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28 April 2004

**No. 26311**

## THE PRESIDENCY

No. 559

28 April 2004

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

**No. 12 of 2004: Prevention and Combating of Corrupt Activities Act, 2004.**

## DIE PRESIDENSIE

No. 559

28 April 2004

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

**No. 12 van 2004: Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004.**



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

*(English text signed by the President.)  
(Assented to 27 April 2004.)*

# ACT

To provide for the strengthening of measures to prevent and combat corruption and corrupt activities; to provide for the offence of corruption and offences relating to corrupt activities; to provide for investigative measures in respect of corruption and related corrupt activities; to provide for the establishment and endorsement of a Register in order to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and contracts; to place a duty on certain persons holding a position of authority to report certain corrupt transactions; to provide for extraterritorial jurisdiction in respect of the offence of corruption and offences relating to corrupt activities; and to provide for matters connected therewith.

## PREAMBLE

**WHEREAS** the Constitution enshrines the rights of all people in the Republic and affirms the democratic values of human dignity, equality and freedom;

**AND WHEREAS** the Constitution places a duty on the State to respect, protect, promote and fulfil all the rights as enshrined in the Bill of Rights;

**AND WHEREAS** corruption and related corrupt activities undermine the said rights, endanger the stability and security of societies, undermine the institutions and values of democracy and ethical values and morality, jeopardise sustainable development, the rule of law and the credibility of governments, and provide a breeding ground for organised crime;

**AND WHEREAS** the illicit acquisition of personal wealth can be particularly damaging to democratic institutions, national economies, ethical values and the rule of law;

**AND WHEREAS** there are links between corrupt activities and other forms of crime, in particular organised crime and economic crime, including money-laundering;

**AND WHEREAS** corruption is a transnational phenomenon that crosses national borders and affects all societies and economies, and is equally destructive and reprehensible within both the public and private spheres of life, so that regional and international cooperation is essential to prevent and control corruption and related corrupt activities;

**AND WHEREAS** a comprehensive, integrated and multidisciplinary approach is required to prevent and combat corruption and related corrupt activities efficiently and effectively;

**AND WHEREAS** the availability of technical assistance can play an important role in enhancing the ability of States, including by strengthening capacity and by institution-building, to prevent and combat corruption and related corrupt activities efficiently and effectively;

*(Engelse teks deur die President geteken.)  
(Goedgekeur op 27 April 2004.)*

# WET

Om voorsiening te maak vir die versterking van maatreëls om korrupsie en korrupte bedrywighede te voorkom en bestry; voorsiening te maak vir die misdryf van korrupsie en misdrywe met betrekking tot korrupte bedrywighede; voorsiening te maak vir ondersoekende maatreëls ten opsigte van korrupsie en verwante korrupte bedrywighede; voorsiening te maak vir die instelling en endossering van 'n Register ten einde sekere beperkings te plaas op persone en ondernemings wat skuldig bevind is aan korrupte bedrywighede met betrekking tot tenders en kontrakte; sekere persone wat 'n gesagsposisie beklee, te verplig om sekere korrupte transaksies te rapporteer; voorsiening te maak vir ekstraterritoriale jurisdiksie ten opsigte van die misdryf van korrupsie en misdrywe met betrekking tot korrupte bedrywighede; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

## AANHEF

**NADEMAAL** die Grondwet die regte van alle mense in die Republiek vaslê en die demokratiese waardes van menswaardigheid, gelykheid en vryheid bevestig;

**EN NADEMAAL** die Grondwet die Staat verplig om al die regte soos in die Handves van Regte vasgelê, te eerbiedig, beskerm, bevorder en verwesenlik;

**EN NADEMAAL** korrupsie en verwante korrupte bedrywighede genoemde regte ondermyn, die stabiliteit en sekerheid van gemeenskappe bedreig, die instellings en waardes van demokrasie en etiese waardes en moraliteit ondermyn, volhoubare ontwikkeling, die oppergesag van die reg en die geloofwaardigheid van regerings in gevaar stel, en 'n teelaarde skep vir georganiseerde misdaad;

**EN NADEMAAL** die onwettige verkryging van persoonlike rykdom besonder skadelik kan wees vir demokratiese instellings, nasionale ekonomieë, etiese waardes en die oppergesag van die reg;

**EN NADEMAAL** daar bande is tussen korrupte bedrywighede en ander soorte misdaad, in besonder georganiseerde misdaad en ekonomiese misdaad, met inbegrip van geldwassery;

**EN NADEMAAL** korrupsie 'n transnasionale fenomeen is wat oor nasionale grense heen strek en alle gemeenskappe en ekonomieë raak, en ewe verwoestend en laakbaar is binne beide die openbare en private lewensfere sodat streeks- en internasionale samewerking noodsaaklik is om korrupsie en verwante korrupte bedrywighede te voorkom en beheer;

**EN NADEMAAL** 'n omvattende, geïntegreerde en multi-dissiplinêre benadering vereis word om korrupsie en verwante korrupte bedrywighede doeltreffend en afdoende te voorkom en bestry;

**EN NADEMAAL** die beskikbaarheid van tegniese bystand 'n belangrike rol kan speel in die verhoging van die vermoë van State, met inbegrip van die versterking van kapasiteit en deur die vestiging van instellings, om korrupsie en verwante korrupte bedrywighede doeltreffend en afdoende te voorkom en bestry;

## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

**AND WHEREAS** the prevention and combating of corruption and related corrupt activities is a responsibility of all States requiring mutual cooperation, with the support and involvement of individuals and groups outside the public sector, such as organs of civil society and non-governmental and community-based organizations, if their efforts in this area are to be efficient and effective;

**AND WHEREAS** the United Nations has adopted various resolutions condemning all corrupt practices, and urged member states to take effective and concrete action to combat all forms of corruption and related corrupt practices;

**AND WHEREAS** the *Southern African Development Community Protocol against Corruption*, adopted on 14 August 2001 in Malawi, reaffirmed the need to eliminate the scourges of corruption through the adoption of effective preventive and deterrent measures and by strictly enforcing legislation against all types of corruption;

**AND WHEREAS** the Republic of South Africa desires to be in compliance with and to become Party to the *United Nations Convention against Corruption* adopted by the General Assembly of the United Nations on 31 October 2003;

**AND WHEREAS** it is desirable to unbundle the crime of corruption in terms of which, in addition to the creation of a general, broad and all-encompassing offence of corruption, various specific corrupt activities are criminalized,

**B**E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

## ARRANGEMENT OF SECTIONS

## Section

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## DEFINITIONS AND INTERPRETATION

1. Definitions
2. Interpretation

## CHAPTER 2

## OFFENCES IN RESPECT OF CORRUPT ACTIVITIES

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*Part 1: General offence of corruption*

3. General offence of corruption

*Part 2: Offences in respect of corrupt activities relating to specific persons*

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**EN NADEMAAL** die voorkoming en bestryding van korrupsie en verwante korrupte bedrywighede 'n verantwoordelikheid van alle State is wat onderlinge samewerking vereis, met die ondersteuning en betrokkenheid van individue en groepe buite die openbare sektor, soos organe van die burgerlike gemeenskap en nie-regerings- en gemeenskapsgebaseerde organisies, indien hulle pogings op hierdie gebied doeltreffend en afdoende moet wees;

**EN NADEMAAL** die Verenigde Nasies verskeie resolusies aanvaar het wat alle korrupte praktyke veroordeel, en lidstate aangespoor het tot afdoende en daadwerklike optrede om alle verskyningsvorme van korrupsie en verwante korrupte praktyke te bestry;

**EN NADEMAAL** die *Suider-Afrikaanse Ontwikkelingsgemeenskap Protokol teen Korrupsie*, aanvaar op 14 Augustus 2001 in Malawi, die behoefte herbevestig het om die plaas van korrupsie uit te skakel deur die aanvaarding van afdoende voorkomende en afskrikkende maatreëls en deur die streng toepassing van wetgewing teen korrupsie van alle soorte;

**EN NADEMAAL** die Republiek van Suid-Afrika wens om aan die *Verenigde Nasies Konvensie teen Korrupsie*, aanvaar op 31 Oktober 2003 deur die Algemene Vergadering van die Verenigde Nasies, te voldoen en 'n Party daarby te word;

**EN NADEMAAL** dit wenslik is om die misdaad van korrupsie te ontbondel ingevolge waarvan, benewens die skepping van 'n algemene, breë en allesomvattende misdryf van korrupsie te skep, verskeie spesifieke korrupte bedrywighede gekriminaliseer word,

**W**ORD DAAR DERHALWE BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

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2. Uitleg

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3. Algemene misdryf van korrupsie

*Deel 2: Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot spesifieke persone*

4. Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot openbare beamptes 15
5. Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot buitelandse openbare amptenare
6. Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot agente
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8. Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot regterlike beamptes
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11. Offences in respect of corrupt activities relating to witnesses and evidential material during certain proceedings
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***Deel 3: Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot  
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10. Misdrywe van ontvangs of aanbied van ongemagtigde beloning deur of aan party by werksverhouding

***Deel 4: Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot  
spesifieke aangeleenthede*** 5

11. Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot getuies en bewysmateriaal tydens sekere verrigtinge  
12. Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot kontrakte  
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## DEFINITIONS AND INTERPRETATION

## Definitions

1. In this Act, unless the context indicates otherwise—

- (i) **“agent”** means any authorised representative who acts on behalf of his or her principal and includes a director, officer, employee or other person authorised to act on behalf of his or her principal, and **“agency”** has a corresponding meaning; 20
- (ii) **“animal”** means any living vertebrate member of the animal kingdom, domestic or wild, but does not include a human being;
- (iii) **“business”** means any business, trade, occupation, profession, calling, industry or undertaking of any kind, or any other activity carried on for gain or profit by any person within the Republic or elsewhere, and includes all property derived from or used in or for the purpose of carrying on such other activity, and all the rights and liabilities arising from such other activity; 25
- (iv) **“dealing”** includes— 30
  - (a) any promise, purchase, sale, barter, loan, charge, mortgage, lien, pledge, caveat, transfer, delivery, assignment, subrogation, transmission, gift, donation, trust, settlement, deposit, withdrawal, transfer between accounts or extension of credit;
  - (b) any agency or grant of power of attorney; or 35
  - (c) any act which results in any right, interest, title or privilege, whether present or future or whether vested or contingent, in the whole or in part of any property being conferred on any person;
- (v) **“foreign public official”** means— 40
  - (a) any person holding a legislative, administrative or judicial office of a foreign state;
  - (b) any person performing public functions for a foreign state, including any person employed by a board, commission, corporation or other body or authority that performs a function on behalf of the foreign state; or
  - (c) an official or agent of a public international organisation; 45
- (vi) **“foreign state”** means any country other than South Africa, and includes—
  - (a) any foreign territory;
  - (b) all levels and subdivisions of government of any such country or territory; or
  - (c) any agency of any such country or territory or of a political subdivision of any such country or territory; 50



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- 29. Instelling van Register
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## HOOFSTUK 1

15

## WOORDOMSKRYWING EN UITLEG

## Woordoms krywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) **“agent”** ’n gemagtigde verteenwoordiger wat namens sy of haar prinsipaal optree en ook ’n direkteur, beampte, werknemer of iemand anders wat gemagtig is om namens sy of haar prinsipaal op te tree, en het **“agentskap”** ’n ooreenstemmende betekenis; 20
- (ii) **“amptenaar”** ’n direkteur, funksionaris, beampte of agent wat in enige hoedanigheid hoegenaamd in ’n openbare liggaam, privaat organisasie, regs persoon, politieke party, instelling of ander werk dien, hetsy kragtens ’n dienskontrak of andersins, en hetsy in ’n uitvoerende hoedanigheid of nie; 25
- (iii) **“beloning”** ook—
  - (a) geld, hetsy in kontant of andersins;
  - (b) ’n skenking, geskenk, lening, loon, vergoeding, geldswaardige sekerheid, eiendom of belang in eiendom van enige aard, hetsy roerend of onroerend, of enige ander soortgelyke voordeel; 30
  - (c) die vermyding van ’n verlies, aanspreeklikheid, boete, verbeuring, straf of ander nadeel;
  - (d) ’n amp, status, eerbewys, werk, diens- of dienstekontrak, ’n ooreenkoms om werk te verskaf of dienste te lewer in enige hoedanigheid en woon- of vakansie akkommodasie; 35
  - (e) ’n betaling, kwytskelding, aflossing of vereffening van ’n lening, obligasie of ander aanspreeklikheid, hetsy in geheel of gedeeltelik;
  - (f) ’n weerhouding om enige geld of geldwaarde of iets waardevols te eis;
  - (g) ’n ander diens of guns of voordeel van enige aard, met inbegrip van beskerming teen enige boete of onbevoegdheid opgeloopt of gevrees van teen enige aksie of verrigtinge van dissiplinêre, siviele of strafregtelike aard, hetsy reeds ingestel of nie, en ook die uitoefening of die weerhouding van die uitoefening van ’n reg of ’n amptelike bevoegdheid of plig; 40
  - (h) ’n reg of voorreg; 45
  - (i) enige werklike of voorgewende hulp, stem, toestemming, invloed of weerhouding van stemming; of
  - (j) ’n geldswaardige teenprestasie of voordeel van enige aard, met inbegrip van enige diskonto, kommissie, rabat, bonus, aftrekking of persentasie; 50
- (iv) **“besigheid”** ’n besigheid, ambag, okkupasie, professie, beroep, nywerheid of onderneming van enige aard, of ander aktiwiteit gedryf vir wins of profyt deur iemand in die Republiek of elders, en ook alle eiendom verkry van of

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- (vii) **“gambling game”** means any gambling game as defined in section 1 of the National Gambling Act, 1996 (Act No. 33 of 1996);
- (viii) **“game of chance”**, includes a lottery, lotto, numbers game, scratch game, sweepstake, or sports pool;
- (ix) **“gratification”**, includes— 5
  - (a) money, whether in cash or otherwise;
  - (b) any donation, gift, loan, fee, reward, valuable security, property or interest in property of any description, whether movable or immovable, or any other similar advantage;
  - (c) the avoidance of a loss, liability, penalty, forfeiture, punishment or other disadvantage; 10
  - (d) any office, status, honour, employment, contract of employment or services, any agreement to give employment or render services in any capacity and residential or holiday accommodation;
  - (e) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part; 15
  - (f) any forbearance to demand any money or money’s worth or valuable thing;
  - (g) any other service or favour or advantage of any description, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted, and includes the exercise or the forbearance from the exercise of any right or any official power or duty; 20
  - (h) any right or privilege;
  - (i) any real or pretended aid, vote, consent, influence or abstention from voting; or 25
  - (j) any valuable consideration or benefit of any kind, including any discount, commission, rebate, bonus, deduction or percentage;
- (x) **“induce”** includes to persuade, encourage, coerce, intimidate or threaten or cause a person, and **“inducement”** has a corresponding meaning; 30
- (xi) **“judicial officer”** means—
  - (a) any constitutional court judge or any other judge as defined in section 1 of the Judges’ Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001);
  - (b) a judge of the Labour Court appointed under section 153(1)(a) or (b), (4) 35 or (5) of the Labour Relations Act, 1995 (Act No. 66 of 1995);
  - (c) the President or judge of the Land Claims Court appointed under section 22(3), (4) or (8) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);
  - (d) any judge of the Competition Appeal Court appointed under section 36(2) of the Competition Act, 1998 (Act No. 89 of 1998); 40
  - (e) a judge or additional member appointed under section 7 of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), to a Special Tribunal established in terms of section 2 of that Act;
  - (f) the presiding officer or member of the court of marine enquiry, the maritime court and the court of survey referred to in sections 267(1), 45 271(1) and 276(1) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), respectively;
  - (g) any presiding officer appointed under section 10(3)(b) of the Administration Amendment Act, 1929 (Act No. 9 of 1929), to a divorce court 50 established in terms of section 10(1) of that Act;
  - (h) any regional magistrate or magistrate defined in section 1 of the Magistrates Act, 1993 (Act No. 90 of 1993);
  - (i) any commissioner appointed under section 9 of the Small Claims Courts Act, 1984 (Act No. 61 of 1984); 55

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- aangewend in of vir die doel van die dryf van so 'n ander aktiwiteit, en al die regte en verpligtinge wat voortspruit uit so 'n ander aktiwiteit;
- (v) **“buitelandse openbare amptenaar”**—
- (a) iemand wat 'n wetgewende, administratiewe of regsprekende amp van 'n vreemde staat beklee; 5
- (b) iemand wat openbare werksaamhede vir 'n vreemde staat verrig, met inbegrip van iemand in diens by 'n raad, kommissie, korporasie of ander liggaam of gesag wat 'n werksaamheid namens die vreemde staat verrig; of
- (c) 'n amptenaar of agent van 'n internasionale openbare organisasie; 10
- (vi) **“dier”** 'n lewende gewerweld lid van die diereryk, mak of wild, maar nie ook 'n mens nie;
- (vii) **“dobbelspel”** 'n dobbelspel soos omskryf in artikel 1 van die Nasionale Dobbelspelwet, 1996 (Wet No. 33 van 1996);
- (viii) **“eiendom”** geld of enige ander roerende, onroerende, liggaamlike of onliggaamlike ding, hetsy in die Republiek of elders geleë en ook enige regte, voorregte, eise, effekte en enige belang daarin en alle opbrengste daarvan; 15
- (ix) **“geldswaardige sekerheid”** enige dokument wat—
- (a) 'n reg op, in of oor eiendom skep, oordra, teruggee of afgee;
- (b) die betaling van geld of lewering van enige eiendom magtig; of 20
- (c) die skepping, oordrag, teruggawe of die afgee van so 'n reg, die betaling van geld of lewering van enige eiendom of die voldoening aan enige verpligting bewys;
- (x) **“gelukspel”** ook 'n lotery, lotto, nommerspel, kraspel, wedlootjie of sportpoel; 25
- (xi) **“genoteerde maatskappy”** 'n maatskappy waarvan die gewone aandeelkapitaal op 'n effektebeurs soos omskryf in artikel 1 van die Wet op Beheer van Effektebeurse, 1985 (Wet No. 1 van 1985), genoteer is;
- (xii) **“handeling”** ook—
- (a) 'n belofte, koop, verkoop, ruil, lening, vordering, verband, retensiereg, pand, voorbehoud, oordrag, lewering, toewysing, vervanging, oorsending, geskenk, skenking, trust, skikking, deposito, onttrekking, oordrag tussen rekenings of uitbreiding van krediet; 30
- (b) 'n agentskap of verlening van volmag; of
- (c) 'n optrede wat tot gevolg het dat enige reg, belang, titel of voorreg, hetsy teenswoordig of toekomstig, of hetsy gevestig of voorwaardelik, in geheel of gedeeltelik, op enige eiendom aan iemand verleen word; 35
- (xiii) **“iemand wat 'n party is by 'n werksverhouding”** ook iemand wat op enige wyse help om die besigheid van 'n werkgewer te dryf of bestuur;
- (xiv) **“internasionale openbare organisasie”** 'n organisasie— 40
- (a) (i) waarvan twee of meer lande lede is; of
- (ii) wat saamgestel is deur persone wat twee of meer lande verteenwoordig;
- (b) wat ingestel is deur, of 'n groep organisasies wat saamgestel is deur organisasies— 45
- (i) waarvan twee of meer lande lede is; of
- (ii) wat saamgestel is deur die verteenwoordigers van twee of meer lande; of
- (c) wat—
- (i) 'n orgaan is van, of kantoor is binne, 'n organisasie in paragraaf (a) of (b) beskryf; 50
- (ii) 'n kommissie, raad of ander liggaam is, ingestel deur 'n organisasie of orgaan in subparagraaf (i) bedoel; of
- (iii) 'n komitee of 'n subkomitee van 'n komitee is van 'n organisasie bedoel in paragraaf (a) of (b) of van 'n orgaan, raad of liggaam in subparagraaf (i) of (ii) bedoel; 55
- (xv) **“Nasionale Direkteur”** die Nasionale Direkteur van Openbare Vervolgings ingevolge artikel 179(1) van die Grondwet aangestel;
- (xvi) **“Nasionale Kommissaris”** die Nasionale Kommissaris van die Suid-Afrikaanse Polisiediens ingevolge artikel 207(1) van die Grondwet aangestel; 60
- (xvii) **“oorreed”** ook om iemand oor te haal, aan te moedig, te dwing, te intimideer of dreig of te veroorsaak, en het **“oorreding”** 'n ooreenstemmende betekenis;

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- (j) any arbitrator, mediator or umpire, who in terms of any law presides at arbitration or mediation proceedings for the settlement by arbitration or mediation of a dispute which has been referred to arbitration or mediation;
- (k) any adjudicator appointed under section 6 of the Short Process Courts and Mediation in Certain Civil Cases Act, 1991 (Act No. 103 of 1991); 5
- (l) where applicable, any assessor who assists a judicial officer;
- (m) any other presiding officer appointed to any court or tribunal established under any statute and who has the authority to decide causes or issues between parties and render decisions in a judicial capacity; 10
- (n) any other person who presides at any trial, hearing, commission, committee or any other proceedings and who has the authority to decide causes or issues between parties and render decisions in a judicial capacity; or
- (o) any person contemplated in paragraphs (a) to (n) who has been appointed in an acting or temporary capacity; 15
- (xii) **“legislative authority”**, means the legislative authority referred to in section 43 of the Constitution;
- (xiii) **“listed company”** means a company, the equity share capital of which is listed on a stock exchange as defined in section 1 of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985); 20
- (xiv) **“National Commissioner”** means the National Commissioner of the South African Police Service appointed in terms of section 207(1) of the Constitution;
- (xv) **“National Director”** means the National Director of Public Prosecutions appointed in terms of section 179(1) of the Constitution; 25
- (xvi) **“official”** means any director, functionary, officer or agent serving in any capacity whatsoever in a public body, private organisation, corporate body, political party, institution or other employment, whether under a contract of service or otherwise, and whether in an executive capacity or not; 30
- (xvii) **“person who is party to an employment relationship”**, includes any person who in any manner assists in carrying on or conducting the business of an employer;
- (xviii) **“police official”** means a **“member”** of the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995); 35
- (xix) **“principal”**, includes—
  - (a) any employer;
  - (b) any beneficiary under a trust and any trust estate;
  - (c) the estate of a deceased person and any person with a beneficial interest in the estate of a deceased person; 40
  - (d) in the case of any person serving in or under a public body, the public body; or
  - (e) in the case of a legal representative referred to in the definition of **“agent”**, the person represented by such legal representative; 45
- (xx) **“private sector”** means all persons or entities, including any—
  - (a) natural person or group of two or more natural persons who carries on a business;
  - (b) syndicate, agency, trust, partnership, fund, association, organisation or institution; 50
  - (c) company incorporated or registered as such;
  - (d) body of persons corporate or unincorporate; or
  - (e) other legal person,
 but does not include—
  - (a) public officers; 55
  - (b) public bodies;
  - (c) any legislative authority or any member thereof;
  - (d) the judicial authority or any judicial officer; or
  - (e) the prosecuting authority or any member thereof;
- (xxi) **“property”** means money or any other movable, immovable, corporeal or incorporeal thing, whether situated in the Republic or elsewhere and includes any rights, privileges, claims, securities and any interest therein and all proceeds thereof; 60

