 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 and 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 January 1997 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 Thirtieth day of September, 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 unlawful, unauthorized and/or irregular effecting of repairs, renovations and/or improvements to magistrates' offices and/or other buildings which belong to and/or vest in the Department of Justice and/or the Department of Public Works—
 - (a) by persons and/or businesses who purport to have been instructed by the Department of Public Works to effect such repairs, renovations and/or improvements; and
 - (b) at exorbitant fees.
2. The theft and/or loss of and/or failure to exercise proper control over warrant vouchers at the Magistrate's Office of Nkandla and/or the fraudulent drawing of such warrant vouchers.

No. R. 100, 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 Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Staatsdepartemente soos 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, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekeenhede 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 Ondersoekeenhede 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 Januarie 1997 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 Dertigste dag van September Eenduisend Negehonderd Agt-en-negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet

A. M. OMAR

Minister van die Kabinet

BYLAE

1. Die onregmatige, ongemagtigde en/of onreëlmatige teweegbring van herstelwerk, opknappings en/of verbeteringe aan landdroskantore en/of ander geboue wat behoort aan en/of vestig in die Departement van Justisie en/of die Departement van Openbare Werke—
 - (a) deur persone en/of besighede wat voorgee om deur die Departement van Openbare Werke opdrag gegee te gewees het om sodanige herstelwerk, opknappings en/of verbeteringe teweeg te bring; en
 - (b) teen buitensporige tariewe.
2. Die diefstal en/of verlies van en/of versuim om behoorlike beheer uit te oefen oor skatkisorders by die Landdroskantoor van Nkandla en/of die bedrieglike trekking van sodanige skatkisorders.



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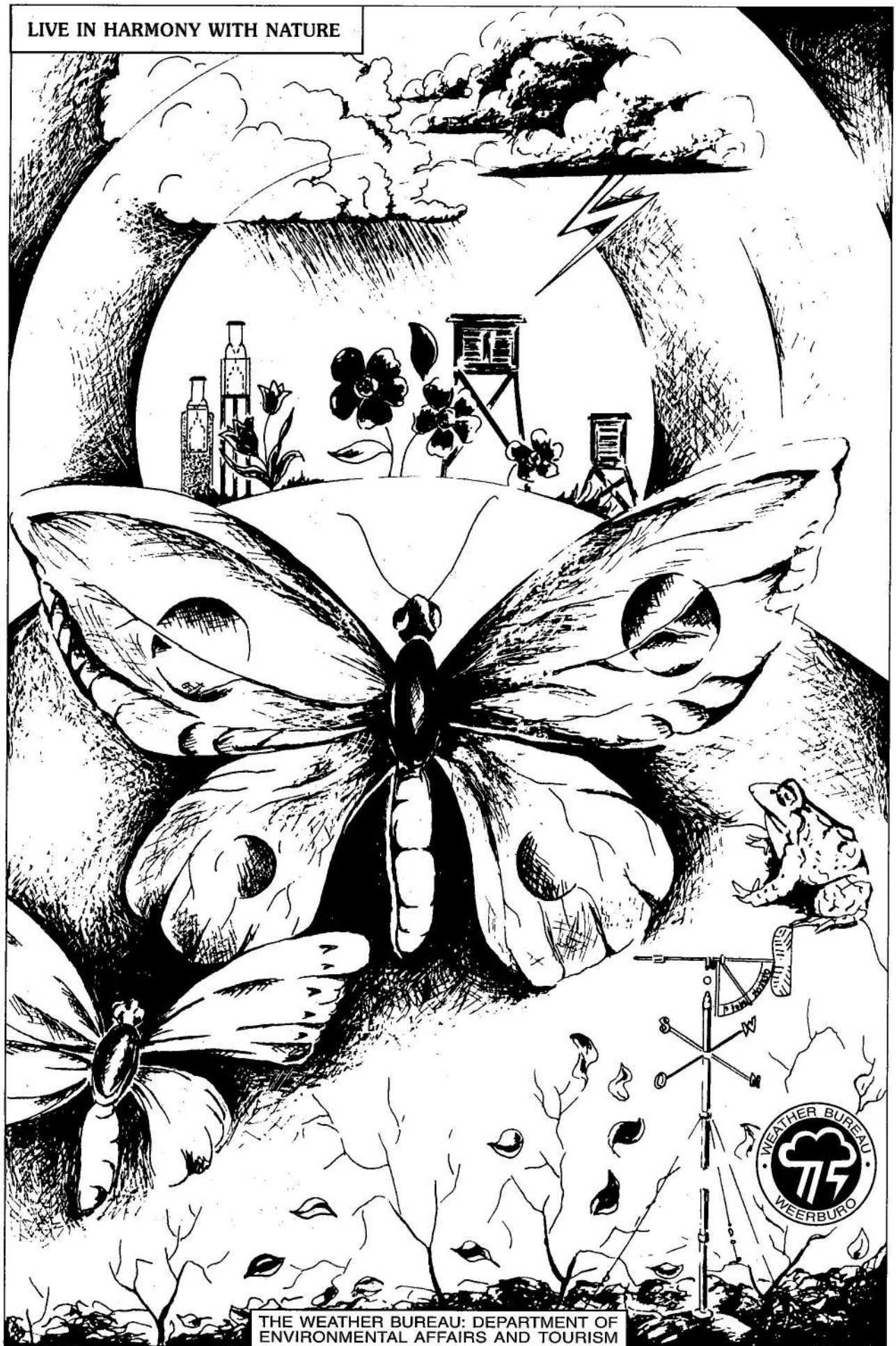
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