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- (xviii) **“openbare beampte”** iemand wat 'n lid, 'n beampte, 'n werknemer of 'n dienaar van 'n openbare liggaam is, en ook—
- (a) iemand in die staatsdiens beoog in artikel 8(1) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994);
  - (b) iemand wat enige besoldiging ontvang uit openbare fondse; of 5
  - (c) waar die openbare liggaam 'n korporasie is, die persoon wat as sodanig ingelyf is, maar nie ook 'n—
  - (a) lid van die wetgewende gesag nie;
  - (b) regterlike beampte nie; of 10
  - (c) lid van die vervolgingsgesag nie;
- (xix) **“openbare liggaam”**—
- (a) 'n staatsdepartement of administrasie in die nasionale of provinsiale regeringsfeer of 'n munisipaliteit in die plaaslike regeringsfeer; of
  - (b) enige ander funksionaris of instelling wanneer— 15
    - (i) 'n bevoegdheid uitgeoefen of 'n plig of werksaamheid verrig word ingevolge die Grondwet of 'n provinsiale grondwet; of
    - (ii) 'n openbare bevoegdheid uitgeoefen of 'n openbare plig of werksaamheid verrig word ingevolge enige wetgewing;
- (xx) **“polisiebeampte”** 'n **“lid”** van die Suid-Afrikaanse Polisie soos omskryf in artikel 1 van die Wet op die Suid-Afrikaanse Polisie, 1995 (Wet No. 68 van 1995); 20
- (xxi) **“prinsipaal”** ook—
- (a) 'n werkgewer;
  - (b) 'n begunstigde kragtens 'n trust en 'n boedel van 'n trust; 25
  - (c) die boedel van 'n gestorwene en iemand wat 'n voordelige belang in die boedel van 'n gestorwene het;
  - (d) in die geval van iemand wat in of onder 'n openbare liggaam dien, die openbare liggaam; of
  - (e) in die geval van 'n regsverteenwoordiger bedoel in die omskrywing van **“agent”**, iemand wat deur so 'n regsverteenwoordiger verteenwoordig word; 30
- (xxii) **“privaat sektor”** alle persone of entiteite, met inbegrip van 'n—
- (a) natuurlike persoon of groep van twee of meer natuurlike persone wat 'n besigheid dryf; 35
  - (b) sindikaat, agentskap, trust, vennootskap, fonds, vereniging, organisasie of instelling;
  - (c) maatskappy as sodanig ingelyf of geregistreer;
  - (d) liggaam van persone, ingelyf of oningelyf; of
  - (e) ander regspersoon, 40
- maar nie ook—
- (a) openbare beamptes nie;
  - (b) openbare liggame nie;
  - (c) 'n wetgewende gesag of 'n lid daarvan nie;
  - (d) die regterlike gesag of 'n regterlike beampte nie; of 45
  - (e) die vervolgingsgesag of 'n lid daarvan nie;
- (xxiii) **“regterlike beampte”**—
- (a) enige regter van die konstitusionele hof of enige ander regter soos omskryf in artikel 1 van die Wet op Besoldiging en Diensvoorwaardes van Regters 2001, (Wet No. 47 van 2001); 50
  - (b) 'n regter van die Arbeidshof aangestel kragtens artikel 153(1)(a) of (b), (4) of (5) van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995);
  - (c) die President of regter van die Hof vir Grondeise aangestel kragtens artikel 22(3), (4) of (8) van die Wet op Herstel van Grondregte, 1994 55 (Wet No. 22 van 1994);
  - (d) enige regter van die Appèlhof vir Mededinging aangestel kragtens artikel 36(2) van die Wet op Mededinging, 1998 (Wet No. 89 van 1998);
  - (e) 'n regter of addisionele lid aangestel kragtens artikel 7 van die Wet op Spesiale Ondersoekeenheid en Spesiale Tribunale, 1996 (Wet No. 74 60 van 1996), in 'n Spesiale Tribunaal ingestel ingevolge artikel 2 van daardie Wet;



- (xxii) **“public body”** means—
- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
  - (b) any other functionary or institution when—
    - (i) exercising a power or performing a duty or function in terms of the Constitution or a provincial constitution; or
    - (ii) exercising a public power or performing a public duty or function in terms of any legislation;
- (xxiii) **“public international organisation”** means—
- (a) an organisation—
    - (i) of which two or more countries are members; or
    - (ii) that is constituted by persons representing two or more countries;
  - (b) an organisation established by, or a group of organisations constituted by—
    - (i) organisations of which two or more countries are members; or
    - (ii) organisations that are constituted by the representatives of two or more countries; or
  - (c) an organisation that is—
    - (i) an organ of, or office within, an organisation described in paragraph (a) or (b);
    - (ii) a commission, council or other body established by an organisation or organ referred to in subparagraph (i); or
    - (iii) a committee or a subcommittee of a committee of an organisation referred to in paragraph (a) or (b) or of an organ, council or body referred to in subparagraph (i) or (ii);
- (xxiv) **“public officer”** means any person who is a member, an officer, an employee or a servant of a public body, and includes—
- (a) any person in the public service contemplated in section 8(1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994);
  - (b) any person receiving any remuneration from public funds; or
  - (c) where the public body is a corporation, the person who is incorporated as such,
- but does not include any—
- (a) member of the legislative authority;
  - (b) judicial officer; or
  - (c) member of the prosecuting authority;
- (xxv) **“sporting event”** means any event or contest in any sport, between individuals or teams, or in which an animal competes, and which is usually attended by the public and is governed by rules which include the constitution, rules or code of conduct of any sporting body which stages any sporting event or of any regulatory body under whose constitution, rules or code of conduct the sporting event is conducted; and
- (xxvi) **“valuable security”** means any document—
- (a) creating, transferring, surrendering or releasing any right to, in or over property;
  - (b) authorising the payment of money or delivery of any property; or
  - (c) evidencing the creation, transfer, surrender or release of any such right, the payment of money or delivery of any property or the satisfaction of any obligation.

### Interpretation

2. (1) For purposes of this Act a person is regarded as having knowledge of a fact if—
- (a) that person has actual knowledge of the fact; or
  - (b) the court is satisfied that—
    - (i) the person believes that there is a reasonable possibility of the existence of that fact; and
    - (ii) the person has failed to obtain information to confirm the existence of that fact,

and **“knowing”** shall be construed accordingly.

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- (f) die voorsittende beampte of lid van die hof van marine-onderzoek, die seehof en die opnemingshof, onderskeidelik bedoel in artikels 267(1), 271(1) en 276(1) van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951);
- (g) enige voorsittende beampte aangestel kragtens artikel 10(3)(b) van die Administrasie Wysigingswet, 1929 (Wet No. 9 van 1929), in 'n egskeidingshof ingestel ingevolge artikel 10(1) van daardie Wet; 5
- (h) enige streeklanddros of landdros omskryf in artikel 1 van die Wet op Landdroste, 1993 (Wet No. 90 van 1993);
- (i) enige kommissaris aangestel kragtens artikel 9 van die Wet op Howe vir Klein Eise, 1984 (Wet No. 61 van 1984); 10
- (j) enige arbiter, bemiddelaar of skeidsregter wat ingevolge enige wet voorsit by arbitrasie- of bemiddelingsverrigtinge vir die skikking deur arbitrasie of bemiddeling van 'n geskil wat vir arbitrasie of bemiddeling verwys is; 15
- (k) enige beregter aangestel kragtens artikel 6 van die Wet op Howe vir Kort Proses en Bemiddeling in Sekere Siviele Sake, 1991 (Wet No. 103 van 1991);
- (l) waar van toepassing, enige assessor wat 'n regterlike beampte bystaan;
- (m) enige ander voorsittende beampte aangestel in enige hof of tribunaal ingestel kragtens enige statuut en wat die gesag het om sake of geskille tussen partye te beslis en beslissings in 'n regterlike hoedanigheid te lewer; 20
- (n) enigiemand anders wat voorsit by enige verhoor, aanhoring, kommissie, komitee of ander verrigtinge en wat die gesag het om sake of geskille tussen partye te beslis en beslissings in 'n regterlike hoedanigheid te lewer; of 25
- (o) enigiemand beoog in paragrawe (a) tot (n) wat in 'n waarnemende of tydelike hoedanigheid aangestel is;
- (xxiv) **“sportgebeurtenis”** enige gebeurtenis of wedstryd in enige sport, tussen individue of spanne, of waarin 'n dier meeding, en wat gewoonlik deur die publiek bygewoon word en wat deur reëls beheers word wat die grondwet, reëls of gedragskode van enige sportliggaam insluit wat enige sportgebeurtenis aanbied of van enige beherende liggaam kragtens wie se grondwet, reëls of gedragskode die sportgebeurtenis bestuur word; 30 35
- (xxv) **“vreemde staat”** enige land behalwe Suid-Afrika, en ook—
  - (a) enige vreemde gebied;
  - (b) alle vlakke en onderverdelings van regering van so 'n land of gebied; of
  - (c) enige agentskap van so 'n land of gebied of van 'n politieke onderverdeling van so 'n land of gebied; en 40
- (xxvi) **“wetgewende gesag”** die wetgewende gesag bedoel in artikel 43 van die Grondwet.

## Uitleg

- 2. (1) By die toepassing van hierdie Wet word iemand geag kennis van 'n feit te hê indien— 45
  - (a) dié persoon werklike kennis van die feit het; of
  - (b) die hof tevrede is dat—
    - (i) die persoon glo dat daar 'n redelike moontlikheid van die bestaan van daardie feit is; en
    - (ii) die persoon versuim het om inligting te bekom om die bestaan van daardie feit te bevestig, 50
- en word **“wetend”** dienoooreenkomstig uitgelê.
- (2) By die toepassing van hierdie Wet behoort iemand redelikerwys 'n feit te gewet of vermoed het indien die afleidings wat hy of sy behoort te gemaak het daardie is wat deur 'n redelike ywerige en wakker persoon gemaak sou gewees het wat beide— 55
  - (a) die algemene kennis, bekwaamheid, opleiding en ervaring het wat redelikerwys verwag kan word van iemand in sy of haar posisie; en
  - (b) die algemene kennis, bekwaamheid, opleiding en ervaring het wat hy of sy in werklikheid het.
- (3) (a) 'n Verwysing in hierdie Wet na beloning aanvaar of instem of aanbied om beloning te aanvaar, sluit ook in om— 60

(2) For the purposes of this Act a person ought reasonably to have known or suspected a fact if the conclusions that he or she ought to have reached are those which would have been reached by a reasonably diligent and vigilant person having both—

(a) the general knowledge, skill, training and experience that may reasonably be expected of a person in his or her position; and 5

(b) the general knowledge, skill, training and experience that he or she in fact has.

(3) (a) A reference in this Act to accept or agree or offer to accept any gratification, includes to—

(i) demand, ask for, seek, request, solicit, receive or obtain;

(ii) agree to demand, ask for, seek, request, solicit, receive or obtain; or 10

(iii) offer to demand, ask for, seek, request, solicit, receive or obtain,

any gratification.

(b) A reference in this Act to give or agree or offer to give any gratification, includes to—

(i) promise, lend, grant, confer or procure; 15

(ii) agree to lend, grant, confer or procure; or

(iii) offer to lend, grant, confer or procure,

such gratification.

(4) A reference in this Act to any act, includes an omission and “**acting**” shall be construed accordingly. 20

(5) A reference in this Act to any person includes a person in the private sector.

## CHAPTER 2 OFFENCES IN RESPECT OF CORRUPT ACTIVITIES

### *Part 1: General offence of corruption*

#### **General offence of corruption** 25

3. Any person who, directly or indirectly—

(a) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or

(b) gives or agrees or offers to give to any other person any gratification, whether for the benefit of that other person or for the benefit of another person, 30

in order to act, personally or by influencing another person so to act, in a manner—

(i) that amounts to the—

(aa) illegal, dishonest, unauthorised, incomplete, or biased; or

(bb) misuse or selling of information or material acquired in the course 35

of the,  
exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation;

(ii) that amounts to— 40

(aa) the abuse of a position of authority;

(bb) a breach of trust; or

(cc) the violation of a legal duty or a set of rules;

(iii) designed to achieve an unjustified result; or

(iv) that amounts to any other unauthorised or improper inducement to do or 45

not to do anything,

is guilty of the offence of corruption.

### *Part 2: Offences in respect of corrupt activities relating to specific persons*

#### **Offences in respect of corrupt activities relating to public officers**

4. (1) Any— 50

(a) public officer who, directly or indirectly, accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or

(b) person who, directly or indirectly, gives or agrees or offers to give any gratification to a public officer, whether for the benefit of that public officer or 55

for the benefit of another person,

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- (i) beloning te eis, vra, soek, versoek, aan te lok, te ontvang of verkry;
- (ii) in te stem om beloning te eis, vra, soek, versoek, aan te lok, te ontvang of verkry; of
- (iii) aan te bied om beloning te eis, vra, soek, versoek, aan te lok, te ontvang of verkry. 5
- (b) 'n Verwysing in hierdie Wet na beloning gee of instem of aanbied om beloning te gee, sluit ook in om—
  - (i) sodanige beloning te beloof, uit te leen, te verleen, toe te ken of te verskaf;
  - (ii) in te stem om sodanige beloning te beloof, uit te leen, te verleen, toe te ken of te verskaf; of 10
  - (iii) aan te bied om sodanige beloning uit te leen, te verleen, toe te ken of te verskaf.
- (4) 'n Verwysing in hierdie Wet na enige optrede, sluit ook 'n late in en “optredend” word dienooreenkomstig uitgelê.
- (5) 'n Verwysing in hierdie Wet na enigiemand sluit ook iemand in die privaat sektor 15 in.

## HOOFSTUK 2

## MISDRYWE TEN OPSIGTE VAN KORRUPTIE BEDRYWIGHEDE

*Deel 1: Algemene misdryf van korrupsie*

## Algemene misdryf van korrupsie 20

## 3. Enigiemand, wat, regstreeks of onregstreeks—

- (a) enige beloning aanvaar of instem of aanbied om dit te aanvaar van enigiemand anders, hetsy tot sy of haar eie voordeel of tot voordeel van iemand anders; of
- (b) enige beloning gee of instem of aanbied om dit te gee aan enigiemand anders, hetsy tot voordeel van daardie ander persoon of tot voordeel van iemand anders, 25

ten einde op te tree, persoonlik of deur beïnvloeding van iemand anders om aldus op te tree, op 'n wyse—

- (i) wat neerkom op die—
  - (aa) onwettige, oneerlike, ongemagtigde, onvoltooide, of bevooroordeelde; 30
  - of
  - (bb) misbruik of verkoop van inligting of materiaal verkry in die loop van die, uitoefening, uitvoering of verrigting van enige bevoegdhede, pligte of werksaamhede voortspruitend uit 'n grondwetlike, statutêre, kontraktuele of enige ander regsverpligting; 35
- (ii) wat neerkom op—
  - (aa) die misbruik van 'n gesagsposisie;
  - (bb) 'n vertrouensbreuk; of
  - (cc) die skending van 'n regsplig of 'n stel reëls;
- (iii) met die doel om 'n ongeregverdigde gevolg te bereik; of 40
- (iv) wat neerkom op enige ander ongemagtigde of onbehoorlike oorreding om enigiets te doen of nie te doen nie,

is skuldig aan die misdryf van korrupsie.

*Deel 2: Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot spesifieke persone* 45

## Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot openbare beamptes

## 4. (1) Enige—

- (a) openbare beampte wat, regstreeks of onregstreeks, enige beloning aanvaar of instem of aanbied om dit te aanvaar van enigiemand anders, hetsy tot sy of haar eie voordeel of tot voordeel van iemand anders; of 50
- (b) iemand wat, regstreeks of onregstreeks, enige beloning gee of instem of aanbied om dit te gee aan 'n openbare beampte, hetsy tot voordeel van daardie openbare beampte of tot voordeel van iemand anders,

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in order to act, personally or by influencing another person so to act, in a manner—

- (i) that amounts to the—
  - (aa) illegal, dishonest, unauthorised, incomplete, or biased; or
  - (bb) misuse or selling of information or material acquired in the course of the, 5  
exercise, carrying out or performance of any powers, duties or functions  
arising out of a constitutional, statutory, contractual or any other legal  
obligation;
- (ii) that amounts to—
  - (aa) the abuse of a position of authority;
  - (bb) a breach of trust; or 10
  - (cc) the violation of a legal duty or a set of rules;
- (iii) designed to achieve an unjustified result; or
- (iv) that amounts to any other unauthorised or improper inducement to do or not to  
do anything, 15

is guilty of the offence of corrupt activities relating to public officers. 15

(2) Without derogating from the generality of section 2(4), “to act” in subsection (1),  
includes—

- (a) voting at any meeting of a public body;
- (b) performing or not adequately performing any official functions;
- (c) expediting, delaying, hindering or preventing the performance of an official 20  
act;
- (d) aiding, assisting or favouring any particular person in the transaction of any  
business with a public body;
- (e) aiding or assisting in procuring or preventing the passing of any vote or the  
granting of any contract or advantage in favour of any person in relation to the 25  
transaction of any business with a public body;
- (f) showing any favour or disfavour to any person in performing a function as a  
public officer;
- (g) diverting, for purposes unrelated to those for which they were intended, any  
property belonging to the state which such officer received by virtue of his or 30  
her position for purposes of administration, custody or for any other reason, to  
another person; or
- (h) exerting any improper influence over the decision making of any person  
performing functions in a public body. 35

### Offences in respect of corrupt activities relating to foreign public officials 35

5. (1) Any person who, directly or indirectly gives or agrees or offers to give any  
gratification to a foreign public official, whether for the benefit of that foreign public  
official or for the benefit of another person, in order to act, personally or by influencing  
another person so to act, in a manner—

- (a) that amounts to the— 40
  - (i) illegal, dishonest, unauthorised, incomplete, or biased; or
  - (ii) misuse or selling of information or material acquired in the course of the,  
exercise, carrying out or performance of any powers, duties or functions  
arising out of a constitutional, statutory, contractual or any other legal  
obligation; 45
- (b) that amounts to—
  - (i) the abuse of a position of authority;
  - (ii) a breach of trust; or
  - (iii) the violation of a legal duty or a set of rules;
- (c) designed to achieve an unjustified result; or 50
- (d) that amounts to any other unauthorised or improper inducement to do or not to  
do anything, 55

is guilty of the offence of corrupt activities relating to foreign public officials.



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ten einde op te tree, persoonlik of deur beïnvloeding van iemand anders om aldus op te tree, op 'n wyse—

- (i) wat neerkom op die—
  - (aa) onwettige, oneerlike, ongemagtigde, onvoltooide, of bevooroordeelde; 5
  - of
  - (bb) misbruik of verkoop van inligting of materiaal verkry in die loop van die, uitoefening, uitvoering of verrigting van enige bevoegdhede, pligte of werksaamhede voortspruitend uit 'n grondwetlike, statutêre, kontraktuele of enige ander regsverpligting;
- (ii) wat neerkom op— 10
  - (aa) die misbruik van 'n gesagsposisie;
  - (bb) 'n vertrouwensbreuk; of
  - (cc) die skending van 'n regsplig of 'n stel reëls;
- (iii) met die doel om 'n ongeregverdigde gevolg te bereik; of
- (iv) wat neerkom op enige ander ongemagtigde of onbehoorlike oorreding om 15
  - enigiets te doen of nie te doen nie,

is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot openbare beamptes.

(2) Sonder afbreuk aan die algemeenheid van artikel 2(4), sluit “op te tree” in subartikel (1) ook in— 20

- (a) stemmery by enige vergadering van 'n openbare liggaam;
- (b) verrigting of nie-gepaste verrigting van enige amptelike werksaamhede;
- (c) bespoediging, vertraging, belemmering of voorkoming van verrigting van amptelike optrede;
- (d) ondersteuning, assitering of begunstiging van enige besondere persoon by 25
  - die doen van enige besigheid met 'n openbare liggaam;
- (e) ondersteuning of assitering by verkryging of voorkoming van die aanneming van 'n stemvoorstel of die verlening van enige kontrak of voordeel ten gunste van enigiemand met betrekking tot die doen van enige besigheid met 'n openbare liggaam; 30
- (f) verlening van enige guns of onguns aan enigiemand by verrigting van 'n werksaamheid as 'n openbare beampte;
- (g) afwending aan iemand anders, vir doeleindes waarvoor dit nie bedoel was nie, van enige staatseiendom wat so 'n beampte ontvang het weens sy of haar posisie vir doeleindes van administrasie, bewaring of vir enige ander rede; of 35
- (h) uitoefening van enige onbehoorlike invloed by die besluitneming van enigiemand wat werksaamhede by 'n openbare liggaam verrig.

### Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot buitelandse openbare amptenare

5. (1) Enigiemand wat, regstreeks of onregstreeks, enige beloning gee of instem of 40 aanbied om dit te gee aan 'n buitelandse openbare amptenaar, hetsy tot voordeel van daardie buitelandse openbare amptenaar, of tot voordeel van iemand anders, ten einde op te tree, persoonlik of deur beïnvloeding van iemand anders om aldus op te tree, op 'n wyse—

- (a) wat neerkom op die— 45
  - (i) onwettige, oneerlike, ongemagtigde, onvoltooide, of bevooroordeelde; of
  - (ii) misbruik of verkoop van inligting of materiaal verkry in die loop van die, uitoefening, uitvoering of verrigting van enige bevoegdhede, pligte of werksaamhede voortspruitend uit 'n grondwetlike, statutêre, 50 kontraktuele of enige ander regsverpligting;
- (b) wat neerkom op—
  - (i) die misbruik van 'n gesagsposisie;
  - (ii) 'n vertrouwensbreuk; of
  - (iii) die skending van 'n regsplig of 'n stel reëls; 55
- (c) met die doel om 'n ongeregverdigde gevolg te bereik; of
- (d) wat neerkom op enige ander ongemagtigde of onbehoorlike oorreding om 60
  - enigiets te doen of nie te doen nie,

is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot buitelandse openbare amptenare.

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(2) Without derogating from the generality of section 2(4), “to act” in subsection (1) includes—

- (a) the using of such foreign public official’s or such others person’s position to influence any acts or decisions of the foreign state or public international organisation concerned; or
- (b) obtaining or retaining a contract, business or an advantage in the conduct of business of that foreign state or public international organisation.

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**Offences in respect of corrupt activities relating to agents**

6. Any—

- (a) agent who, directly or indirectly—
  - (i) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or
  - (ii) gives or agrees or offers to give to any person any gratification, whether for the benefit of that person or for the benefit of another person; or
- (b) person who, directly or indirectly—
  - (i) accepts or agrees or offers to accept any gratification from an agent, whether for the benefit of himself or herself or for the benefit of another person; or
  - (ii) gives or agrees or offers to give any gratification to an agent, whether for the benefit of that agent or for the benefit of another person,

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in order to act, personally or by influencing another person so to act, in a manner—

- (aa) that amounts to the—
  - (aaa) illegal, dishonest, unauthorised, incomplete, or biased; or
  - (bbb) misuse or selling of information or material acquired in the course of the, exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation;
- (bb) that amounts to—
  - (aaa) the abuse of a position of authority;
  - (bbb) a breach of trust; or
  - (ccc) the violation of a legal duty or a set of rules;
- (cc) designed to achieve an unjustified result; or
- (dd) that amounts to any other unauthorised or improper inducement to do or not to do anything,

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is guilty of the offence of corrupt activities relating to agents.

**Offences in respect of corrupt activities relating to members of legislative authority**

7. (1) Any—

- (a) member of the legislative authority who, directly or indirectly, accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or
- (b) person who, directly or indirectly, gives or agrees or offers to give any gratification to a member of the legislative authority, whether for the benefit of that member or for the benefit of another person,

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in order to act, personally or by influencing another person so to act, in a manner—

- (i) that amounts to the—
  - (aa) illegal, dishonest, unauthorised, incomplete, or biased; or
  - (bb) misuse or selling of information or material acquired in the course of the, exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation;
- (ii) that amounts to—

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(2) Sonder afbreuk aan die algemeenheid van artikel 2(4), sluit “op te tree” in subartikel (1) ook in—

- (a) die gebruik van sodanige buitelandse openbare amptenaar of sodanige ander persoon se posisie om enige optrede of besluite van die betrokke vreemde staat of internasionale openbare organisasie te beïnvloed; of 5
- (b) verkryging of behoud van 'n kontrak, besigheid of voordeel in die dryf van die besigheid van daardie vreemde staat of internasionale openbare organisasie.

**Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot agente****6. Enige—**

- (a) agent wat, regstreeks of onregstreeks— 10
    - (i) enige beloning aanvaar of instem of aanbied om dit te aanvaar van enigiemand anders, hetsy tot sy of haar eie voordeel of tot voordeel van iemand anders; of
    - (ii) enige beloning gee of instem of aanbied om dit te gee aan enigiemand anders, hetsy tot voordeel van daardie persoon of tot voordeel van 15 iemand anders; of
  - (b) iemand wat, regstreeks of onregstreeks—
    - (i) enige beloning aanvaar of instem of aanbied om dit te aanvaar van 'n agent, hetsy tot sy of haar eie voordeel of tot voordeel van iemand anders; of 20
    - (ii) enige beloning gee of instem of aanbied om dit te gee aan 'n agent, hetsy tot voordeel van daardie agent of tot voordeel van iemand anders,
- ten einde op te tree, persoonlik of deur beïnvloeding van iemand anders om aldus op te tree, op 'n wyse—
- (aa) wat neerkom op die— 25
    - (aaa) onwettige, oneerlike, ongemagtigde, onvoltooide, of bevooroordeelde; of
    - (bbb) misbruik of verkoop van inligting of materiaal verkry in die loop van die, 30
  - (bb) wat neerkom op—
    - uitoefening, uitvoering of verrigting van enige bevoegdhede, pligte of werksaamhede voortspruitend uit 'n grondwetlike, statutêre, kontraktuele of enige ander regsverpligting; 35
  - (cc) met die doel om 'n ongeregverdigde gevolg te bereik; of
  - (dd) wat neerkom op enige ander ongemagtigde of onbehoorlike oorrëding om enigiets te doen of nie te doen nie, 40
- is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot agente.

**Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot lede van wetgewende gesag****7. (1) Enige—**

- (a) lid van die wetgewende gesag wat, regstreeks of onregstreeks, enige beloning aanvaar of instem of aanbied om dit te aanvaar van enigiemand anders, hetsy 45 tot sy of haar eie voordeel of tot voordeel van iemand anders; of
  - (b) iemand wat, regstreeks of onregstreeks, enige beloning gee of instem of aanbied om dit te gee aan 'n lid van die wetgewende gesag, hetsy tot voordeel van daardie lid of tot voordeel van iemand anders, 50
- ten einde op te tree, persoonlik of deur beïnvloeding van iemand anders om aldus op te tree, op 'n wyse—
- (i) wat neerkom op die—
    - (aa) onwettige, oneerlike, ongemagtigde, onvoltooide, of bevooroordeelde; 55
    - of
    - (bb) misbruik of verkoop van inligting of materiaal verkry in die loop van die, 55
  - uitoefening, uitvoering of verrigting van enige bevoegdhede, pligte of werksaamhede voortspruitend uit 'n grondwetlike, statutêre, kontraktuele of enige ander regsverpligting;
  - (ii) wat neerkom op—

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- (aa) the abuse of a position of authority;
- (bb) a breach of trust; or
- (cc) the violation of a legal duty or a set of rules;
- (iii) designed to achieve an unjustified result; or
- (iv) that amounts to any other unauthorised or improper inducement to do or not to do anything, 5

is guilty of the offence of corrupt activities relating to members of the legislative authority.

(2) Without derogating from the generality of section 2(4), “to act” in subsection (1) includes— 10

- (a) absenting himself or herself from;
  - (b) voting at any meeting of;
  - (c) aiding or assisting in procuring or preventing the passing of any vote in;
  - (d) exerting any improper influence over the decision making of any person performing his or her functions as a member of; or 15
  - (e) influencing in any way, the election, designation or appointment of any functionary to be elected, designated or appointed by,
- the legislative authority of which he or she is a member or of any committee or joint committee of that legislative authority.

### Offences in respect of corrupt activities relating to judicial officers 20

#### 8. (1) Any—

- (a) judicial officer who, directly or indirectly, accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or
- (b) person who, directly or indirectly, gives or agrees or offers to give any gratification to a judicial officer, whether for the benefit of that judicial officer or for the benefit of another person, 25

in order to act, personally or by influencing another person so to act, in a manner—

- (i) that amounts to the—
  - (aa) illegal, dishonest, unauthorised, incomplete, or biased; or 30
  - (bb) misuse or selling of information or material acquired in the course of the, exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation;
- (ii) that amounts to— 35
  - (aa) the abuse of a position of authority;
  - (bb) a breach of trust; or
  - (cc) the violation of a legal duty or a set of rules;
- (iii) designed to achieve an unjustified result; or
- (iv) that amounts to any other unauthorised or improper inducement to do or not to do anything, 40

is guilty of the offence of corrupt activities relating to judicial officers.

(2) Without derogating from the generality of section 2(4), “to act” in subsection (1) includes—

- (a) performing or not adequately performing a judicial function; 45
- (b) making decisions affecting life, freedoms, rights, duties, obligations and property of persons;
- (c) delaying, hindering or preventing the performance of a judicial function;
- (d) aiding, assisting or favouring any particular person in conducting judicial proceedings or judicial functions; 50
- (e) showing any favour or disfavour to any person in the performance of a judicial function; or
- (f) exerting any improper influence over the decision making of any person, including another judicial officer or a member of the prosecuting authority, performing his or her official functions. 55

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- (aa) die misbruik van 'n gesagsposisie;
  - (bb) 'n vertrouensbreuk; of
  - (cc) die skending van 'n regsplig of 'n stel reëls;
  - (iii) met die doel om 'n ongeregverdigde gevolg te bereik; of
  - (iv) wat neerkom op enige ander ongemagtigde of onbehoorlike oorreding om 5  
enigiets te doen of nie te doen nie,
- is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot lede van die wetgewende gesag.
- (2) Sonder afbreuk aan die algemeenheid van artikel 2(4), sluit “**op te tree**” in subartikel (1) ook in— 10
- (a) wegbly van;
  - (b) stem by enige vergadering van;
  - (c) ondersteuning of assitering by verkryging of voorkoming van die aanneming van 'n stemvoorstel in;
  - (d) uitoefening van enige onbehoorlike invloed by die besluitneming van 15  
enigiemand wat sy of haar werksaamhede verrig as 'n lid van; of
  - (e) beïnvloeding op enige wyse van, die verkiesing, aanwysing of aanstelling van enige funksionaris wat verkies, aangewys of aangestel moet word deur,
- die wetgewende gesag waarvan hy of sy 'n lid is of van enige komitee of gesamentlike komitee van daardie wetgewende gesag. 20

**Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot regterlike beamptes**

8. (1) Enige—
- (a) regterlike beampte wat, regstreeks of onregstreeks, enige beloning aanvaar of instem of aanbied om dit te aanvaar van enigiemand anders, hetsy tot sy of 25  
haar eie voordeel of tot voordeel van iemand anders; of
  - (b) iemand wat, regstreeks of onregstreeks, enige beloning gee of instem of aanbied om dit te gee aan 'n regterlike beampte, hetsy tot voordeel van daardie regterlike beampte of tot voordeel van iemand anders,
- ten einde op te tree, persoonlik of deur beïnvloeding van iemand anders om aldus op te 30  
tree, op 'n wyse—
- (i) wat neerkom op die—
    - (aa) onwettige, oneerlike, ongemagtigde, onvoltooide, of bevooroordeelde; of
    - (bb) misbruik of verkoop van inligting of materiaal verkry in die loop van die, 35  
uitoefening, uitvoering of verrigting van enige bevoegdhede, pligte of werksaamhede voortspruitend uit 'n grondwetlike, statutêre, kontraktuele of enige ander regsverpligting;
  - (ii) wat neerkom op—
    - (aa) die misbruik van 'n gesagsposisie; 40
    - (bb) 'n vertrouensbreuk; of
    - (cc) die skending van 'n regsplig of 'n stel reëls;
  - (iii) met die doel om 'n ongeregverdigde gevolg te bereik; of
  - (iv) wat neerkom op enige ander ongemagtigde of onbehoorlike oorreding om 45  
enigiets te doen of nie te doen nie,
- is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot regterlike beamptes.
- (2) Sonder afbreuk aan die algemeenheid van artikel 2(4), sluit “**op te tree**” in subartikel (1) ook in—
- (a) verrigting of ontoereikende verrigting van 'n regterlike werksaamheid; 50
  - (b) besluitneming wat lewe, vryhede, regte, pligte, verpligtinge en eiendom van persone raak;
  - (c) vertraging, belemmering of voorkoming van die verrigting van 'n regterlike werksaamheid;
  - (d) ondersteuning, assitering of begunstiging van enige besondere persoon in 55  
bestuur van geregtelike verrigtinge of regterlike werksaamhede;
  - (e) bewys van enige guns of onguns aan enigiemand by die verrigting van 'n regterlike werksaamheid; of
  - (f) uitoefening van enige onbehoorlike invloed by die besluitneming van enigiemand, met inbegrip van 'n ander regterlike beampte of 'n lid van die 60  
vervolgingsgesag, wat sy of haar amptelike werksaamhede verrig.



**Offences in respect of corrupt activities relating to members of prosecuting authority****9. (1) Any—**

- (a) member of the prosecuting authority who, directly or indirectly, accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; 5
  - (b) person who, directly or indirectly, gives or agrees or offers to give any gratification to a member of the prosecuting authority, whether for the benefit of that member or for the benefit of another person, 10
- in order to act, personally or by influencing another person so to act, in a manner— 10
- (i) that amounts to the—
    - (aa) illegal, dishonest, unauthorised, incomplete, or biased; or
    - (bb) misuse or selling of information or material acquired in the course of the, exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation; 15
  - (ii) that amounts to—
    - (aa) the abuse of a position of authority;
    - (bb) a breach of trust; or
    - (cc) the violation of a legal duty or a set of rules; 20
  - (iii) designed to achieve an unjustified result; or
  - (iv) that amounts to any other unauthorised or improper inducement to do or not to do anything, 25

is guilty of the offence of corrupt activities relating to members of the prosecuting authority. 25

(2) Without derogating from the generality of section 2(4), “to act” in subsection (1) includes—

- (a) performing or not adequately performing a function relating to the—
  - (i) institution or conducting of criminal proceedings;
  - (ii) carrying out of any necessary functions incidental to the institution or conducting of such criminal proceedings; or 30
  - (iii) continuation or discontinuation of criminal proceedings;
- (b) delaying, hindering or preventing the performance of a prosecutorial function;
- (c) aiding or assisting any particular person in the performance of a function relating to the institution or conducting of criminal proceedings; 35
- (d) showing any favour or disfavour to any person in the performance of a function relating to the institution or conducting of criminal proceedings; or
- (e) exerting any improper influence over the decision making of any person, including another member of the prosecuting authority or a judicial officer, performing his or her official functions. 40

**Part 3: Offences in respect of corrupt activities relating to receiving or offering of unauthorised gratification****Offences of receiving or offering of unauthorised gratification by or to party to an employment relationship****10. Any person— 45**

- (a) who is party to an employment relationship and who, directly or indirectly, accepts or agrees or offers to accept from any other person any unauthorised gratification, whether for the benefit of that person or for the benefit of another person; or
- (b) who, directly or indirectly, gives or agrees or offers to give to any person who is party to an employment relationship any unauthorised gratification, whether for the benefit of that party or for the benefit of another person, 50

**Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot lede van vervolgingsgesag****9. (1) Enige—**

- (a) lid van die vervolgingsgesag wat, regstreeks of onregstreeks, enige beloning aanvaar of instem of aanbied om dit te aanvaar van enigiemand anders, hetsy tot sy of haar eie voordeel of tot voordeel van iemand anders; of 5
  - (b) iemand wat, regstreeks of onregstreeks, enige beloning gee of instem of aanbied om dit te gee aan 'n lid van die vervolgingsgesag, hetsy tot voordeel van daardie lid of tot voordeel van iemand anders, 10
- ten einde op te tree, persoonlik of deur beïnvloeding van iemand anders om aldus op te tree, op 'n wyse—
- (i) wat neerkom op die—
    - (aa) onwettige, oneerlike, ongemagtigde, onvoltooide, of bevooroordeelde; of
    - (bb) misbruik of verkoop van inligting of materiaal verkry in die loop van die, 15
  - (ii) wat neerkom op—
    - (aa) die misbruik van 'n gesagsposisie; 20
    - (bb) 'n vertrouwensbreuk; of
    - (cc) die skending van 'n regsplig of 'n stel reëls;
  - (iii) met die doel om 'n ongeregverdigde gevolg te bereik; of
  - (iv) wat neerkom op enige ander ongemagtigde of onbehoorlike oorreding om enigiets te doen of nie te doen nie, 25
- is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot lede van die vervolgingsgesag.

(2) Sonder afbreuk aan die algemeenheid van artikel 2(4), sluit “**op te tree**” in subartikel (1) ook in—

- (a) verrigting of ontoereikende verrigting van 'n werksaamheid met betrekking tot die— 30
  - (i) instel of bestuur van strafregtelike verrigtinge;
  - (ii) uitvoering van enige noodsaaklike werksaamhede bykomstig by die instel of bestuur van sodanige strafregtelike verrigtinge; of
  - (iii) voortsetting of beëindiging van strafregtelike verrigtinge; 35
- (b) vertraging, belemmering of voorkoming van die verrigting van 'n vervolgingswerksaamheid;
- (c) ondersteuning of assitering van enige besondere persoon by die verrigting van 'n werksaamheid met betrekking tot die instel of bestuur van strafregtelike verrigtinge; 40
- (d) bewys van enige guns of onguns aan enigiemand by die verrigting van 'n werksaamheid met betrekking tot die instel of bestuur van strafregtelike verrigtinge; of
- (e) uitoefening van enige onbehoorlike invloed by die besluitneming van enigiemand, met inbegrip van 'n ander lid van die vervolgingsgesag of 'n regterlike beampte, wat sy of haar amptelike werksaamhede verrig. 45

**Deel 3: Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot ontvangs of aanbod van ongemagtigde beloning****Misdrywe van ontvangs of aanbod van ongemagtigde beloning deur of aan party by werksverhouding** 50**10. Enigiemand—**

- (a) wat 'n party is by 'n werksverhouding en wat, regstreeks of onregstreeks, enige ongemagtigde beloning aanvaar of instem of aanbied om dit te aanvaar van enigiemand anders, hetsy tot voordeel van daardie persoon of tot voordeel van iemand anders; of 55
- (b) wat, regstreeks of onregstreeks, enige ongemagtigde beloning gee of instem of aanbied om dit te gee aan iemand wat 'n party is by 'n werksverhouding, hetsy tot voordeel van daardie party of tot voordeel van iemand anders,

in respect of that party doing any act in relation to the exercise, carrying out or performance of that party's powers, duties or functions within the scope of that party's employment relationship, is guilty of the offence of receiving or offering an unauthorised gratification.

***Part 4: Offences in respect of corrupt activities relating to specific matters*** 5

**Offences in respect of corrupt activities relating to witnesses and evidential material during certain proceedings**

**11.** (1) Any person who, directly or indirectly, accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person, in return for— 10

- (a) testifying in a particular way or fashion or in an untruthful manner in a trial, hearing or other proceedings before any court, judicial officer, committee, commission or officer authorised by law to hear evidence or take testimony; 10
- (b) withholding testimony or withholding a record, document, police docket or other object at any such trial, hearing or proceedings; 15
- (c) giving or withholding information relating to any aspect at any such trial, hearing or proceedings; 15
- (d) altering, destroying, mutilating, or concealing a record, document, police docket or other object with the intent to impair the availability of such record, document, police docket or other object for use at such trial, hearing or proceedings; 20
- (e) giving or withholding information relating to or contained in a police docket; 20
- (f) evading legal process summoning that person to appear as a witness or to produce any record, document, police docket or other object at such trial, hearing or proceedings; or 25
- (g) being absent from such trial, hearing or proceedings,

is guilty of the offence of corrupt activities relating to witnesses and evidential material during certain proceedings.

(2) Any person who, directly or indirectly, gives or agrees or offers to give any gratification to any other person, whether for the benefit of that other person or for the benefit of another person, with the intent to— 30

- (a) influence, delay or prevent the testimony of that person or another person as a witness in a trial, hearing or other proceedings before any court, judicial officer, committee, commission or any officer authorised by law to hear evidence or take testimony; or 35
- (b) cause or induce any person to—
  - (i) testify in a particular way or fashion or in an untruthful manner in a trial, hearing or other proceedings before any court, judicial officer, committee, commission or officer authorised by law to hear evidence or take testimony; 40
  - (ii) withhold testimony or to withhold a record, document, police docket or other object at such trial, hearing or proceedings; 40
  - (iii) give or withhold information relating to any aspect at any such trial, hearing or proceedings; 40
  - (iv) alter, destroy, mutilate, or conceal a record, document, police docket or other object with the intent to impair the availability of such record, document, police docket or other object for use at such trial, hearing or proceedings; 45
  - (v) give or withhold information relating to or contained in a police docket; 45
  - (vi) evade legal process summoning that person to appear as a witness or to produce any record, document, police docket or other object at such trial, hearing or proceedings; or 50
  - (vii) be absent from such trial, hearing or other proceedings,

is guilty of the offence of corrupt activities relating to witnesses and evidential material during certain proceedings. 55

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ten opsigte van daardie party se optrede met betrekking tot die uitoefening, uitvoering of verrigting van daardie party se bevoegdhede, pligte of werksaamhede binne die bestek van daardie party se werksverhouding, is skuldig aan die misdryf van ontvangs of aanbied van 'n ongemagtigde beloning.

**Deel 4: Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot spesifieke aangeleenthede** 5

**Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot getuies en bewysmateriaal tydens sekere verrigtinge**

11. (1) Enigiemand wat, regstreeks of onregstreeks, enige beloning aanvaar of instem of aanbied om dit te aanvaar van enigiemand anders, hetsy tot sy of haar eie voordeel of tot voordeel van iemand anders, as teenprestasie— 10

- (a) om op 'n besondere wyse of manier of op 'n oneerlike wyse te getuig in 'n verhoor, aanhoring of ander verrigtinge voor enige hof, regterlike beampte, komitee, kommissie of beampte by wet gemagtig om bewys aan te hoor of getuienis af te neem; 15
  - (b) vir weerhouding van getuienis of weerhouding van 'n rekord, dokument, polisiedossier of ander voorwerp by so 'n verhoor, aanhoring of verrigtinge;
  - (c) vir gee of weerhouding van inligting met betrekking tot enige aspek by so 'n verhoor, aanhoring of verrigtinge;
  - (d) om 'n rekord, dokument, polisiedossier of ander voorwerp te verander, vernietig, beskadig of versteek met die opset om die beskikbaarheid van so 'n rekord, dokument, polisiedossier of ander voorwerp vir gebruik by so 'n verhoor, aanhoring of verrigtinge te benadeel; 20
  - (e) vir gee of weerhouding van inligting met betrekking tot of vervat in 'n polisiedossier; 25
  - (f) vir ontduiking van regsprosesstukke wat daardie persoon aansê om as getuie te verskyn of om enige rekord, dokument, polisiedossier of ander voorwerp voor te lê by so 'n verhoor, aanhoring of verrigtinge; of
  - (g) om afwesig te wees van so 'n verhoor, aanhoring of verrigtinge,
- is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot getuies en bewysmateriaal tydens sekere verrigtinge. 30

(2) Enigiemand wat, regstreeks of onregstreeks, enige beloning gee of instem of aanbied om dit te gee aan enigiemand anders, hetsy tot voordeel van daardie ander persoon of tot voordeel van iemand anders, met die opset om—

- (a) die getuienis van daardie persoon of iemand anders as getuie in 'n verhoor, aanhoring of ander verrigtinge voor 'n hof, regterlike beampte, komitee, kommissie of ander beampte by wet gemagtig om bewys aan te hoor of getuienis af te neem, te beïnvloed, verhoog of voorkom; of 35
  - (b) enigiemand te veroorsaak of oorreed om—
    - (i) op 'n besondere wyse of manier of op 'n oneerlike wyse te getuig in 'n verhoor, aanhoring of ander verrigtinge voor enige hof, regterlike beampte, komitee, kommissie of enige beampte by wet gemagtig om bewys aan te hoor of getuienis af te neem; 40
    - (ii) getuienis te weerhou of 'n rekord, dokument, polisiedossier of ander voorwerp by so 'n verhoor, aanhoring of verrigtinge te weerhou; 45
    - (iii) inligting met betrekking tot enige aspek by so 'n verhoor, aanhoring of verrigtinge te gee of weerhou;
    - (iv) 'n rekord, dokument, polisiedossier of ander voorwerp te verander, vernietig, beskadig of versteek met die opset om die beskikbaarheid van so 'n rekord, dokument, polisiedossier of ander voorwerp vir gebruik by so 'n verhoor, aanhoring of verrigtinge te benadeel; 50
    - (v) inligting met betrekking tot of vervat in 'n polisiedossier te gee of weerhou;
    - (vi) regsprosesstukke wat daardie persoon aansê om as getuie te verskyn of om enige rekord, dokument, polisiedossier of ander voorwerp voor te lê by so 'n verhoor, aanhoring of verrigtinge te ontduik; of 55
    - (vii) afwesig te wees van so 'n verhoor, aanhoring of verrigtinge,
- is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot getuies en bewysmateriaal tydens sekere verrigtinge.

**Offences in respect of corrupt activities relating to contracts**

- 12.** (1) Any person who, directly or indirectly—
- (a) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of that other person or of another person; or 5
  - (b) gives or agrees or offers to give to any other person any gratification, whether for the benefit of that other person or for the benefit of another person,
    - (i) in order to improperly influence, in any way—
      - (aa) the promotion, execution or procurement of any contract with a public body, private organisation, corporate body or any other organisation or institution; or 10
      - (bb) the fixing of the price, consideration or other moneys stipulated or otherwise provided for in any such contract; or
    - (ii) as a reward for acting as contemplated in paragraph (a),
- is guilty of the offence of corrupt activities relating to contracts. 15
- (2) Any person who, in order to obtain or retain a contract with a public body or as a term of such contract, directly or indirectly, gives or agrees or offers to give any gratification to any other person, whether for the benefit of that other person or for the benefit of another person—
- (a) for the purpose of promoting, in any way, the election of a candidate or a category or party of candidates to the legislative authority; or 20
  - (b) with the intent to influence or affect, in any way, the result of an election conducted for the purpose of electing persons to serve as members of the legislative authority,
- is guilty of an offence. 25

**Offences in respect of corrupt activities relating to procuring and withdrawal of tenders**

- 13.** (1) Any person who, directly or indirectly, accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person, as— 30
- (a) an inducement to, personally or by influencing any other person so to act—
    - (i) award a tender, in relation to a contract for performing any work, providing any service, supplying any article, material or substance or performing any other act, to a particular person; or
    - (ii) upon an invitation to tender for such contract, make a tender for that contract which has as its aim to cause the tenderer to accept a particular tender; or 35
    - (iii) withdraw a tender made by him or her for such contract; or
  - (b) a reward for acting as contemplated in paragraph (a)(i), (ii) or (iii),
- is guilty of the offence of corrupt activities relating to procuring and withdrawal of tenders. 40
- (2) Any person who, directly or indirectly—
- (a) gives or agrees or offers to give any gratification to any other person, whether for the benefit of that other person or the benefit of another person, as—
    - (i) an inducement to, personally or by influencing any other person so to act, award a tender, in relation to a contract for performing any work, providing any service, supplying any article, material or substance or performing any other act, to a particular person; or 45
    - (ii) a reward for acting as contemplated in subparagraph (i); or
  - (b) with the intent to obtain a tender in relation to a contract for performing any work, providing any service, supplying any article, material or substance or performing any other act, gives or agrees or offers to give any gratification to 50



**Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot kontrakte**

12. (1) Enigiemand wat, regstreeks of onregstreeks—
- (a) enige beloning aanvaar of instem of aanbied om dit te aanvaar van enigiemand anders, hetsy tot sy of haar eie voordeel of tot voordeel van daardie ander persoon of iemand anders; of 5
  - (b) enige beloning gee of instem of aanbied om dit te gee aan enigiemand anders, hetsy tot voordeel van daardie ander persoon of tot voordeel van iemand anders—
    - (i) ten einde op enige wyse—
      - (aa) die bevordering, uitvoering of verkryging van enige kontrak by 'n openbare liggaam, privaat organisasie, regspersoon of enige ander organisasie of instelling; of 10
      - (bb) vasstelling van die prys, teenprestasie of ander gelde in so 'n kontrak gestipuleer of andersins bepaal, onbehoorlik te beïnvloed; of 15
    - (ii) as 'n vergoeding vir optrede soos beoog in paragraaf (a),
- is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot kontrakte.
- (2) Enigiemand wat, ten einde 'n kontrak by 'n openbare liggaam te verkry of behou of as 'n beding van so 'n kontrak, regstreeks of onregstreeks, enige beloning gee of instem of aanbied om dit te gee aan enigiemand anders, hetsy tot voordeel van daardie ander persoon of tot voordeel van iemand anders— 20
- (a) met die doel om die verkiesing van 'n kandidaat of 'n kategorie of party kandidate tot die wetgewende gesag op enige wyse te bevorder; of
  - (b) met die opset om die uitslag van 'n verkiesing, gehou vir die doel van verkiesing van persone om as lede te dien van die wetgewende gesag, op enige wyse te beïnvloed of raak, 25
- is skuldig aan 'n misdryf.

**Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot verkryging en terugtrekking van tenders**

13. (1) Enigiemand wat, regstreeks of onregstreeks, enige beloning aanvaar of instem of aanbied om dit te aanvaar van enigiemand anders, hetsy tot sy of haar eie voordeel of tot voordeel van iemand anders, as— 30
- (a) oorreding om, persoonlik of deur beïnvloeding van iemand anders om aldus op te tree—
    - (i) 'n tender, met betrekking tot 'n kontrak vir verrigting van enige werk, lewering van enige diens, verskaffing van enige artikel, materiaal of stof of verrigting van enige ander optrede, aan 'n besondere persoon toeken; of 35
    - (ii) op uitnodiging om vir so 'n kontrak te tender, 'n tender vir daardie kontrak doen wat as doel het om die aanbesteder 'n besondere tender te laat aanvaar; of 40
    - (iii) 'n tender wat deur hom of haar vir so 'n kontrak gedoen is, terugtrek; of
  - (b) vergoeding vir optrede soos in paragraaf (a)(i), (ii) of (iii) beoog,
- is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot verkryging en terugtrekking van tenders. 45
- (2) Enigiemand wat, regstreeks of onregstreeks—
- (a) enige beloning gee of instem of aanbied om dit te gee aan enigiemand anders, hetsy tot voordeel van daardie ander persoon of tot voordeel van iemand anders, as—
    - (i) oorreding om, persoonlik of deur beïnvloeding van iemand anders om aldus op te tree, 'n tender, met betrekking tot 'n kontrak vir verrigting van enige werk, lewering van enige diens, verskaffing van enige artikel, materiaal of stof of verrigting van enige ander optrede, aan 'n besondere persoon toe te ken; of 50
    - (ii) vergoeding vir optrede soos in subparagraaf (i) beoog; of 55
  - (b) met die opset om 'n tender te verkry met betrekking tot 'n kontrak vir verrigting van enige werk, lewering van enige diens, verskaffing van enige artikel, materiaal of stof of verrigting van enige ander optrede, enige beloning gee of instem of aanbied om dit te gee aan enigiemand wat 'n tender met

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any person who has made a tender in relation to that contract, whether for the benefit of that tenderer or for the benefit of any other person, as—

- (i) an inducement to withdraw the tender; or
- (ii) a reward for withdrawing or having withdrawn the tender,

is guilty of the offence of corrupt activities relating to procuring and withdrawal of tenders. 5

**Offences in respect of corrupt activities relating to auctions**

14. (1) Any auctioneer who, directly or indirectly—

- (a) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person— 10

- (i) in order to conduct the bidding process at an auction in a manner so as to favour or prejudice a specific person; or

- (ii) as a reward for acting as contemplated in subparagraph (i); or

- (b) gives or agrees or offers to give any gratification to any other person, whether for the benefit of that other person or for the benefit of another person— 15

- (i) in order to influence that person to—

- (aa) refrain from bidding at an auction; or

- (bb) participate, personally or by influencing any other person so to participate, in the bidding process at an auction in such a manner so as to get a specific offer for the article or to sell the article at a specific amount or to sell the article to a specific bidder; or

- (ii) as a reward for acting as contemplated in subparagraph (i),

is guilty of the offence of corrupt activities relating to auctions. 25

(2) Any person who, directly or indirectly— 25

- (a) accepts or agrees or offers to accept any gratification from any other person or an auctioneer, whether for the benefit of himself or herself or for the benefit of another person—

- (i) in return for that person—

- (aa) refraining from bidding at an auction; or 30

- (bb) participating, personally or by influencing any other person so to participate, at an auction in the bidding process in order to get a specific offer for the article or to buy the article for a specific amount or to sell the article to a specific bidder; or

- (ii) as a reward for acting as contemplated in subparagraph (i); or 35

- (b) gives or agrees or offers to give any gratification to an auctioneer, whether for the benefit of that auctioneer or for the benefit of another person—

- (i) in order to influence that auctioneer to conduct the bidding process at an auction in such a manner so as to favour or prejudice a specific person; or

- (ii) as a reward for acting as contemplated in subparagraph (i); or 40

- (c) gives or agrees or offers to give any gratification to any other person, whether for the benefit of that other person or for the benefit of another person—

- (i) in return for that other person—

- (aa) refraining from bidding at an auction; or

- (bb) participating, personally or by influencing any other person so to participate, in the bidding process at an auction in such a manner so as to get a specific offer for the article or to sell the article at a specific amount or to sell the article to a specific bidder; or

- (ii) as a reward for acting as contemplated in subparagraph (i),

is guilty of the offence of corrupt activities relating to auctions. 50

**Offences in respect of corrupt activities relating to sporting events**

15. Any person who, directly or indirectly—

- (a) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of that other person or of another person; or 55

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betrekking tot daardie kontrak gedoen het, hetsy tot voordeel van daardie tenderaar of tot voordeel van enigiemand anders, as—  
 (i) oorreding om die tender terug te trek; of  
 (ii) vergoeding vir die terugtrekking van of omdat die tender teruggetrek is,  
 is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot verkryging en 5  
 terugtrekking van tenders.

**Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot veilings**

14. (1) Enige afslaer wat, regstreeks of onregstreeks—  
 (a) enige beloning aanvaar of instem of aanbied om dit te aanvaar van enigiemand anders, hetsy tot sy of haar eie voordeel of tot voordeel van iemand anders— 10  
 (i) ten einde die bieëry-proses by 'n veiling op 'n wyse te bestuur om 'n spesifieke persoon te begunstig of benadeel; of  
 (ii) as vergoeding vir optrede soos in subparagraaf (i) beoog; of  
 (b) enige beloning gee of instem of aanbied om dit te gee aan enigiemand anders, hetsy tot voordeel van daardie ander persoon of tot voordeel van iemand anders— 15  
 (i) ten einde daardie persoon te beïnvloed om—  
 (aa) nie op 'n veiling te bie nie; of  
 (bb) deel te neem, persoonlik of deur beïnvloeding van enigiemand anders om aldus deel te neem, aan die bieëry-proses by 'n veiling op 20  
 'n wyse om 'n spesifieke aanbod vir die artikel te behaal of dit teen 'n spesifieke bedrag of aan 'n spesifieke bieër te verkoop; of  
 (ii) as vergoeding vir optrede soos beoog in subparagraaf (i),  
 is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot veilings. 25  
 (2) Enigiemand wat, regstreeks of onregstreeks— 25  
 (a) enige beloning aanvaar of instem of aanbied om dit te aanvaar van enigiemand anders of 'n afslaer, hetsy tot sy of haar eie voordeel of tot voordeel van iemand anders—  
 (i) as teenprestasie vir daardie persoon se—  
 (aa) weerhouding van bieëry by 'n veiling; of 30  
 (bb) deelname, persoonlik of deur beïnvloeding van enigiemand anders om aldus deel te neem, aan die bieëry-proses by 'n veiling ten einde 'n spesifieke aanbod vir die artikel te behaal of dat dit teen 'n spesifieke bedrag gekoop word of aan 'n spesifieke bieër verkoop word; of 35  
 (ii) as vergoeding vir optrede soos beoog in subparagraaf (i); of  
 (b) enige beloning gee of instem of aanbied om dit te gee aan 'n afslaer, hetsy tot voordeel van daardie afslaer tot voordeel van iemand anders—  
 (i) ten einde daardie afslaer te beïnvloed om die bieëry-proses by 'n veiling op 'n wyse te bestuur om 'n spesifieke persoon te begunstig of benadeel; 40  
 of  
 (ii) as vergoeding vir optrede soos beoog in subparagraaf (i); of  
 (c) enige beloning gee of instem of aanbied om dit te gee aan enigiemand anders, hetsy tot voordeel van daardie ander persoon of tot voordeel van iemand anders— 45  
 (i) as teenprestasie vir daardie ander persoon se—  
 (aa) weerhouding van bieëry by 'n veiling; of  
 (bb) deelname, persoonlik of deur beïnvloeding van enigiemand anders om aldus deel te neem, aan die bieëry-proses by 'n veiling op 'n 50  
 wyse om 'n spesifieke aanbod vir die artikel te behaal of dit teen 'n spesifieke bedrag of aan 'n spesifieke bieër te verkoop; of  
 (ii) as beloning vir optrede soos beoog in subparagraaf (i),  
 is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot veilings.

**Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot sportgebeurtenisse**

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## 15. Enigiemand wat, regstreeks of onregstreeks—

- (a) enige beloning aanvaar of instem of aanbied om dit te aanvaar van enigiemand anders, hetsy tot sy of haar eie voordeel of tot voordeel van daardie ander persoon of van iemand anders; of

- (b) gives or agrees or offers to give to any other person any gratification, whether for the benefit of that other person or for the benefit of another person—
    - (i) in return for—
      - (aa) engaging in any act which constitutes a threat to or undermines the integrity of any sporting event, including, in any way, influencing the run of play or the outcome of a sporting event; or 5
      - (bb) not reporting the act contemplated in this section to the managing director, chief executive officer or to any other person holding a similar post in the sporting body or regulatory authority concerned or at his or her nearest police station; or 10
    - (ii) as a reward for acting as contemplated in subparagraph (i); or
  - (c) carries into effect any scheme which constitutes a threat to or undermines the integrity of any sporting event, including, in any way, influencing the run of play or the outcome of a sporting event, 15
- is guilty of the offence of corrupt activities relating to sporting events. 15

**Offences in respect of corrupt activities relating to gambling games or games of chance**

- 16.** Any person who, directly or indirectly—
- (a) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of that other person or of another person; or 20
  - (b) gives or agrees or offers to give to any other person any gratification, whether for the benefit of that other person or for the benefit of another person—
    - (i) in return for engaging in any conduct which constitutes a threat to or undermines the integrity of any gambling game or a game of chance, including, in any way, influencing the outcome of a gambling game or a game of chance; or 25
    - (ii) as a reward for acting as contemplated in subparagraph (i); or
  - (c) carries into effect any scheme which constitutes a threat to or undermines the integrity of any gambling game or a game of chance, including, in any way, influencing the outcome of a gambling game or a game of chance, 30
- is guilty of the offence of corrupt activities relating to gambling games or games of chance.

**Part 5: Miscellaneous offences relating to possible conflict of interest and other unacceptable conduct 35**

**Offence relating to acquisition of private interest in contract, agreement or investment of public body**

- 17.** (1) Any public officer who, subject to subsection (2), acquires or holds a private interest in any contract, agreement or investment emanating from or connected with the public body in which he or she is employed or which is made on account of that public body, is guilty of an offence. 40
- (2) Subsection (1) does not apply to—
- (a) a public officer who acquires or holds such interest as a shareholder of a listed company;
  - (b) a public officer, whose conditions of employment do not prohibit him or her from acquiring or holding such interest; or 45
  - (c) in the case of a tender process, a public officer who acquires a contract, agreement or investment through a tender process and whose conditions of employment do not prohibit him or her from acquiring or holding such interest and who acquires or holds such interest through an independent tender process. 50

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- (b) enige beloning gee of instem of aanbied om dit te gee aan enigiemand anders, hetsy tot voordeel van daardie ander persoon of tot voordeel van iemand anders—
- (i) as teenprestasie vir—
- (aa) meedoen aan enige optrede wat 'n bedreiging uitmaak vir of die integriteit ondermyn van enige sportgebeurtenis, met inbegrip van beïnvloeding op enige wyse van die verloop van die spel of die uitkoms van 'n sportgebeurtenis; of 5
- (bb) nie-rapportering van die optrede in hierdie artikel beoog aan die besturende direkteur, hoof- uitvoerende beampte of aan enigiemand anders wat 'n soortgelyke pos in die betrokke sportliggaam of beherende gesag beklee of by sy of haar naaste polisieestasie; of 10
- (ii) as vergoeding vir optrede soos in subparagraaf (i) beoog; of
- (c) enige skema ten uitvoer bring wat 'n bedreiging uitmaak vir of die integriteit ondermyn van enige sportgebeurtenis, met inbegrip van beïnvloeding op enige wyse van die verloop van die spel of die uitkoms van 'n sportgebeurtenis, 15
- is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot sportgebeurtenisse.

**Misdrywe ten opsigte van korrupte bedrywighede met betrekking tot dobbel- of gelukspele 20****16. Enigiemand wat, regstreeks of onregstreeks—**

- (a) enige beloning aanvaar of instem of aanbied om dit te aanvaar van enigiemand anders, hetsy tot sy of haar eie voordeel of tot voordeel van daardie ander persoon of iemand anders; of 25
- (b) enige beloning gee of instem of aanbied om dit te gee aan enigiemand anders, hetsy tot voordeel van daardie ander persoon of tot voordeel van iemand anders—
- (i) as teenprestasie vir meedoen aan enige gedrag wat 'n bedreiging uitmaak vir of die integriteit ondermyn van enige dobbel- of gelukspel, met inbegrip van beïnvloeding op enige wyse van die uitkoms van 'n dobbel- of gelukspel; of 30
- (ii) as vergoeding vir optrede soos beoog in subparagraaf (i); of
- (c) enige skema ten uitvoer bring wat 'n bedreiging uitmaak vir of die integriteit ondermyn van enige dobbel- of gelukspel, met inbegrip van beïnvloeding op enige wyse van die uitkoms van 'n dobbel- of gelukspel, 35
- is skuldig aan die misdryf van korrupte bedrywighede met betrekking tot dobbel- of gelukspele.

**Deel 5: Diverse misdrywe met betrekking tot moontlike botsing van belange en ander onaanvaarbare gedrag 40****Misdryf met betrekking tot verkryging van privaat belang in kontrak, ooreenkoms of belegging van openbare liggaam**

17. (1) Enige openbare beampte wat, behoudens subartikel (2), 'n privaat belang verkry of hou in enige kontrak, ooreenkoms of belegging voortspruitend uit of verbonde met die openbare liggaam waar hy of sy in diens is of wat vir rekening van daardie openbare liggaam gesluit word, is skuldig aan 'n misdryf. 45

(2) Subartikel (1) is nie van toepassing nie op—

- (a) 'n openbare beampte wat so 'n belang as 'n aandeelhouer van 'n genoteerde maatskappy verkry of hou;
- (b) 'n openbare beampte wie se diensvoorwaardes hom of haar nie verbied om so 'n belang te verkry of hou nie; of 50
- (c) in die geval van 'n tenderproses, 'n openbare beampte wat 'n kontrak, ooreenkoms of belegging deur 'n tenderproses verkry en wie se diensvoorwaardes hom of haar nie verbied om so 'n belang te verkry of hou nie en wat so 'n belang deur 'n onafhanklike tenderproses verkry of hou. 55



**Offences of unacceptable conduct relating to witnesses**

**18.** Any person who, directly or indirectly, intimidates or uses physical force, or improperly persuades or coerces another person with the intent to—

- (a) influence, delay or prevent the testimony of that person or another person as a witness in a trial, hearing or other proceedings before any court, judicial officer, committee, commission or any officer authorised by law to hear evidence or take testimony; or 5
  - (b) cause or induce any person to—
    - (i) testify in a particular way or fashion or in an untruthful manner in a trial, hearing or other proceedings before any court, judicial officer, committee, commission or officer authorised by law to hear evidence or take testimony; 10
    - (ii) withhold testimony or to withhold a record, document, police docket or other object at such trial, hearing or proceedings;
    - (iii) give or withhold information relating to any aspect at any such trial, hearing or proceedings; 15
    - (iv) alter, destroy, mutilate, or conceal a record, document, police docket or other object with the intent to impair the availability of such record, document, police docket or other object for use at such trial, hearing or proceedings; 20
    - (v) give or withhold information relating to or contained in a police docket;
    - (vi) evade legal process summoning that person to appear as a witness or to produce any record, document, police docket or other object at such trial, hearing or proceedings; or
    - (vii) be absent from such trial, hearing or other proceedings, 25
- is guilty of the offence of unacceptable conduct relating to a witness.

**Intentional interference with, hindering or obstruction of investigation of offence**

**19.** Any person who, at any stage, with intent to defraud or to conceal an offence in terms of this Chapter or to interfere with, or to hinder or obstruct a law enforcement body in its investigation of any such offence— 30

- (a) destroys, alters, mutilates or falsifies any book, document, valuable security, account, computer system, disk, computer printout or other electronic device or any entry in such book, document, account or electronic device, or is privy to any such act;
  - (b) makes or is privy to making any false entry in such book, document, account or electronic device; or 35
  - (c) omits or is privy to omitting any information from any such book, document, account or electronic device,
- is guilty of an offence.

**Part 6: Other offences relating to corrupt activities** 40**Accessory to or after offence**

**20.** Any person who, knowing that property or any part thereof forms part of any gratification which is the subject of an offence in terms of Part 1, 2, 3 or 4, or section 21 (in so far as it relates to the aforementioned offences) of this Chapter, directly or indirectly, whether on behalf of himself or herself or on behalf of any other person— 45

- (a) enters into or causes to be entered into any dealing in relation to such property or any part thereof; or
  - (b) uses or causes to be used, or holds, receives or conceals such property or any part thereof,
- is guilty of an offence. 50

**Attempt, conspiracy and inducing another person to commit offence**

**21.** Any person who—

**Misdrywe van onaanvaarbare gedrag met betrekking tot getuies**

**18.** Enigiemand wat, regstreeks of onregstreeks, iemand anders intimideer of fisieke geweld gebruik, of onbehoorlik oorhaal of dwing met die opset om—

- (a) die getuienis van daardie persoon of iemand anders as 'n getuie in 'n verhoor, aanhoring of ander verrigtinge voor enige hof, regterlike beampte, komitee, kommissie of ander beampte by wet gemagtig om bewys aan te hoor of getuienis af te neem, te beïnvloed, vertraag of voorkom; of 5
- (b) enigiemand veroorsaak of oorreed om—
  - (i) op 'n besondere wyse of manier of op 'n oneerlike wyse te getuig in 'n verhoor, aanhoring of ander verrigtinge voor enige hof, regterlike beampte, komitee, kommissie of beampte by wet gemagtig om bewys aan te hoor of getuienis af te neem; 10
  - (ii) getuienis te weerhou of 'n rekord, dokument, polisie-dossier of ander voorwerp by so 'n verhoor, aanhoring of verrigtinge te weerhou;
  - (iii) inligting met betrekking tot enige aspek by so 'n verhoor, aanhoring of verrigtinge te gee of weerhou; 15
  - (iv) 'n rekord, dokument, polisie-dossier of ander voorwerp te verander, vernietig, beskadig of versteek met die opset om die beskikbaarheid van so 'n rekord, dokument, polisie-dossier of ander voorwerp vir gebruik by so 'n verhoor, aanhoring of verrigtinge te benadeel; 20
  - (v) inligting met betrekking tot of vervat in 'n polisie-dossier te gee of weerhou;
  - (vi) regsprosesstukke wat daardie persoon aansê om as getuie te verskyn of om enige rekord, dokument, polisie-dossier of ander voorwerp voor te lê by so 'n verhoor, aanhoring of verrigtinge te ontduik; of 25
  - (vii) afwesig te wees van so 'n verhoor, aanhoring of ander verrigtinge, is skuldig aan die misdryf van onaanvaarbare gedrag met betrekking tot 'n getuie.

**Opsetlike inmenging met, belemmering of dwarsboming van ondersoek van misdryf**

**19.** Enigiemand wat te eniger tyd met opset om te bedrieg of om 'n misdryf ingevolge hierdie Hoofstuk te verbloem of om in te meng met 'n wetstoepassingsliggaam of hom te belemmer of dwarsboom in sy ondersoek van so 'n misdryf— 30

- (a) enige boek, dokument, geldswaardige sekerheid, rekening, rekenaarsstelsel, skyf, rekenaardrukstuk of ander elektroniese toestel of enige inskrywing in so 'n boek, dokument, rekening of elektroniese toestel vernietig, verander, beskadig of vervals, of betrokke is by enige sodanige optrede; 35
  - (b) enige vals inskrywing in so 'n boek, dokument, rekening of elektroniese toestel maak of daarby betrokke is; of
  - (c) enige inligting uit so 'n boek, dokument, rekening of elektroniese toestel weglaat of betrokke is by sodanige weglating, 40
- is skuldig aan 'n misdryf.

**Deel 6: Ander misdrywe met betrekking tot korrupte bedrywighede****Medepligtige by of begunstiger van misdryf**

**20.** Enigiemand wat, wetend dat eiendom of enige deel daarvan deel uitmaak van enige beloning wat die onderwerp is van 'n misdryf ingevolge Deel 1, 2, 3 of 4, of artikel 21 (vir sover dit betrekking het op voornoemde misdrywe) van hierdie Hoofstuk, regstreeks of onregstreeks, hetsy namens hom- of haarself of namens enigiemand anders— 45

- (a) enige handeling met betrekking tot sodanige eiendom of enige deel daarvan aangaan of laat aangaan; of 50
  - (b) sodanige eiendom of enige deel daarvan gebruik of laat gebruik, of hou, ontvang of versteek,
- is skuldig aan 'n misdryf.

**Poging, sameswering en oorreding van ander persoon om misdryf te pleeg**

**21.** Enigiemand wat—

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- (a) attempts;
  - (b) conspires with any other person; or
  - (c) aids, abets, induces, incites, instigates, instructs, commands, counsels or procures another person,
- to commit an offence in terms of this Act, is guilty of an offence. 5

## CHAPTER 3

INVESTIGATIONS REGARDING POSSESSION OF PROPERTY RELATING  
TO CORRUPT ACTIVITIES

## Investigation regarding property relating to corrupt activities

22. (1) Whenever the National Director has reason to suspect that there may be in any building, receptacle or place, or in the possession, custody or control of any person any property which— 10

- (a) may have been used in the commission, or for the purpose of or in connection with the commission, of an offence under Chapter 2;
- (b) may have facilitated the commission of such an offence, or enabled any person or entity to commit such an offence, or provided financial or economic support to a person or entity in the commission of such an offence; or 15
- (c) may be the proceeds of such an offence,

he or she may, prior to the institution of any asset forfeiture or criminal proceedings, under written authority direct that a particular Director of Public Prosecutions or a Special Director of Public Prosecutions, shall have the power to institute an investigation in terms of the provisions of Chapter 5 of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998), relating to such property. 20

(2) For purposes of subsection (1), a reference in the said Chapter 5 to—

- (a) the “**head of the Directorate of Special Operations**” or an “**Investigating Director**” shall be construed as a reference to a Director of Public Prosecutions or a Special Director of Public Prosecutions, as the case may be: Provided that for purposes of section 28(2)(a) of the said Act, a Director of Public Prosecutions or Special Director of Public Prosecutions, may only designate a Deputy Director of Public Prosecutions; and 25 30
- (b) a “**special investigator**” shall be construed as to include a police official.

(3) If property seized under any power exercised under subsection (1) consists of cash or funds standing to the credit of a bank account, the Director of Public Prosecutions or a Special Director of Public Prosecutions who has instituted the investigation under that subsection shall cause the cash or funds to be paid into a banking account which shall be opened with any bank as defined in section 1 of the Banks Act, 1990 (Act No. 94 of 1990), and the Director of Public Prosecutions or a Special Director of Public Prosecutions shall forthwith report to the Financial Intelligence Centre the fact of the seizure of the cash or funds and the opening of the account. 35

**Application for, and issuing of investigation direction in respect of possession of property disproportionate to a person’s present or past known sources of income or assets 40**

23. (1) The National Director, or any person authorised in writing thereto by him or her (hereinafter referred to as the applicant), may apply to a judge in chambers for the issuing of an investigation direction in terms of subsection (3). 45

(2) An application referred to in subsection (1) must be in writing and must—

- (a) indicate the identity of the—
  - (i) applicant and, if known, the identity of the person who will conduct the investigation; and
  - (ii) person to be investigated (hereinafter referred to as the suspect); 50
- (b) specify the grounds referred to in subsection (3) on which the application is made;

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- (a) poog;
  - (b) met enigiemand anders saamsweer; of
  - (c) iemand anders help, steun, oorreed, aanhits, aanstig, opdrag gee, beveel, adviseer of verkry,
- om 'n misdryf ingevolge hierdie Wet te pleeg, is skuldig aan 'n misdryf. 5

## HOOFSTUK 3

ONDERSOEKE AANGAANDE BESIT VAN EIENDOM MET  
BETREKKING TOT KORRUPTIE BEDRYWIGHEDE

## Ondersoeke aangaande eiendom met betrekking tot korrupte bedrywighede

22. (1) Wanneer die Nasionale Direkteur ook al rede het om te vermoed dat daar in enige gebou, houer of plek, of in die besit, bewaring of beheer van enigiemand enige eiendom is wat— 10

- (a) by die pleging van 'n misdryf kragtens Hoofstuk 2 gebruik kon gewees het of vir die doel van of in verband met die pleging daarvan;
  - (b) die pleging van so 'n misdryf kon vergemaklik het, of enigiemand of entiteit in staat gestel het om so 'n misdryf te pleeg, of finansiële of ekonomiese steun verskaf het aan 'n persoon of entiteit by die pleging van so 'n misdryf; of 15
  - (c) die opbrengs kan wees van so 'n misdryf,
- kan hy of sy, voor die instelling van enige bate verbeurings- of strafregtelike verrigtinge, by skriftelike magtiging, opdrag gee dat 'n besondere Direkteur van Openbare Vervolgings of 'n Spesiale Direkteur van Openbare Vervolgings die bevoegdheid het om 'n ondersoek in te stel ingevolge die bepalinge van Hoofstuk 5 van die Wet op die Nasionale Vervolgingsgesag, 1998 (Wet No. 32 van 1998), met betrekking tot sodanige eiendom. 20

(2) By die toepassing van subartikel (1) word 'n verwysing in genoemde Hoofstuk 5 na— 25

- (a) die “hoof van die Direktoraat van Spesiale Operasies” of 'n “Ondersoekende Direkteur” uitgelê as 'n verwysing na 'n Direkteur van Openbare Vervolgings of 'n Spesiale Direkteur van Openbare Vervolgings, na gelang van die geval: Met dien verstande dat by die toepassing van artikel 28(2)(a) van genoemde Wet 'n Direkteur van Openbare Vervolgings of Spesiale Direkteur van Openbare Vervolgings slegs 'n Adjunkdirekteur van Openbare Vervolgings kan aanwys; en 30
  - (b) 'n “spesiale ondersoeker” uitgelê om ook 'n polisiebeampte in te sluit.
- (3) Indien eiendom waarop beslag gelê is kragtens enige bevoegdheid kragtens subartikel (1) uitgeoefen, bestaan uit kontant of fondse wat tot krediet van 'n bankrekening staan, moet die Direkteur van Openbare Vervolgings of 'n Spesiale Direkteur van Openbare Vervolgings wat die ondersoek kragtens daardie subartikel ingestel het, die kontant of fondse in 'n bankrekening laat inbetaal wat by 'n bank soos omskryf in artikel 1 van die Bankwet, 1990 (Wet No. 94 van 1990), geopen is, en die Direkteur van Openbare Vervolgings of 'n Spesiale Direkteur van Openbare Vervolgings moet onverwyld die feit van die beslaglegging op die kontant of fondse en die opening van die rekening aan die Finansiële Intelligensiesentrum rapporteer. 40

**Aansoek om en uitreiking van ondersoekopdrag ten opsigte van besit van eiendom  
disproporsioneel tot iemand se huidige of bekende gewese bronne van inkomste of  
bates 45**

23. (1) Die Nasionale Direkteur, of enigiemand skriftelik deur hom of haar daartoe gemagtig (hieronder die aansoeker genoem), kan by 'n regter in kamers aansoek doen om die uitreiking van 'n ondersoekopdrag ingevolge subartikel (3).

(2) 'n Aansoek bedoel in subartikel (1) moet skriftelik wees en moet— 50

- (a) die identiteit aandui van die—
  - (i) aansoeker en, indien bekend, die identiteit van die persoon wat die ondersoek sal doen; en
  - (ii) persoon wat ondersoek moet word (hieronder die verdagte genoem);
- (b) die gronde bedoel in subartikel (3) spesifiseer waarop die aansoek gedoen word; 55

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- (c) contain full particulars of all the facts and circumstances alleged by the applicant in support of his or her application;
- (d) include the basis for believing that evidence relating to the ground on which the application is made will be obtained through the investigation direction;
- (e) indicate whether any previous application has been made for the issuing of an investigation direction in respect of the same suspect in the application and, if such previous application exists, must indicate the current status of that application; and 5
- (f) indicate the period for which the investigation is required.
- (3) (a) A judge in chambers may upon an *ex parte* application made to him or her in terms of subsection (1), issue an investigation direction. 10
- (b) An investigation direction may only be issued if the judge concerned is satisfied that—
- (i) there has been compliance with the provisions of subsection (2); and
- (ii) on the facts alleged in the application concerned, there are reasonable grounds to believe that— 15
  - (aa) a person—
    - (aaa) maintains a standard of living above that which is commensurate with his or her present or past known sources of income or assets; or 20
    - (bbb) is in control or possession of pecuniary resources or property disproportionate to his or her present or past known sources of income or assets; and
  - (bb) that person maintains such a standard of living through the commission of corrupt activities or the proceeds of unlawful activities or that such pecuniary resources or properties are instrumentalities of corrupt activities or the proceeds of unlawful activities; and 25
  - (cc) such investigation is likely to reveal information, documents or things which may afford proof that such a standard of living is maintained through the commission of corrupt activities or the proceeds of unlawful activities or that such pecuniary resources or properties are instrumentalities of corrupt activities or the proceeds of unlawful activities. 30
- (c) An investigation direction—
  - (i) must be in writing;
  - (ii) must indicate the identity of the suspect and, if known, the person who will conduct the investigation; 35
  - (iii) must specify the period for which it has been issued;
  - (iv) may specify conditions of restriction relating to the conducting of the investigation; and
  - (v) may be issued in respect of any place in the Republic. 40
- (d) An application must be considered and an investigation direction issued without any notice to the suspect to whom the application applies and without hearing that suspect: Provided that where any previous investigation direction has been issued in respect of a suspect, the applicant may only apply for a further investigation direction in respect of that suspect on the same facts, after giving reasonable notice to the suspect concerned. 45
- (e) A judge considering an application may require the applicant to furnish such further information as he or she deems necessary.
- (4) If an investigation direction has been issued under subsection (3), the National Director or the person authorised thereto in the investigation direction, may, for the purposes of an investigation direction— 50
  - (a) summon the suspect or any other person, specified in the investigation direction, who is believed to be able to furnish any information on the subject of the investigation or to have in his or her possession or under his or her control any property, book, document or other object relating to that subject, to appear before the National Director or the person so authorised, at a time and place specified in the summons, to be questioned or to produce that property, book, document or other object; 55
  - (b) question that suspect or other person, under oath or affirmation administered by the National Director or the person so authorised, and examine or retain for 60



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- (c) volle besonderhede bevat van al die feite en omstandighede wat deur die aansoeker ter steun van sy of haar aansoek beweer word;
- (d) die basis insluit waarom geglo word dat bewys met betrekking tot die grond waarop die aansoek gedoen word deur middel van die ondersoekopdrag verkry sal word; 5
- (e) aandui of enige vorige aansoek gedoen is om die uitreiking van 'n ondersoekopdrag ten opsigte van dieselfde verdagte in die aansoek en, indien sodanige vorige aansoek bestaan, moet die huidige status van daardie aansoek aangedui word; en
- (f) die tydperk aandui waarvoor die aansoek vereis word. 10
- (3) (a) 'n Regter in kamers kan, op 'n *ex parte*-aansoek aan hom of haar ingevolge subartikel (1) gedoen, 'n ondersoekopdrag uitreik.
- (b) 'n Ondersoekopdrag kan slegs uitgereik word indien die betrokke regter tevrede is dat—
  - (i) die bepalings van subartikel (2) nagekom is; en 15
  - (ii) op die feite in die betrokke aansoek beweer, daar redelike gronde is om te glo dat—
    - (aa) iemand—
      - (aaa) 'n lewensstandaard handhaaf bokant dit wat eweredig is aan sy of haar huidige of vorige bekende bronne van inkomste of bates; of 20
      - (bbb) in beheer of besit is van geldmiddele of eiendom disproportioneel tot sy of haar huidige of vorige bekende bronne van inkomste of bates; en
    - (bb) daardie persoon sodanige lewensstandaard handhaaf deur middel van die pleging van korrupte bedrywigheide of die opbrengs van onwettige bedrywigheide of dat sodanige geldmiddele of eiendomme middele van korrupte bedrywigheide of die opbrengs van onwettige bedrywigheide is; 25
    - (cc) so 'n ondersoek waarskynlik inligting, dokumente of goed sal blootlê wat bewys kan lewer dat sodanige lewensstandaard gehandhaaf word deur middel van die pleging van korrupte bedrywigheide of die opbrengs van onwettige bedrywigheide of dat sodanige geldmiddele of eiendomme middele van korrupte bedrywigheide of die opbrengs van onwettige bedrywigheide is. 30
- (c) 'n Ondersoekopdrag— 35
  - (i) moet skriftelik wees;
  - (ii) moet die identiteit van die verdagte aandui en, indien bekend, die persoon wat die ondersoek sal doen;
  - (iii) moet die tydperk spesifiseer waarvoor dit uitgereik is;
  - (iv) kan beperkingsvoorwaardes spesifiseer met betrekking tot die hou van die ondersoek; en 40
  - (v) kan ten opsigte van enige plek in die Republiek uitgereik word.
- (d) 'n Aansoek moet oorweeg word en 'n ondersoekopdrag uitgereik word sonder kennisgewing aan die verdagte waarop die aansoek van toepassing is en sonder aanhoring van daardie verdagte: Met dien verstande dat waar enige vorige ondersoekopdrag ten opsigte van 'n verdagte uitgereik is, die aansoeker slegs om 'n verdere ondersoekopdrag ten opsigte van daardie verdagte oor dieselfde feite kan aansoek doen, nadat redelike kennis aan die betrokke verdagte gegee is. 45
- (e) 'n Regter wat 'n aansoek oorweeg, kan van die aansoeker vereis om die nadere inligting te verstrek wat hy of sy nodig ag. 50
- (4) Indien 'n ondersoekopdrag kragtens subartikel (3) uitgereik is, kan die Nasionale Direkteur of die persoon daartoe gemagtig in die ondersoekopdrag, vir die doeleindes van 'n ondersoekopdrag—
  - (a) die verdagte of enigiemand anders in die ondersoekopdrag gespesifiseer, wat geglo word in staat sal wees om enige inligting oor die onderwerp van die ondersoek te verstrek of in sy of haar besit of onder sy of haar beheer enige eiendom, boek, dokument of ander voorwerp met betrekking tot daardie onderwerp het, dagvaar om voor die Nasionale Direkteur of die persoon aldus gemagtig, op 'n tyd en plek in die dagvaarding gespesifiseer, te verskyn om ondervra te word of om daardie eiendom, boek, dokument of ander voorwerp voor te lê; 55
  - (b) daardie verdagte of ander persoon ondervra onder eed of bevestiging deur die Nasionale Direkteur of die persoon aldus gemagtig, opgelê, en sodanige 60

further examination or for safe custody such property, book, document or other object; or

- (c) at any reasonable time and without prior notice or with such notice as he or she may deem appropriate, enter any premises where the suspect is or is suspected to be or any premises on or in which anything connected with that investigation is or is suspected to be, and may— 5

- (i) inspect and search those premises, and there make such enquiries as he or she may deem necessary;
- (ii) examine any property found on or in the premises which has a bearing or might have a bearing on the investigation in question, and request from the suspect or the owner or person in charge of the premises or from any person in whose possession or charge that property is, information regarding that property; 10
- (iii) make copies of or take extracts from any book or document found on or in the premises which has a bearing or might have a bearing on the investigation in question, and request from any person suspected of having the necessary information, an explanation of any entry therein; or 15
- (iv) seize, against the issue of a receipt, anything on or in the premises which has a bearing or might have a bearing on the investigation in question, or if he or she wishes to retain it for further examination or for safe custody: 20

Provided that any person from whom a book or document has been taken under paragraph (b) or (c)(iv), may, as long as it is in the possession of the person conducting the investigation, at his or her request be allowed, at his or her own expense and under the supervision of the person conducting the investigation, to make copies thereof or to take extracts therefrom at any reasonable time. 25

(5) (a) The law regarding privilege as applicable to a witness summoned to give evidence in a criminal case in a magistrate's court shall apply in relation to the questioning of a suspect or any person referred to in subsection (4): Provided that such a person shall not be entitled to refuse to answer any question upon the ground that the answer would tend to expose him or her to a criminal charge. 30

(b) No evidence regarding any questions and answers contemplated in paragraph (a) shall be admissible in any criminal proceedings, except in criminal proceedings where the person concerned stands trial on a charge contemplated in subsection (7)(b), or in section 319(3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955). 35

(6) Subject to any directions, conditions or restrictions determined by the judge under subsection (3)(c)(iv), the provisions of sections 28(1)(d), (2) to (10) and 29(2), (7)(a), (9), (10)(b) and (11) of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998), relating to the conducting of an investigation and the execution of a warrant in terms of those provisions, apply, with the necessary changes, in respect of an investigation conducted in terms of subsection (4). 40

(7) Any person who—

- (a) obstructs or hinders the person conducting the investigation or any other person in the performance of his or her functions in terms of this section; or
- (b) when he or she is asked in terms of subsection (4) for information or an explanation relating to a matter within his or her knowledge, refuses or fails to give that information or explanation or gives information or an explanation which is false or misleading, knowing it to be false or misleading, 45

shall be guilty of an offence.

## CHAPTER 4 50

### PRESUMPTIONS AND DEFENCES

#### Presumptions

24. (1) Whenever a person is charged with an offence under Part 1 or 2, or section 21 (in so far as it relates to the aforementioned offences) of Chapter 2, proof that that person, or someone else at the instance of that person— 55

- (a) accepted or agreed or offered to accept any gratification from; or
- (b) gave or agreed or offered to give any gratification to,

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- eiendom, boek, dokument of ander voorwerp ondersoek of behou vir nadere ondersoek of vir veilige bewaring; of
- (c) te eniger redelike tyd en sonder vooraf kennis of met die kennis wat hy of sy geskik ag, enige perseel betree waar die verdagte is of vermoed word te wees of enige perseel waarop of waarin enigiets verbonde met daardie ondersoek is of vermoed word te wees, en kan— 5
- (i) daardie perseel inspekteer en deursoek en daar die navrae doen wat hy of sy nodig ag;
- (ii) enige eiendom op of in die perseel gevind wat invloed op die betrokke ondersoek het of kan hê, ondersoek, en van die verdagte of die eienaar of iemand in beheer van die perseel of van enigiemand in wie se besit of beheer daardie eiendom is, inligting aangaande daardie eiendom versoek; 10
- (iii) afskrifte maak van of uittreksels neem uit enige boek of dokument op of in die perseel gevind wat 'n invloed op die betrokke ondersoek het of kan hê, en van enigiemand wat vermoed word die nodige inligting te hê, 'n verduideliking versoek van enige inskrywing daarin; of 15
- (iv) teen die uitreiking van 'n kwitansie beslag lê op enigiets op of in die perseel wat 'n invloed op die betrokke ondersoek het of kan hê, of indien hy of sy dit wil behou vir nadere ondersoek of vir veilige bewaring: 20
- Met dien verstande dat enigiemand van wie 'n boek of dokument geneem is kragtens paragraaf (b) of (c)(iv), solank dit in die besit van die persoon is wat die ondersoek doen, op sy of haar versoek toegelaat kan word om op eie koste en onder toesig van die persoon wat die ondersoek doen, afskrifte daarvan te maak of uittreksels daaruit te neem te eniger redelike tyd. 25
- (5) (a) Die reg aangaande privilegie soos van toepassing op 'n getuie wat gedagvaar is om getuienis in 'n strafsak in 'n landdroshof af te lê, is van toepassing met betrekking tot die ondervraging van 'n verdagte of enigiemand bedoel in subartikel (4): Met dien verstande dat so 'n persoon nie mag weier om enige vraag te beantwoord op die grond dat die antwoord hom of haar kan blootstel aan 'n kriminele aanklag nie. 30
- (b) Geen getuienis aangaande enige vrae en antwoorde beoog in paragraaf (a) is toelaatbaar in enige strafregtelike verrigtinge nie, behalwe in strafregtelike verrigtinge waar die betrokke persoon verhoor word op 'n aanklag beoog in subartikel (7)(b), of in artikel 319(3) van die Strafproseswet, 1955 (Wet No. 56 van 1955).
- (6) Behoudens enige opdragte, voorwaardes of beperkinge deur die regter kragtens subartikel (3)(c)(iv) bepaal, is die bepalings van artikels 28(1)(d), (2) tot (10) en 29(2), (7)(a), (9), (10)(b) en (11) van die Wet op die Nasionale Vervolgingsgesag, 1998 (Wet No. 32 van 1998), met betrekking tot die doen van 'n ondersoek en die uitvoering van 'n lasbrief ingevolge daardie bepalings, met die nodige veranderinge van toepassing ten opsigte van 'n ondersoek gedoen ingevolge subartikel (4). 40
- (7) Enigiemand wat—
- (a) die persoon wat die ondersoek doen of enigiemand anders in die verrigting van sy of haar werksaamhede ingevolge hierdie artikel dwarsboom of belemmer; of
- (b) wanneer hy of sy ingevolge subartikel (4) gevra word om inligting of 'n verduideliking met betrekking tot 'n aangeleentheid binne sy of haar kennis, weier of versuim om daardie inligting of verduideliking te gee of inligting of 'n verduideliking gee wat vals of misleidend is wetend dat dit vals of misleidend is, 50
- is skuldig aan 'n misdryf.

## HOOFSTUK 4

## VERMOEDENS EN VERWERE

## Vermoedens

24. (1) Wanneer iemand ook al aangekla word van 'n misdryf kragtens Deel 1 of 2, of artikel 21 (vir sover dit betrekking het op voornoemde misdrywe) van Hoofstuk 2, is bewys dat daardie persoon, of iemand anders ten behoewe van daardie persoon— 55

- (a) enige beloning aanvaar het of ingestem of aangebied het om dit te aanvaar van;
- (b) enige beloning gegee het of ingestem of aangebied het om dit te gee aan,

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any other person—

- (i) who holds or seeks to obtain a contract, licence, permit, employment or anything whatsoever from a public body, private organisation, corporate body or other organisation or institution in which the person charged was serving as an official; 5
  - (ii) who is concerned, or who is likely to be concerned, in any proceedings or business transacted, pending or likely to be transacted before or by the person charged or public body, private organisation, corporate body, political party or other organisation or institution in which the person charged was serving as an official; or 10
  - (iii) who acts on behalf of a person contemplated in subparagraph (i) or (ii), and, if the State can further show that despite having taken reasonable steps, it was not able with reasonable certainty to link the acceptance of or agreement or offer to accept or the giving or agreement to give or offer to give the gratification to any lawful authority or excuse on the part of the person charged, and in the absence of evidence to the contrary which raises reasonable doubt, is sufficient evidence that the person charged accepted or agreed or offered to accept such gratification from that person or gave or agreed or offered to give such gratification to that person in order to act, in a manner— 15
  - (aa) that amounts to the— 20
    - (aaa) illegal, dishonest, unauthorised, incomplete, or biased; or
    - (bbb) misuse or selling of information or material acquired in the course of the, 25
  - exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation; 25
  - (bb) that amounts to—
    - (aaa) the abuse of a position of authority;
    - (bbb) a breach of trust; or
    - (ccc) the violation of a legal duty or a set of rules;
  - (cc) designed to achieve an unjustified result; or 30
  - (dd) that amounts to any other unauthorised or improper inducement to do or not to do anything. 35
- (2) Whenever a public officer whose duties include the detection, investigation, prosecution or punishment of offenders, is charged with an offence involving the acceptance of a gratification, arising from— 35
- (a) the arrest, detention, investigation or prosecution of any person for an alleged offence;
  - (b) the omission to arrest, detain or prosecute any person for an alleged offence; or
  - (c) the investigation of an alleged offence, 40
- it is not necessary to prove that the accused person believed that an offence contemplated in paragraphs (a) to (c) or any other offence had been committed.

### Defences

25. Whenever an accused person is charged with an offence under Part 1, 2, 3 or 4, or section 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2, it is not a valid defence for that accused person to contend that he or she— 45
- (a) did not have the power, right or opportunity to perform or not to perform the act in relation to which the gratification was given, accepted or offered;
  - (b) accepted or agreed or offered to accept, or gave or agreed or offered to give the gratification without intending to perform or not to perform the act in relation to which the gratification was given, accepted or offered; or 50
  - (c) failed to perform or not to perform the act in relation to which the gratification was given, accepted or offered.



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enigiemand anders—

- (i) wat 'n kontrak, lisensie, permit, werk of enigiets hoegenaamd hou of probeer verkry by 'n openbare liggaam, privaat organisasie, regsperoon of ander oganisasie of instelling waarin die aangeklaagde persoon as amptenaar gedien het; 5
  - (ii) wat betrokke is, of waarskynlik betrokke sal wees, in enige verrigtinge of besigheid gedoen, hangend of waarskynlik gedoen te word voor of deur die aangeklaagde persoon of openbare liggaam, privaat organisasie, regsperoon, politieke party of ander organisasie of instelling waarin die aangeklaagde persoon as amptenaar gedien het; of 10
  - (iii) wat ten behoeve van iemand beoog in subparagraaf (i) of (ii) optree, en, indien die Staat verder kan aantoon dat, ondanks die doen van redelike stappe, hy nie in staat was om met redelike sekerheid die aanvaarding van of instemming of aanbod om te aanvaar of die gee of instemming of aanbod om te gee van die beloning met enige regmatige magtiging of verskoning aan die kant van die aangeklaagde persoon te verbind nie, en by onstentenis van teenbewys wat redelike twyfel laat ontstaan, afdoende bewys dat die aangeklaagde persoon sodanige beloning aanvaar het of ingestem of aangebied het om dit te aanvaar van daardie persoon of sodanige beloning aan daardie persoon gegee het of ingestem of aangebied het om dit te gee ten einde op te tree op 'n wyse— 15
  - (aa) wat neerkom op die— 20
    - (aaa) onwettige, oneerlike, ongemagtigde, onvoltooide of bevooroordeelde; of
    - (bbb) misbruik of verkoop van inligting of materiaal verkry in die loop van die, 25
    - uitoefening, uitvoering of verrigting van enige bevoegdhede, pligte of werksaamhede voortspruitend uit 'n grondwetlike, statutêre, kontraktuele of enige ander regsverpligting;
  - (bb) wat neerkom op— 30
    - (aaa) die misbruik van 'n gesagsposisie;
    - (bbb) 'n vertrouwensbreuk; of
    - (ccc) die skending van 'n regsplig of 'n stel reëls;
  - (cc) met die doel om 'n ongeregverdigde gevolg te bereik; of
  - (dd) wat neerkom op enige ander ongemagtigde of onbehoorlike oorrëding om enigiets te doen of nie te doen nie. 35
- (2) Wanneer ook al 'n openbare beamppte wie se pligte die opsporing, ondersoeking, vervolging of bestraffing van oortreders insluit, aangekla word van 'n misdryf waarby die aanvaarding van 'n beloning betrokke is, voortspruitend uit—
- (a) die arrestasie, aanhouding, ondersoek of vervolging van enigiemand weens 'n beweerde misdryf; 40
  - (b) die nalate om enigiemand weens 'n beweerde misdryf te arresteer, aan te hou of te vervolg; of
  - (c) die ondersoek van 'n beweerde misdryf,
- is dit nie nodig om te bewys dat die aangeklaagde persoon geglo het dat 'n misdryf beoog in paragraawe (a) tot (c) of enige ander misdryf gepleeg is nie. 45

**Verwëre**

**25.** Wanneer ook al 'n aangeklaagde persoon aangekla word weens 'n misdryf kragtens Deel 1, 2, 3 of 4, of artikel 20 of 21 (vir sover dit betrekking het op voornoemde misdrywe) van Hoofstuk 2, is dit nie 'n geldige verweer vir daardie aangeklaagde persoon om aan te voer dat hy of sy— 50

- (a) nie die bevoegdheid, reg of geleentheid gehad het nie om die optrede met betrekking waartoe die beloning gegee, aanvaar of aangebied is, te verrig of nie te verrig nie;
- (b) die beloning aanvaar of ingestem of aangebied het om dit te aanvaar, of dit gegee of ingestem of aangebied het om dit te gee sonder die opset om die optrede met betrekking waartoe die beloning gegee, aanvaar of aangebied is, te verrig of nie te verrig nie; of 55
- (c) versuim het om die optrede met betrekking waartoe die beloning gegee, aanvaar of aangebied is, te verrig of nie te verrig nie.



**CHAPTER 5****PENALTIES AND RELATED MATTERS****Penalties**

- 26.** (1) Any person who is convicted of an offence referred to in—
- (a) Part 1, 2, 3 or 4, or section 18 of Chapter 2, is liable— 5
    - (i) in the case of a sentence to be imposed by a High Court, to a fine or to imprisonment up to a period for imprisonment for life;
    - (ii) in the case of a sentence to be imposed by a regional court, to a fine or to imprisonment for a period not exceeding 18 years; or
    - (iii) in the case of a sentence to be imposed by a magistrate's court, to a fine or to imprisonment for a period not exceeding five years; 10
  - (b) section 17(1), 19, 20, 23(7)(a) or (b) or 34(2), is liable—
    - (i) in the case of a sentence to be imposed by a High Court or a regional court, to a fine or to imprisonment for a period not exceeding 10 years; or
    - (ii) in the case of a sentence to be imposed by a magistrate's court, to a fine or to imprisonment for a period not exceeding three years; or 15
  - (c) section 28(6)(b), is liable to a fine of R250 000 or to imprisonment for a period not exceeding three years.
- (2) A person convicted of an offence referred to in section 21, is liable to the punishment laid down in subsection (1) for the offence which that person attempted or conspired to commit or aided, abetted, induced, instigated, instructed, commanded, counseled or procured another person to commit. 20
- (3) In addition to any fine a court may impose in terms of subsection (1) or (2), the court may impose a fine equal to five times the value of the gratification involved in the offence. 25

**Authorisation by National Director, Deputy National Director or Director to institute proceedings in respect of certain offences**

- 27.** The institution of a prosecution for an offence referred to in section 17(1), 23(7)(b) or 34(2), must be authorised in writing by the National Director, a Deputy National Director of Public Prosecutions or the Director of Public Prosecutions concerned and only after the person concerned has been afforded a reasonable opportunity by the investigating or prosecuting authority, as the case may be, to explain, whether personally or through a legal representative— 30
- (a) in the case of section 17(1), how he or she acquired the private interest concerned; 35
  - (b) in the case of section 23(7)(b), how he or she acquired the property or resources concerned; or
  - (c) in the case of section 34(2), why he or she failed to report in terms of section 34(2).

**Endorsement of Register** 40

- 28.** (1) (a) A court convicting a person of an offence contemplated in section 12 or 13, may, in addition to imposing any sentence contemplated in section 26, issue an order that—
- (i) the particulars of the convicted person;
  - (ii) the conviction and sentence; and 45
  - (iii) any other order of the court consequent thereupon,
- be endorsed on the Register.
- (b) If the person so convicted is an enterprise, the court may also issue an order that—
- (i) the particulars of that enterprise;
  - (ii) the particulars of any partner, manager, director or other person, who wholly or partly exercises or may exercise control over that enterprise and who was 50

**HOOFSTUK 5****STRAWWE EN VERWANTE AANGELEENTHEDE****Strawwe**

26. (1) Enigiemand wat skuldig bevind word aan 'n misdryf bedoel in— 5
- (a) Deel 1, 2, 3 of 4, of artikel 18 van Hoofstuk 2, is strafbaar—
- (i) in die geval van 'n vonnis wat deur 'n Hoë Hof opgelê moet word, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens lewenslange gevangenisstraf;
- (ii) in die geval van 'n vonnis wat deur 'n streekhof opgelê moet word, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 18 jaar; of 10
- (iii) in die geval van 'n vonnis wat deur 'n landdroshof opgelê moet word, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar;
- (b) artikel 17(1), 19, 20, 23(7)(a) of (b) of 34(2), is strafbaar—
- (i) in die geval van 'n vonnis wat deur 'n Hoë Hof of 'n streekhof opgelê moet word, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar; of 15
- (ii) in die geval van 'n vonnis wat deur 'n landdroshof opgelê moet word, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar; of 20
- (c) artikel 28(6)(b), is strafbaar met 'n boete van R250 000 of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar.

(2) Iemand wat skuldig bevind word aan 'n misdryf bedoel in artikel 21, is strafbaar met die straf in subartikel (1) bepaal vir die misdryf wat daardie persoon gepoog of saamgesweer het om te pleeg of iemand anders gehelp, gesteun, ooreed, aangehits, aangestig, opdrag gegee, beveel, geadviseer of verkry het om te pleeg. 25

(3) Benewens enige boete wat 'n hof ingevolge subartikel (1) of (2) kan oplê, kan die hof 'n boete gelyk aan vyf keer die waarde van die beloning betrokke by die misdryf oplê.

**Magtiging deur Nasionale Direkteur, Adjunk Nasionale Direkteur of Direkteur om 30**  
**verrigtinge ten opsigte van sekere misdrywe in te stel**

27. Die instelling van 'n vervolging weens 'n misdryf bedoel in artikel 17(1), 23(7)(b) of 34(2), moet skriftelik gemagtig word deur die Nasionale Direkteur, 'n Adjunk Nasionale Direkteur van Openbare Vervolgings of die betrokke Direkteur van Openbare Vervolgings en slegs nadat die betrokke persoon 'n redelike geleentheid gebied is deur 35 die ondersoekende of vervolgingsgesag, na gelang van die geval, om te verduidelik, hetsy persoonlik of deur middel van 'n regsverteenvoerder—

- (a) in die geval van artikel 17(1), hoe hy of sy die betrokke privaat belang verkry het;
- (b) in die geval van artikel 23(7)(b), hoe hy of sy die betrokke eiendom of bronne 40 verkry het; of
- (c) in die geval van artikel 34(2), waarom hy of sy versuim het om ingevolge artikel 34(2) te rapporteer.

**Endossering van Register**

28. (1) (a) 'n Hof wat iemand aan 'n misdryf beoog in artikel 12 of 13 skuldig bevind, 45 kan, benewens die oplê van 'n vonnis beoog in artikel 26, 'n bevel uitreik dat—

- (i) die besonderhede van die veroordeelde;
- (ii) die skuldigbevinding en vonnis; en
- (iii) enige ander bevel van die hof daaropvolgende,

op die Register geëndosseer word. 50

(b) Indien die aldus veroordeelde 'n onderneming is, kan die hof ook 'n bevel uitreik dat—

- (i) die besonderhede van daardie onderneming;
- (ii) die besonderhede van enige vennoot, bestuurder, direkteur of iemand anders 55 wat gehele of gedeeltelike beheer oor daardie onderneming uitoefen of kan

- involved in the offence concerned or who knows or ought reasonably to have known or suspected that the enterprise committed the offence concerned; and
- (iii) the conviction, sentence and any other order of the court consequent thereupon,
- be endorsed on the Register. 5
- (c) The court may also issue an order contemplated in paragraph (a) in respect of—
- (i) any other enterprise owned or controlled by the person so convicted; or
- (ii) the particulars of any partner, manager, director or other person, who wholly or partly exercises or may exercise control over such other enterprise,
- and which— 10
- (aa) enterprise, partner, manager, director or other person was involved in the offence concerned; or
- (bb) partner, manager, director or other person knew or ought reasonably to have known or suspected that such other enterprise was involved in the offence concerned. 15
- (d) Whenever the Register is endorsed as contemplated in paragraph (a), (b) or (c), the endorsement applies, unless the court directs otherwise, to every enterprise to be established in the future, and which enterprise will be wholly or partly controlled or owned by the person or enterprise so convicted or endorsed, and the Registrar must, in respect of every such enterprise, endorse the Register accordingly. 20
- (2) Where a court has issued an order under subsection (1), the registrar or clerk of such court must forthwith forward the court order to the Registrar and the Registrar must forthwith endorse the Register accordingly.
- (3) (a) Where the Register has been endorsed in terms of subsection (2), in addition to any other legal action, the following restrictions may or must, as the case may be, be imposed: 25
- (i) The National Treasury may terminate any agreement with the person or enterprise referred to in subsection (1)(a) or (b): Provided that—
- (aa) in considering the termination of an agreement, the National Treasury must take into account, among others, the following factors, namely— 30
- (aaa) the extent and duration of the agreement concerned;
- (bbb) whether it is likely to conclude a similar agreement with another person or enterprise within a specific time frame;
- (ccc) the extent to which the agreement has been executed;
- (ddd) the urgency of the services to be delivered or supplied in terms of the agreement; 35
- (eee) whether extreme costs will follow such termination; and
- (fff) any other factor which, in the opinion of the National Treasury, may impact on the termination of the agreement; and
- (bb) if that agreement involves any purchasing authority or Government Department, such restriction may only be imposed after consultation with the purchasing authority or Government Department concerned; 40
- (ii) the National Treasury must determine the period (which period may not be less than five years or more than 10 years) for which the particulars of the convicted person or the enterprise referred to in subsection (1)(a), (b), (c) or (d) must remain in the Register and during such period no offer in respect of any agreement from a person or enterprise referred to in that subsection may be considered by the National Treasury; or 45
- (iii) during the period determined in subparagraph (ii), the National Treasury, the purchasing authority or any Government Department must— 50
- (aa) ignore any offer tendered by a person or enterprise referred to in subsection (1)(a), (b), (c) or (d); or
- (bb) disqualify any person or enterprise referred to subsection (1)(a), (b), (c) or (d), from making any offer or obtaining any agreement relating to the procurement of a specific supply or service. 55

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uitoefen en wat betrokke was by die betrokke misdryf of wat weet of redelikerwys behoort te geweet of vermoed het dat die onderneming die betrokke misdryf gepleeg het; en

- (iii) die skuldigbevinding, vonnis en enige ander bevel van die hof daaropvolgende, 5

op die Register geëndosseer word.

(c) Die hof kan ook 'n bevel beoog in paragraaf (a) uitreik ten opsigte van—

- (i) enige ander onderneming besit of beheer deur die aldus veroordeelde; of  
(ii) die besonderhede van enige vennoot, bestuurder, direkteur of iemand anders wat gehele of gedeeltelike beheer oor sodanige ander onderneming uitoefen of 10 kan uitoefen,

en welke—

- (aa) onderneming, vennoot, bestuurder, direkteur of iemand anders betrokke was by die betrokke misdryf; of  
(bb) vennoot, bestuurder, direkteur of iemand anders geweet het of redelikerwys behoort te geweet of vermoed het dat sodanige ander onderneming betrokke was by die betrokke misdryf. 15

(d) Wanneer ook al die Register geëndosseer word soos beoog in paragraaf (a), (b) of (c), is die endossement van toepassing, tensy die hof anders beveel, op elke onderneming wat in die toekoms opgerig word en welke onderneming in geheel of gedeeltelik beheer of besit word deur die persoon of onderneming aldus veroordeel of geëndosseer, en die Registrateur moet, ten opsigte van elke sodanige onderneming, die Register dienoooreenkomstig endosseer. 20

(2) Waar 'n hof 'n bevel kragtens subartikel (1) uitgereik het, moet die griffier of klerk van die hof onverwyld die hofbevel na die Registrateur versend en die Registrateur moet onverwyld die Register dienoooreenkomstig endosseer. 25

(3) (a) Waar die Register ingevolge subartikel (2) geëndosseer is, kan of moet die volgende beperkings, na gelang van die geval, benewens enige ander regsaksie, opgelê word:

- (i) Die Nasionale Tesourie kan enige ooreenkoms met die persoon of onderneming bedoel in subartikel (1)(a) of (b) beëindig: Met dien verstande dat— 30

(aa) by oorweging van die beëindiging van 'n ooreenkoms moet die Nasionale Tesourie, onder andere, die volgende faktore in ag neem, naamlik— 35

- (aaa) die omvang en duur van die betrokke ooreenkoms;  
(bbb) hetsy dit waarskynlik is dat 'n soortgelyke ooreenkoms met 'n ander persoon of onderneming binne 'n spesifieke tydstraamwerk aangegaan kan word;

(ccc) die omvang waartoe die ooreenkoms uitgevoer is; 40

(ddd) die dringendheid van die dienste wat gelewer of verskaf moet word ingevolge die ooreenkoms;

(eee) hetsy uitermatige koste sodanige beëindiging sal volg; en

(fff) enige ander faktor wat na die mening van die Nasionale Tesourie uitwerking op die beëindiging van die ooreenkoms kan hê; en 45

(bb) indien daardie ooreenkoms enige aankoopsgesag of Staatsdepartement raak, kan so 'n beperking slegs opgelê word na oorleg met die betrokke aankoopsgesag of Staatsdepartement;

- (ii) die nasionale Tesourie moet die tydperk bepaal (welke tydperk nie minder as vyf jaar of meer as 10 jaar mag wees nie) waartydens die besonderhede van die veroordeelde of die onderneming bedoel in subartikel (1)(a), (b), (c) of (d) in die Register moet bly en gedurende so 'n tydperk mag geen aanbod ten opsigte van enige ooreenkoms van 'n persoon of onderneming bedoel in daardie subartikel deur die Nasionale Tesourie oorweeg word nie; of 50

- (iii) gedurende die tydperk bepaal in subparagraaf (ii), moet die Nasionale Tesourie, die aankoopsgesag of enige Staatsdepartement— 55

(aa) enige aanbod getender deur 'n persoon of onderneming bedoel in subartikel (1)(a), (b), (c) of (d), ignoreer; of

(bb) enige persoon of onderneming bedoel in subartikel (1)(a), (b), (c) of (d) diskwalifiseer van die doen van enige aanbod of verkryging van enige ooreenkoms met betrekking tot die verkryging van 'n spesifieke voorraad of diens. 60

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(b) A restriction imposed under paragraph (a) only comes into effect after any appeal against the conviction or sentence or both has been finalised by the court: Provided that if the appeal court sets aside, varies or amends the order referred to in subsection (1), the National Treasury must, if necessary, amend the restrictions imposed under paragraph (a) accordingly. 5

(c) Where the National Treasury has terminated an agreement in terms of paragraph (a)(i), it may, in addition to any other legal remedy, recover from the person or enterprise any damages—

- (i) incurred or sustained by the State as a result of the tender process or the conclusion of the agreement; or 10
- (ii) which the State may suffer by having to make less favourable arrangements thereafter.

(4) The National Treasury—

- (a) may at any time vary or rescind any restriction imposed under subsection (3)(a)(i) or (ii); and 15
- (b) must, when the period determined in terms of subsection (3)(a)(ii) expires, remove the particulars of the person or enterprise concerned, from the Register.

(5) When the National Treasury imposes a restriction under subsection (3)(a)(i) or (ii), or amends or rescinds such a restriction, it must within 14 days in writing notify— 20

- (a) the person whose particulars have been so endorsed;
- (b) any purchasing authority on which it may decide; and
- (c) all Government departments,

of any resolution or decision relative to such restriction or the amendment or rescinding thereof, and request such authorities and departments to take similar steps. 25

(6) (a) Any person whose particulars, conviction and sentence have been endorsed on the Register as contemplated in this section and who has been notified as contemplated in subsection (5)(a), must in any subsequent agreement or tender process involving the State, disclose such endorsement, conviction and sentence.

(b) Any person who fails to comply with paragraph (a), is guilty of an offence. 30

(7) For purposes of this section—

- (a) “**agreement**” includes an agreement to procure and supply services, to arrange the hiring or letting of anything or the acquisition or granting of any right for or on behalf of the State;
- (b) “**enterprise**” includes any individual, partnership, corporation, association, 35 or other juristic person or legal entity, and any union or group of individuals associated in fact, although not a juristic person or legal entity;
- (c) “**Registrar**” means the Registrar of the Register designated under section 30; and
- (d) “**Register**” means the Register established under section 29. 40

## CHAPTER 6

## REGISTER FOR TENDER DEFAULTERS

## Establishment of Register

29. Within six months after the commencement of this Chapter, the Minister of Finance must establish a register, to be known as the Register for Tender Defaulters, 45 within the Office of the National Treasury.

## Designation of Registrar

30. The Minister of Finance must designate a fit and proper person, with due regard to his or her experience, conscientiousness and integrity, as Registrar.

## Powers, duties and functions of Registrar 50

31. (1) The Registrar must, subject to the provisions of section 28 and this Chapter, exercise and perform his or her powers, duties and functions subject to the control and directions of the National Treasury.



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(b) 'n Beperking opgelê kragtens paragraaf (a) word slegs van krag na enige appèl teen die skuldigbevinding of vonnis of beide deur die hof afgehandel is: Met dien verstande dat indien die appèlhof die bevel bedoel in subartikel (1) tersyde stel, verander of wysig, die Nasionale Tesourie, indien nodig, die beperkings kragtens paragraaf (a) opgelê, dienooreenkomstig moet wysig.

(c) Waar die Nasionale Tesourie 'n ooreenkoms ingevolge paragraaf (a)(i) beëindig, kan hy, benewens enige ander regsremedie, enige skadevergoeding van die persoon of onderneming verhaal wat—

(i) as gevolg van die tenderproses of die aangaan van die ooreenkoms deur die Staat opgeleë of gely is; of

(ii) die Staat kan ly deur minder gunstige reëlins daarna te moet aangaan.

(4) Die Nasionale Tesourie—

(a) kan te eniger tyd enige beperking kragtens subartikel (3)(a)(i) of (ii) opgelê, wysig of terugtrek; en

(b) moet, wanneer die tydperk bepaal ingevolge subartikel (3)(a)(ii) verstryk, die besonderhede van die betrokke persoon of onderneming van die Register verwyder.

(5) Wanneer die Nasionale Tesourie 'n beperking kragtens subartikel (3)(a)(i) of (ii) oplê, of so 'n beperking wysig of terugtrek, moet hy binne 14 dae—

(a) die persoon wie se besonderhede aldus geëndosseer is;

(b) enige aankoopsgesag waarop hy besluit; en

(c) alle Staatsdepartemente,

skriftelike kennis gee van enige resoluë of besluit met betrekking tot sodanige beperking of die wysiging of terugtrekking daarvan, en sodanige aankoopsgesagte en Staatsdepartemente versoek om soortgelyke stappe te doen.

(6) (a) Enigiemand wie se besonderhede, skuldigbevinding en vonnis op die Register geëndosseer is soos in hierdie artikel beoog en wat in kennis gestel is soos in subartikel (5)(a) beoog, moet in enige daaropvolgende ooreenkoms of tenderproses waarby die Staat betrokke is, sodanige endossement, skuldigbevinding en vonnis openbaar.

(b) Enigiemand wat versuim om aan paragraaf (a) te voldoen, is skuldig aan 'n misdryf.

(7) By die toepassing van hierdie artikel beteken—

(a) “ooreenkoms” ook 'n ooreenkoms om dienste te verkry en verskaf, om die huring of verhuring van enigiets te reël of die verkryging of verlening van enige reg vir of ten behoeve van die Staat;

(b) “onderneming” ook enige individu, vennootskap, korporasie, assosiasie, of ander regspersoon of -entiteit, en enige unie of groep persone feitlik geassosieer alhoewel nie 'n regspersoon of -entiteit nie;

(c) “Registrateur” die Registrateur van die Register kragtens artikel 30 aangewys; en

(e) “Register” die Register ingestel kragtens artikel 29.

## HOOFSTUK 6

## REGISTER VIR TENDEROORTREDERS

## Instelling van Register

29. Binne ses maande na die inwerkingtreding van hierdie Hoofstuk moet die Minister van Finansies binne die Kantoor van die Nasionale Tesourie 'n register instel met die naam Register vir Tenderoortreders.

## Aanwysing van Registrateur

30. Die Minister van Finansies moet 'n in aanmerking komende persoon met inagneming van sy of haar ervaring, pligsgetrouheid en integriteit as Registrateur aanwys.

## Bevoegdhe, pligte en werksaamhede van Registrateur

31. (1) Die Registrateur moet, behoudens die bepalings van artikel 28 en hierdie Hoofstuk, sy of haar bevoegdhe, pligte en werksaamhede uitoefen en verrig onderhewig van die beheer en opdragte van die Nasionale Tesourie.

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(2) The Registrar must—

- (a) maintain the Register;
- (b) manage the Office of the Registrar; and
- (c) carry out the duties and perform the functions assigned to him or her by section 28, this Chapter or the National Treasury or any other law.

5

**Access to Register**

32. The Register is open to the public as prescribed.

**Regulations pertaining to Register**

33. (1) The Minister of Finance may, in consultation with the Minister responsible for the administration of justice, make regulations relating to— 10

- (a) the maintenance and management of the Register, the particulars to be entered in such Register, the manner in which such particulars must be recorded and the period for which the information in the Register must be retained;
- (b) access to information contained in the Register;
- (c) the safe-keeping and disposal of records; or 15
- (d) any other matter which the Minister may consider necessary to prescribe in order to achieve the objects of section 28 and this Chapter.

(2) Regulations made in terms of subsection (1) may, in respect of any contravention thereof or failure to comply therewith, prescribe as a penalty a fine or imprisonment for a period not exceeding 12 months. 20

**CHAPTER 7****MISCELLANEOUS MATTERS****Duty to report corrupt transactions**

34. (1) Any person who holds a position of authority and who knows or ought reasonably to have known or suspected that any other person has committed— 25

- (a) an offence under Part 1, 2, 3 or 4, or section 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2; or
- (b) the offence of theft, fraud, extortion, forgery or uttering a forged document, involving an amount of R100 000 or more, must report such knowledge or suspicion or cause such knowledge or suspicion to be reported to any police official. 30

(2) Subject to the provisions of section 37(2), any person who fails to comply with subsection (1), is guilty of an offence.

(3) (a) Upon receipt of a report referred to in subsection (1), the police official concerned must take down the report in the manner directed by the National Commissioner, and forthwith provide the person who made the report with an acknowledgment of receipt of such report. 35

(b) The National Commissioner must within three months of the commencement of this Act publish the directions contemplated in paragraph (a) in the *Gazette*.(c) Any direction issued under paragraph (b), must be tabled in Parliament before publication thereof in the *Gazette*. 40

(4) For purposes of subsection (1) the following persons hold a position of authority, namely—

- (a) the Director-General or head, or equivalent officer, of a national or provincial department;
- (b) in the case of a municipality, the municipal manager appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); 45
- (c) any public officer in the Senior Management Service of a public body;
- (d) any head, rector or principal of a tertiary institution;
- (e) the manager, secretary or a director of a company as defined in the Companies 50

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(2) Die Registrateur moet—

- (a) die Register in stand hou;
- (b) die Kantoor van die Registrateur bestuur; en
- (c) die pligte uitvoer en die werksaamhede verrig wat by artikel 28, hierdie Hoofstuk of die Nasionale Tesourie of enige ander wet aan hom of haar toegewys word. 5

**Toegang tot Register**

32. Die publiek het die voorgeskrewe insae in die Register.

**Regulasies betreffende Register**33. (1) Die Minister van Finansies kan, in oorlegpleging met die Minister 10  
verantwoordelik vir die regspleging, regulasies uitvaardig met betrekking tot—

- (a) die instandhouding en bestuur van die Register, die besonderhede wat in die Register moet verskyn, die wyse waarop sodanige besonderhede aangeteken moet word en die tydperk waarvoor die inligting in die Register gehou moet word; 15
- (b) toegang tot inligting in die Register vervat;
- (c) die veilige bewaring en beskikking oor aantekeninge; of
- (d) enige ander aangeleentheid wat die Minister nodig ag om voor te skryf ten einde die oogmerke van artikel 28 en hierdie Hoofstuk te bereik. 20

(2) Regulasies ingevolge subartikel (1) uitgevaardig, kan ten opsigte van enige oortreding daarvan of versuim om daaraan te voldoen, 'n boete of gevangenisstraf vir 'n tydperk van hoogstens 12 maande as 'n straf voorskryf.

**HOOFSTUK 7****DIVERSE AANGELEENTHEDE****Verpligting om korrupte transaksies te rapporteer**

25

34. (1) Enigiemand wat 'n gesagsposisie beklee en wat weet of redelikerwys behoort te gewet of vermoed het dat enigiemand anders—

- (a) 'n misdryf kragtens Deel 1, 2, 3 of 4, of artikel 20 of 21 (vir sover dit betrekking het op voornoemde misdrywe) van Hoofstuk 2; of
- (b) die misdryf diefstal, bedrog, afpersing, vervalsing of uitgifte van 'n vervalste dokument, 30

waarby 'n bedrag van R100 000 of meer betrokke is, gepleeg het, moet sodanige kennis of vermoede aan enige polisiebeampte rapporteer of dit laat rapporteer.

(2) Behoudens die bepalings van artikel 37(2) is enigiemand wat versuim om aan subartikel (1) te voldoen, skuldig aan 'n misdryf. 35

(3) (a) By ontvangs van 'n rapport bedoel in subartikel (1), moet die betrokke polisiebeampte die rapport afneem op die wyse deur die Nasionale Kommissaris beveel, en die persoon wat die rapport gedoen het onverwyld van 'n ontvangserkenning van sodanige rapport voorsien.

(b) Die Nasionale Kommissaris moet binne drie maande na die inwerkingtreding van hierdie Wet die bevel beoog in paragraaf (a) in die *Staatskoerant* publiseer. 40(c) Enige bevel kragtens paragraaf (b) uitgereik, moet in die Parlement ter tafel gelê word voordat dit in die *Staatskoerant* gepubliseer word.

(4) By die toepassing van subartikel (1) beklee die volgende persone 'n gesagsposisie, naamlik— 45

- (a) die Direkteur-generaal of hoof, of gelykstaande beampte, van 'n nasionale of provinsiale departement;
- (b) in die geval van 'n munisipaliteit, die munisipale bestuurder ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), aangestel; 50
- (c) enige openbare beampte in die Senior Bestuursdiens van 'n openbare liggaam;
- (d) enige hoof, rektor of prinsipaal van 'n tersiêre instelling;
- (e) die bestuurder, sekretaris of 'n direkteur van 'n maatskappy soos omskryf in die Maatskappywet, 1973 (Wet No. 61 van 1973), en ook 'n lid van 'n beslote

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Act, 1973 (Act No. 61 of 1973), and includes a member of a close corporation as defined in the Close Corporations Act, 1984 (Act No. 69 of 1984);

- (f) the executive manager of any bank or other financial institution;
- (g) any partner in a partnership;
- (h) any person who has been appointed as chief executive officer or an equivalent officer of any agency, authority, board, commission, committee, corporation, council, department, entity, financial institution, foundation, fund, institute, service, or any other institution or organisation, whether established by legislation, contract or any other legal means; 5
- (i) any other person who is responsible for the overall management and control of the business of an employer; or 10
- (j) any person contemplated in paragraphs (a) to (i), who has been appointed in an acting or temporary capacity.

**Extraterritorial jurisdiction**

**35.** (1) Even if the act alleged to constitute an offence under this Act occurred outside the Republic, a court of the Republic shall, regardless of whether or not the act constitutes an offence at the place of its commission, have jurisdiction in respect of that offence if the person to be charged— 15

- (a) is a citizen of the Republic;
- (b) is ordinarily resident in the Republic; 20
- (c) was arrested in the territory of the Republic, or in its territorial waters or on board a ship or aircraft registered or required to be registered in the Republic at the time the offence was committed;
- (d) is a company, incorporated or registered as such under any law, in the Republic; or 25
- (e) any body of persons, corporate or unincorporated, in the Republic.

(2) Any act alleged to constitute an offence under this Act and which is committed outside the Republic by a person, other than a person contemplated in subsection (1), shall, regardless of whether or not the act constitutes an offence or not at the place of its commission, be deemed to have been committed also in the Republic if that— 30

- (a) act affects or is intended to affect a public body, a business or any other person in the Republic;
- (b) person is found to be in South Africa; and
- (c) person is for one or other reason not extradited by South Africa or if there is no application to extradite that person. 35

(3) Any offence committed in a country outside the Republic as contemplated in subsection (1) or (2), is, for the purpose of determining the jurisdiction of a court to try the offence, deemed to have been committed—

- (a) at the place where the accused is ordinarily resident; or
- (b) at the accused person's principal place of business. 40

(4) Where a person is charged with conspiracy or incitement to commit an offence or as an accessory after the offence, the offence is deemed to have been committed not only at the place where the act was committed, but also at every place where the conspirator, inciter or accessory acted or, in case of an omission, should have acted.

**Repeal and amendment of laws and transitional provisions**

45

**36.** (1) The laws specified in the Schedule are repealed or amended to the extent indicated in that Schedule.

(2) All criminal proceedings which immediately prior to the commencement of this Act were instituted in terms of the provisions of the Corruption Act, 1992 (Act No. 94 of 1992), and which proceedings have not been concluded before the commencement of this Act, shall be continued and concluded, in all respects, as if this Act had not been passed. 50

(3) An investigation or prosecution or other legal proceedings, in respect of conduct which would have constituted an offence under the Corruption Act, 1992, and which occurred after the commencement of that Act but before the commencement of this Act, may be concluded, instituted and continued as if this Act had not been passed. 55

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korporasie soos omskryf in die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984);

- (f) die uitvoerende bestuurder van enige bank of ander finansiële instelling;
- (g) enige vennoot in 'n vennootskap;
- (h) enigiemand wat aangestel is as hoof- uitvoerende beampte of 'n gelykstaande beampte van enige agentskap, gesag, direksie, kommissie, komitee, korporasie, raad, departement entiteit, finansiële instelling, stigting, fonds, instituut, diens, of enige ander instelling of organisasie, hetsy by wetgewing, kontrak of enige ander wettige wyse ingestel; 5
- (i) enigiemand anders wat verantwoordelik is vir die algehele bestuur en beheer van die besigheid van 'n werkgewer; of 10
- (j) enigiemand beoog in paragrawe (a) tot (i) wat in 'n waarnemende of tydelike hoedanigheid aangestel is.

**Ekstraterritoriale jurisdiksie**

35. (1) Selfs indien die optrede wat beweer word 'n misdryf kragtens hierdie Wet uit te maak buite die Republiek plaasgevind het, het 'n hof in die Republiek, ongeag of die optrede 'n misdryf uitmaak by die plek waar dit gepleeg is, of nie, jurisdiksie ten opsigte van daardie misdryf indien die persoon wat aangekla staan te word— 15

- (a) 'n burger van die Republiek is;
- (b) gewoonlik in die Republiek woonagtig is; 20
- (c) in die grondgebied van die Republiek gearresteer is, of in sy territoriale waters of aan boord van 'n skip of vliegtuig wat in die Republiek geregistreer is of vereis geregistreer te gewees het ten tyde van die pleging van die misdryf;
- (d) 'n maatskappy is wat as sodanig in die Republiek ingelyf of geregistreer is kragtens enige wet; of 25
- (e) enige liggaam van persone in die Republiek, ingelyf of oningelyf.

(2) Enige optrede wat beweer word 'n misdryf kragtens hierdie Wet uit te maak en wat buite die Republiek gepleeg word deur iemand, behalwe iemand beoog in subartikel (1), word ongeag of die optrede 'n misdryf uitmaak op die plek waar dit gepleeg is of nie, geag ook in die Republiek gepleeg te wees indien daardie— 30

- (a) optrede 'n openbare liggaam, 'n besigheid of enigiemand anders in die Republiek raak of bedoel is om te raak;
- (b) persoon gevind word in Suid-Afrika te wees; en
- (c) persoon om een of ander rede nie deur Suid-Afrika uitgelewer word nie of indien daar geen aansoek is om daardie persoon uit te lewer nie. 35

(3) Enige misdryf in 'n land buite die Republiek gepleeg soos beoog in subartikel (1) of (2), is vir die doel van bepaling van die jurisdiksie van 'n hof om die misdryf te verhoor, geag gepleeg te wees—

- (a) by die plek waar die beskuldigde gewoonlik woonagtig is; of
- (b) by die beskuldigde persoon se hoof besigheidsplek. 40

(4) Waar iemand aangekla word van sameswering of aanhitsing om 'n misdryf te pleeg of as begunstiger van die misdryf, word die misdryf geag gepleeg te gewees het nie slegs by die plek waar die optrede plaasgevind het nie, maar ook by elke plek waar die samesweerder, aanhitser of begunstiger opgetree het of, in geval van 'n late, moes opgetree het. 45

**Herroeping en wysiging van wette, en oorgangsbepalings**

36. (1) Die wette in die Bylae gespesifiseer, word herroep of gewysig in die mate in daardie Bylae aangedui.

(2) Alle strafregtelike verrigtinge wat onmiddellik voor die inwerkingtreding van hierdie Wet ingestel is ingevolge die bepalinge van die Wet op Korruptsie, 1992 (Wet No. 94 van 1992), en welke verrigtinge nie afgehandel is voor die inwerkingtreding van hierdie Wet nie, word in alle opsigte voortgesit en afgehandel asof hierdie Wet nie aangeneem is nie. 50

(3) 'n Ondersoek of vervolging of ander geregtelike verrigtinge ten opsigte van gedrag wat kragtens die Wet op Korruptsie, 1992, 'n misdryf sou uitgemaak het, en wat na die inwerkingtreding van daardie Wet maar voor die inwerkingtreding van hierdie Wet plaasgevind het, kan afgehandel, ingestel en voortgesit word asof hierdie Wet nie aangeneem is nie. 55



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(4) Notwithstanding the repeal or amendment of any provision of any law by this Act, such provision shall, for the purpose of the disposal of any investigation, prosecution or any criminal or legal proceedings contemplated in subsection (2) or (3), remain in force as if such provision had not been repealed or amended.

**Short title and commencement**

5

**37.** (1) This Act is called the Prevention and Combating of Corrupt Activities Act, 2004, and shall, subject to subsection (2), come into operation on 27 April 2004 or on such earlier date as the President may determine by proclamation in the *Gazette*.

(2) Section 34(2) shall come into operation on 31 July 2004.

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(4) Ondanks die herroeping of wysiging van enige bepaling van enige wet deur hierdie Wet, bly so 'n bepaling, vir die doel van beskikking oor enige ondersoek, vervolging of enige strafregtelike of geregtelike verrigtinge beoog in subartikel (2) of (3), van krag asof so 'n bepaling nie herroep of gewysig is nie.

**Kort titel en inwerkingtreding**

5

**37.** (1) Hierdie Wet heet die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, en tree, behoudens subartikel (2), in werking op 27 April 2004 of op die vroeër datum wat die President by proklamasie in die *Staatskoerant* bepaal.

(2) Artikel 34(2) tree op 1 Julie 2004 in werking.

## SCHEDULE

## LAWS REPEALED OR AMENDED BY SECTION 36

| No. and Year of Law | Short title              | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                      |
|---------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Act 38 of 1927      | Black Administration Act | The Third Schedule to the Act is hereby amended by the substitution of the offence "bribery" for the following offence:<br>"any 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."                                                                                                                                                                                                                                                                                                                                                                                                                              | 5<br>10              |
| Act 59 of 1959      | Supreme Court Act        | Section 24 is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:<br>"(b) interest in the cause, bias, malice or [corruption] the commission of an 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, on the part of the presiding judicial officer;"                                                                                                                                                                                                                                                                                                             | 15<br>20<br>25       |
| Act 58 of 1962      | Income Tax Act           | Section 37H is hereby amended by the substitution for paragraph (a) of subsection (23) of the following paragraph:<br>"(a) interest in the application, bias, malice or [corruption] the commission of an 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, on the part of any member of the board;"                                                                                                                                                                                                                                                                                                            | 30<br>35<br>40       |
| Act 42 of 1965      | Arbitration Act          | Section 33 is hereby amended by the substitution for subsection (2) of the following subsection:<br>"(2) An application pursuant to this section shall be made within six weeks after the publication of the award to the parties; Provided that when the setting aside of the award is requested on the grounds of [or corruption] the commission of an 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, such application shall be made within six weeks after the discovery of the [corruption] that offence and in any case not later than three years after the date on which the award was so published." | 45<br>50<br>55<br>60 |

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## BYLAE

## WETTE HERROEP OF GEWYSIG DEUR ARTIKEL 36

| No. en Jaar van Wet | Kort titel               | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                      |
|---------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Wet 38 van 1927     | Swart Administrasie Wet  | Die Derde Bylae by die Wet word hierby gewysig deur die misdryf "omkoperij" deur die volgende misdryf te vervang:<br>"Enige 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."                                                                                                                                                                                                                                                                                                                                                                                                                                | 5<br>10<br>15        |
| Wet 59 van 1959     | Wet op die Hooggeregshof | Artikel 24 word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:<br>"(b) belang by die geding, vooroordeel, kwaadwilligheid of [korruptsie] die pleging van 'n 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, by die voorsittende regterlike beampte;"                                                                                                                                                                                                                                                                                                         | 20<br>25<br>30       |
| Wet 58 van 1962     | Inkomstebelastingwet     | Artikel 37H word hierby gewysig deur paragraaf (a) van subartikel (23) deur die volgende paragraaf te vervang:<br>"(a) belang by die aansoek, vooroordeel, kwaadwilligheid of [korruptsie] die pleging van 'n 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, by 'n lid van die raad;"                                                                                                                                                                                                                                                                                                                      | 35<br>40<br>45       |
| Wet 42 van 1965     | Wet op Arbitrasie        | Artikel 33 word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:<br>"(2) 'n Aansoek ingevolge hierdie artikel moet gedoen word binne ses weke na die bekendmaking van die toekenning aan die partye: Met dien verstande dat wanneer die tersydestelling van die toekenning op grond van [korruptsie] die pleging van 'n 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, aangevra word, bedoelde aansoek gedoen moet word binne ses weke na die ontdekking van [die korruptsie] daardie misdryf en in elk geval nie later nie as drie jaar nadat die toekening bekend gemaak is." | 50<br>55<br>60<br>65 |

Act No. 12, 2004 PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title            | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                  |
|---------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Act 61 of 1973      | Companies Act          | Section 218 is hereby amended by the substitution for subparagraph (iii) of paragraph (d) of subsection (1) of the following subparagraph:<br>“(iii) any person who has at any time been convicted (whether in the Republic or elsewhere) of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Prevention of Corruption Act, 1958 (Act 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), 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, or any offence involving dishonesty or in connection with the promotion, formation or management of a company, and has been sentenced therefor to imprisonment without the option of a fine or to a fine exceeding one hundred rand.”.                                                                                    | 5<br>10<br>15<br>20              |
| Act 51 of 1977      | Criminal Procedure Act | 1. Insert the following section after section 269:<br>“ <b>269A.</b> If evidence on a charge of an offence under 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, does not prove the offence so charged but proves the offence of—<br>(a) theft;<br>(b) fraud; or<br>(c) extortion,<br>the accused may be found guilty of the crime or offence so proved.”.<br>2. Schedule 5 to the Act is hereby amended by the substitution for the words in the 20th line of the following words:<br>“Any offence relating to exchange control, [corruption,] extortion, fraud, forgery, uttering, [or] theft, or any 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—”. | 25<br>30<br>35<br>40<br>45<br>50 |



WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel     | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                       |
|---------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| Wet 61 van 1973     | Maatskappywet  | <p>Artikel 218 word hierby gewysig deur subparagraaf (iii) van paragraaf (d) van subartikel (1) deur die volgende subparagraaf te vervang:</p> <p>“(iii) iemand wat te eniger tyd (in die Republiek of elders) skuldig bevind is aan diefstal, bedrog, vervalsing of die uitgifte van ’n vervalste stuk, meened, ’n misdryf kragtens die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992 (Wet No. 94 van 1992), of 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, of ’n misdryf waarby oneerlikheid betrokke is of in verband met die oprigting, stigting of bestuur van ’n maatskappy, en daarvoor gestraf is met gevangenisstraf sonder die keuse van ’n boete of met ’n boete van meer as honderd rand.”.</p>                                                                                                                                                                                                     | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p>            |
| Wet 51 van 1977     | Strafproseswet | <p>1. Voeg die volgende artikel in na artikel 269:</p> <p><b>“Statutêr-wederregtelike korrupte bedrywighede</b></p> <p><b>269A.</b> Indien getuienis op ’n aanklag weens ’n misdryf kragtens 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, nie die misdryf waarvan aldus aangekla, bewys nie, maar die misdryf—</p> <p>(a) diefstal;</p> <p>(b) bedrog; of</p> <p>(c) afpersing,</p> <p>bewys, kan die beskuldigde aan die aldus bewese misdaad of misdryf skuldig bevind word.”.</p> <p>2. Bylae 5 by die Wet word hierby gewysig deur die woorde in die agtiende reël deur die volgende woorde te vervang:</p> <p>“ ’n Misdryf wat verband hou met deviesebeheer, [korruptsie] afpersing, bedrog, vervalsing, uitgifte, [of] diefstal of enige 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—”.</p> | <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p> <p>60</p> <p>65</p> |

## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title                                    | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                  |
|---------------------|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| Act 91 of 1981      | Co-operatives Act                              | <p>Section 108 is hereby amended by the substitution for subparagraph (iii) of paragraph (f) of subsection (1) of the following subparagraph:</p> <p>“(iii) if he or she has at any time been convicted (whether in the Republic or elsewhere) of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Prevention of Corruption Act, 1958 (Act 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), 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, any offence involving dishonesty or in connection with the formation or management of a co-operative or company and sentenced therefor to imprisonment without the option of a fine or to a fine exceeding two hundred rand;”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> |
| Act 19 of 1982      | Veterinary and Para-Veterinary Professions Act | <p>Section 24 is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:</p> <p>“(b)he or she has at any time been convicted of extortion, bribery, any offence under the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), 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, theft, fraud, forgery or uttering of a forged document or perjury, and was sentenced in respect thereof to imprisonment without the option of a fine;”.</p>                                                                                                                                                                                    | <p>30</p> <p>35</p> <p>40</p> <p>45</p>          |

WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel                                   | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                            |
|---------------------|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| Wet 91 van 1981     | Koöperasiewet                                | <p>Artikel 108 word hierby gewysig deur subparagraaf (iii) van paragraaf (f) van subartikel (1) deur die volgende subparagraaf te vervang:</p> <p>“(iii) indien hy of sy te eniger tyd in die Republiek (of elders) skuldig bevind is aan diefstal, bedrog, vervalsing of die uitgifte van ’n vervalste stuk, meened, ’n misdryf kragtens die Wet op die Voorkoming van Korruptsie, 1958, (Wet No. 6 van 1958), die Wet op Korruptsie 1992 (Wet No. 94 van 1992), of 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 Bedrywigheide, 2004, ’n misdryf waarby oneerlikheid betrokke is of ’n misdryf in verband met die oprigting of bestuur van ’n koöperasie of ’n maatskappy en daarvoor gestraf is met gevangenisstraf sonder die keuse van ’n boete of met ’n boete van meer as tweehonderd rand;”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> |
| Wet 19 van 1982     | Wet op Veterinêre en Para-veterinêre Beroepe | <p>Artikel 24 word hierby gewysig deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:</p> <p>“(b) hy of sy te eniger tyd aan afpersing, omkoperij, ’n misdryf kragtens die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992 (Wet No. 94 van 1992), of 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 Bedrywigheide, 2004, diefstal, bedrog, vervalsing of die uitgifte van ’n vervalste dokument of meened skuldig bevind is, en ten opsigte daarvan tot gevangenisstraf sonder die keuse van ’n boete gevonnissen is;”.</p>                                                                                                                                                                                                        | <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p>          |

## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title                  | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                            |
|---------------------|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Act 61 of 1984      | Small Claims Court Act       | Section 46 is hereby amended by the substitution for paragraph (b) of the following paragraph:<br>“(b) interest in the cause, bias, malice, or [corruption] the commission of an 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, on the part of the commissioner; and”.                                                                                                                                                                                                                                                                                                                                                                 | 5<br>10                    |
| Act 69 of 1984      | Close Corporations Act       | Section 47 is hereby amended by the substitution for subparagraph (iii) of paragraph (b) of the following subparagraph:<br>“(iii) any person who has at any time been convicted of theft, fraud, forgery or uttering a forged document, perjury, any offence under the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), 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, or any offence involving dishonesty or in connection with the formation or management of a company or a corporation, and has been sentenced therefor to imprisonment for at least six months without the option of a fine; and”. | 15<br>20<br>25<br>30<br>35 |
| Act 97 of 1990      | Financial Services Board Act | Section 5 is hereby amended by the substitution for paragraph (d) of the following paragraph:<br>“(d) if he or she has at any time been convicted (whether in the Republic or elsewhere) of theft, fraud, forgery or uttering a forged document, perjury, [an] any offence under the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), 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, or any offence involving dishonesty, and has been sentenced therefor to imprisonment without the option of a fine or to a fine exceeding R100; or”.                                                                | 40<br>45<br>50<br>55<br>60 |

WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel                            | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                  |
|---------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Wet 61 van 1984     | Wet op Howe vir Klein Eise            | <p>Artikel 46 word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:</p> <p>“(b) belang by die geding, vooroordeel, kwaadwilligheid of <b>[korrupsie]</b> die pleging van ’n 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, deur die Kommissaris; en”.</p>                                                                                                                                                                                                                                                                                                                                                                                                                      | 5<br>10<br>15                    |
| Wet 69 van 1984     | Wet op Beslote Korporasies            | <p>Artikel 47 word hierby gewysig deur subparagraaf (iii) van paragraaf (b) van subartikel (1) deur die volgende subparagraaf te vervang:</p> <p>“(iii) iemand wat te eniger tyd skuldig bevind is aan diefstal, bedrog, vervalsing of uitgifte van ’n vervalste dokument, meened, ’n misdryf kragtens die Wet op die Voorkoming van Korrupsie, 1958 (Wet No. 6 van 1958), die Wet op Korrupsie, 1992 (Wet No. 94 van 1992), of 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, of ’n misdryf waarby oneerlikheid betrokke is of in verband met die oprigting of bestuur van ’n maatskappy of ’n korporasie, en daarvoor veroordeel is tot gevangenisstraf van minstens ses maande sonder die keuse van ’n boete; en”.</p> | 20<br>25<br>30<br>35<br>40       |
| Wet 97 van 1990     | Wet op die Raad op Finansiële Dienste | <p>Artikel 5 word hierby gewysig deur paragraaf (d) deur die volgende paragraaf te vervang:</p> <p>“(d) indien hy of sy te eniger tyd (in die Republiek of elders) skuldig bevind is aan diefstal, bedrog, vervalsing of die uitgifte van ’n vervalste stuk, meened, [’n] enige misdryf kragtens die Wet op die Voorkoming van Korrupsie, 1958 (Wet No. 6 van 1958), die Wet op Korrupsie, 1992 (Wet No. 94 van 1992), of 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, of ’n misdryf waarby oneerlikheid betrokke is, en daarvoor gestraf is met gevangenisstraf sonder die keuse van ’n boete of met ’n boete van meer as R100; of”.</p>                                                                               | 45<br>50<br>55<br>60<br>65<br>70 |



## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title                           | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Act 80 of 1991      | Public Accountants' and Auditors' Act | <p>1. Section 4 is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph: 5</p> <p>“(b) if he or she has at any time been convicted (whether in the Republic or elsewhere) of theft, fraud, forgery or uttering a forged document, perjury, [an] 10</p> <p><u>any offence under the Prevention of Corruption Act, 1958 (Act No. 6 No. of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), 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, or any offence involving dishonesty, and has been sentenced therefor to imprisonment without the option of a fine or to a fine exceeding R300;”.</u> 15</p> <p>2. Section 15 is hereby amended by the substitution for paragraph (b) of subsection (4) of the following paragraph: 20</p> <p>“(b) if he or she has at any time been convicted (whether in the Republic or elsewhere) of theft, fraud, forgery or uttering a forged document, perjury, [an] 25</p> <p><u>any offence under the Prevention of Corruption Act, 1958 (Act 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), 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, or any offence involving dishonesty, and has been sentenced therefor to imprisonment without the option of a fine or to a fine exceeding R300; or”.</u> 30</p> <p>35</p> <p>40</p> <p>45</p> |

WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel                                 | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                              |
|---------------------|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Wet 80 van 1991     | Wet op Openbare Rekenmeesters en Ouditeurs | <p>1. Artikel 4 word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:<br/> “(b) indien hy of sy te eniger tyd in die Republiek (of elders) skuldig bevind is aan diefstal, bedrog, vervalsing of die uitgifte van ’n vervalste stuk, meened, [’n] enige misdryf kragtens die <u>Wet op die Voorkoming van Korruptie, 1958 (Wet No. 6 van 1958), die Wet op Korruptie, 1992 (Wet No. 94 van 1992), of 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</u>, of ’n misdryf waarby oneerlikheid betrokke is, en daarvoor gestraf is met gevangenisstraf sonder die keuse van ’n boete of met ’n boete van meer as R300;”.</p> <p>2. Artikel 15 word hierby gewysig deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang:<br/> “(b) indien hy of sy te eniger tyd (in die Republiek of elders) skuldig bevind is aan diefstal, bedrog, vervalsing of die uitgifte van ’n vervalste stuk, meened [’n] enige misdryf kragtens die <u>Wet op die Voorkoming van Korruptie, 1958 (Wet No. 6 van 1958), die Wet op Korruptie, 1992 (Wet No. 94 van 1992), of 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</u>, of ’n misdryf waarby oneerlikheid betrokke is, en daarvoor gestraf is met gevangenisstraf sonder die keuse van ’n boete of met ’n boete van meer as R300; of”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p> |

## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title                                                   | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                            |
|---------------------|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Act 103 of 1991     | Short Process Courts and Mediation in Certain Civil Cases Act | Section 12 is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph: “(b) interest in the cause, bias, malice or <b>[corruption]</b> the commission of an 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, on the part of the mediator or the presiding adjudicator, as the case may be; and”.                                                                                                                                                                                                        | 5<br>10<br>15              |
| Act 94 of 1992      | Corruption Act                                                | The whole                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                            |
| Act 106 of 1993     | Natural Scientific Professions Act                            | Section 11 is hereby amended by the substitution for paragraph (b) of subsection (9) of the following paragraph: “(b) has at any time been convicted of extortion, bribery, any offence under the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), Part 1 to 4, or sections 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, theft, fraud, forgery or uttering a forged document knowing it to be false or perjury and has in respect thereof been sentenced to imprisonment without the option of a fine or to a fine exceeding R1 000;”. | 20<br>25<br>30<br>35<br>40 |
| Act 148 of 1993     | Independent Media Commission Act                              | Section 6 is hereby amended by the substitution for subparagraph (i) of paragraph (j) of subsection (1) of the following subparagraph: “(i) in the Republic, of theft, fraud, forgery and uttering a forged document, perjury or an offence in terms of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act 94 of 1992), 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, or”.                                                                                                                                                     | 45<br>50<br>55             |

WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel                                                        | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                            |
|---------------------|-------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Wet 103 van 1991    | Wet op Howe vir Kort Proses en Bemiddeling in Sekere Siviele Sake | Artikel 12 word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:<br>“(b) belang by die geding, vooroordeel, kwaadwilligheid of [korruptsie] die pleging van ’n 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, by die bemiddelaar of die voorsittende beregter, na gelang van die geval; en”.                                                                                                                                                                                                                                                      | 5<br>10<br>15<br>20        |
| Wet 94 van 1992     | Wet op Korruptsie                                                 | Die geheel                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                            |
| Wet 106 van 1993    | Wet op Natuurwetenskaplike Professies                             | Artikel 11 word hierby gewysig deur paragraaf (b) van subartikel (9) deur die volgende paragraaf te vervang:<br>“(b) te eniger tyd veroordeel is weens afpersing, omkoperij, enige misdryf kragtens die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992 (Wet No. 94 van 1992), of 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, diefstal, bedrog, vervalsing of uitgifte van ’n vervalste stuk wetende dat dit vervals is of meened en ten opsigte daarvan gevonnissen is tot gevangenisstraf sonder die keuse van ’n boete of tot ’n boete van meer as R1 000;”. | 25<br>30<br>35<br>40<br>45 |
| Wet 148 van 1993    | Wet op die Onafhanklike Mediakommissie                            | Artikel 6 word hierby gewysig deur subparagraaf (i) van paragraaf (j) van subartikel (1) deur die volgende subparagraaf te vervang:<br>“(i) in die Republiek, aan diefstal, bedrog, vervalsing en uitgifte van ’n vervalste stuk, meened of ’n oortreding ingevolge die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992 (Wet No. 94 van 1992), of 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; of”.                                                                                                                                                              | 50<br>55<br>60<br>65       |

## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title                           | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                        |
|---------------------|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Act 209 of 1993     | Local Government Transition Act, 1993 | <p>1. Section 10G is hereby amended by the substitution for paragraph (g) of subsection (2) of the following paragraph:</p> <p>“(g) Any loss suffered by a municipality and which the chief executive officer, or if the chief executive officer is responsible, the council, suspects to be due to any fraudulent <b>[or corrupt]</b> act or an <b>[act of bribery]</b> 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, committed by any person, shall forthwith be reported by the chief executive officer or the council, as the case may be, to the South African Police Service.”.</p> <p>2. Section 10H is hereby amended by the substitution for the words following paragraph (b) of subsection (1) of the following words:</p> <p>“is <i>prima facie</i> of the opinion that a council member, a chief executive officer or an employee has acted unlawfully or is responsible for any act or omission which has resulted or may result in fraud, <b>[corruption]</b> an 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, or maladministration, or is of the opinion that the allegation is of such a nature that it justifies further action, he or she shall, subject to subsection (5), appoint a commission of inquiry in terms of the respective provincial laws to inquire into the matter: Provided that in the absence of a provincial law relating to a commission of inquiry, the provisions of sections 2, 3, 4, 5 and 6 of the Commissions Act, 1947 (Act 8 of 1947), and the regulations made thereunder, shall with the necessary changes apply to the municipality concerned in so far as they are applicable to the functions of the municipality.”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p> <p>60</p> |



WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHEDDE, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel                        | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                  |
|---------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Wet 209 van 1993    | Oorgangswet op Plaaslike Regering | <p>1. Artikel 10G word hierby gewysig deur paragraaf (g) van subartikel (2) deur die volgende paragraaf te vervang:</p> <p>“(g) Enige verlies wat deur ’n munisipaliteit gely is en wat die hoof- uitvoerende beampte, of as die hoof- uitvoerende beampte daarvoor verantwoordelik is, die raad, vermoed as gevolg van ’n bedrieglike [of korrupte] daad of [omkoperij] ’n 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, deur enige persoon gepleeg is, word onverwyld deur die hoof- uitvoerende beampte of die raad, na gelang van die geval, aan die Suid-Afrikaanse Polisiediens gerapporteer.”.</p> <p>2. Artikel 10H word hierby gewysig deur die woorde wat op paragraaf (b) van subartikel (4) volg deur die volgende woorde te vervang:</p> <p>“prima facie van oordeel is dat ’n lid van die raad, ’n hoof- uitvoerende beampte of werknemer onwettig opgetree het of verantwoordelik is vir enige daad of versuim wat aanleiding gee tot bedrog, [korruptsie] ’n 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, of wanadministrasie of daartoe aanleiding kan gee, of van oordeel is dat die klag van so ’n aard is dat dit verdere optrede regverdig, moet hy of sy behoudens subartikel (5) ’n kommissie van ondersoek ingevolge die betrokke provinsiale wette aanstel om die aangeleentheid te ondersoek: Met dien verstande dat in die afwesigheid van ’n provinsiale wet betreffende ’n kommissie van ondersoek, die bepalings van artikels 2, 3, 4, 5 en 6 van die Kommissiewet, 1947 (Wet No. 8 van 1947), en die regulasies daarkragtens uitgevaardig, met die nodige veranderings op die betrokke munisipaliteit van toepassing is, vir sover hulle op die werksaamhede van die munisipaliteit van toepassing is.”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p> <p>60</p> <p>65</p> |

## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title                       | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 5  |
|---------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|                     |                                   | <p>3. Section 10H is hereby amended by the substitution for subsection (6) of the following subsection:</p> <p>“(6) If the MEC, after considering a report referred to in subsection (4) or a report of a commission contemplated in subsection (5), is of the opinion that a council, a member or a chief executive officer or employee either intentionally acted unlawfully or is responsible for any act or omission which has resulted or may result in fraud, <b>[corruption]</b> an 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, or maladministration, he or she may take such steps as he or she may deem necessary so as to deal with the matter.”.</p> | 10 |
| Act 23 of 1994      | Public Protector Act              | <p>Section 6 is hereby amended by the substitution for subparagraph (iii) of paragraph (a) of subsection (4) of the following subparagraph:</p> <p>“(iii) Improper or dishonest act, or omission or <b>[corruption]</b> offences 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, with respect to public money;”.</p>                                                                                                                                                                                                                                                                                                                                                        | 25 |
| Act 40 of 1994      | Intelligence Services Control Act | <p>Section 7 is hereby amended by the substitution for paragraph (cA) of subsection (7) of the following paragraph:</p> <p>“(cA) to receive and investigate complaints from members of the public and members of the Services on alleged maladministration, abuse of power, transgressions of the Constitution, laws and policies referred to in paragraph (a), <b>[corruption]</b> the commission of an offences 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 improper enrichment of any person through an act or omission of any member;”.</p>                                                                                                                     | 40 |
|                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 45 |
|                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 50 |
|                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 55 |

WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel                             | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                  |
|---------------------|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
|                     |                                        | <p>3. Artikel 10H word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:</p> <p>“(6) Indien die LUR, na oorweging van ’n verslag in subartikel (4) bedoel of ’n verslag van ’n kommissie in subartikel (5) beoog, van oordeel is dat ’n raad, ’n lid of ’n hoof- uitvoerende beampte of werknemer óf opsetlik onwettig opgetree het óf verantwoordelik is vir enige daad of versuim wat tot bedrog, <b>[korrupsie]</b> ’n 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, of wanadministrasie aanleiding gegee het of kan gee, kan hy of sy die stappe doen wat hy of sy nodig ag om met die aangeleentheid te handel.”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> |
| Wet 23 van 1994     | Wet op die Openbare Beskermer          | <p>Artikel 6 word hierby gewysig deur subparagraaf (iii) van paragraaf (a) van subartikel (4) deur die volgende subparagraaf te vervang:</p> <p>“(iii) onbehoorlike of oneerlike handeling, of late of <b>[korrupsie]</b> misdrywe 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, ten opsigte van openbare fondse;”.</p>                                                                                                                                                                                                                                                                                                                                      | <p>30</p> <p>35</p> <p>40</p>                    |
| Wet 40 van 1994     | Wet op Beheer oor Intelligensiedienste | <p>Artikel 7 word hierby gewysig deur paragraaf (cA) van subartikel (7) deur die volgende paragraaf te vervang:</p> <p>“(cA) om klagtes van lede van die publiek en lede van die Dienste te ontvang en te ondersoek oor beweerde wanadministrasie, magsmisbruik, oortreding van wette en beleide bedoel in paragraaf (a), <b>[korrupsie]</b> die pleging van ’n 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, en die onbehoorlike verryking van enige persoon deur ’n handeling of late van enige lid;”.</p>                                                                                                                                         | <p>45</p> <p>50</p> <p>55</p> <p>60</p>          |

## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title                  | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                             |
|---------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Act 66 of 1995      | Labour Relations Act         | <p>Section 145 is hereby amended by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:</p> <p>“(a) within six weeks of the date that the award was <i>served</i> on the applicant, unless the alleged defect involves <b>[corruption]</b> the commission of an 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; or</p> <p>(b) if the alleged defect involves <b>[corruption]</b> an offence referred to in paragraph (a), within six weeks of the date that the applicant discovers <b>[the corruption]</b> such offence.”.</p>                                                                                                                                                                                                                                                                                            | <p>5</p> <p>10</p> <p>15</p> <p>20</p>                      |
| Act 67 of 1995      | Development Facilitation Act | <p>1. Section 8 is hereby amended by the substitution for paragraph (d) of subsection (2) of the following paragraph:</p> <p>“(d) he or she is convicted of an offence involving dishonesty or <b>[corruption]</b> an 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, or sentenced to imprisonment without the option of a fine; or”.</p> <p>2. Section 15 is hereby amended by the substitution for subparagraph (iv) of paragraph (b) of subsection (6) of the following subparagraph:</p> <p>“(iv) he or she is convicted of an offence involving dishonesty, or <b>[corruption]</b> an 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, or sentenced to imprisonment without the option of a fine; or”.</p> | <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> |

WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel                       | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                       |
|---------------------|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| Wet 66 van 1995     | Wet op Arbeidsverhoudinge        | <p>Artikel 145 word hierby gewysig deur paragrawe (a) en (b) van subartikel (1) deur die volgende paragrawe te vervang:</p> <p>“(a) binne ses weke na die datum waarop die toekenning aan die aansoeker <i>beteken</i> is, tensy <b>[korrupsie]</b> ’n misdryf bedoel in <u>Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het)</u> van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, by die vermeende gebrek betrokke is; of</p> <p>(b) indien <b>[korrupsie]</b> ’n misdryf bedoel in paragraaf (a) by die vermeende gebrek betrokke is, binne ses weke na die datum waarop die aansoeker <b>[die korrupsie]</b> sodanige misdryf ontdek.”.</p>                                                                                                                                                                                                                                                                                                                                                                         | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p>                      |
| Wet 67 van 1995     | Wet op Ontwikkelingsfasilitering | <p>1. Artikel 8 word hierby gewysig deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:</p> <p>“(d) hy of sy aan ’n misdryf skuldig bevind word waarvan oneerlikheid <b>[of korrupsie]</b> ’n element is of ’n misdryf bedoel in <u>Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het)</u> van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, of tot gevangenisstraf sonder die keuse van ’n boete gevonniss word; of”.</p> <p>2. Artikel 15 word hierby gewysig deur subparagraaf (iv) van paragraaf (b) van subartikel (6) deur die volgende subparagraaf te vervang:</p> <p>“(iv) hy of sy aan ’n misdryf skuldig bevind word waarvan oneerlikheid <b>[of korrupsie]</b> ’n element is of ’n misdryf bedoel in <u>Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het)</u> van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, of tot gevangenisstraf sonder die keuse van ’n boete gevonniss word; of ”.</p> | <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p> <p>60</p> |

## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title                                           | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                      |
|---------------------|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Act 33 of 1996      | National Gambling Act                                 | Section 3 is hereby amended by the substitution for item <i>(dd)</i> of subparagraph (iii) of paragraph <i>(a)</i> of subsection (7) of the following item:<br>“(dd) has at any time been or is convicted, whether in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, [an] any offence under the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act 94 of 1992), 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, or any offence involving dishonesty.”. | 5<br>10<br>15<br>20  |
| Act 65 of 1996      | Films and Publications Act                            | Section 7 is hereby amended by the substitution for subparagraph (i) of paragraph <i>(h)</i> of subsection (1) of the following subparagraph:<br>“(i) in the Republic, of theft, fraud, forgery and uttering a forged document, perjury, or [an offence in terms of the Corruption Act, 1992 (Act 94 of 1992)] any offence under the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), or 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;”.                                       | 25<br>30<br>35<br>40 |
| Act 74 of 1996      | Special Investigating Units and Special Tribunals Act | Section 2 is hereby amended by the substitution for paragraph <i>(f)</i> of subsection (2) of the following paragraph:<br>“(f) [corruption] 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 was committed in connection with the affairs of any State institution; or”.                                                                                                                                                                                                                      | 45<br>50             |



WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel                                             | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                  |
|---------------------|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| Wet 33 van 1996     | Nasionale Dobbeltwet                                   | <p>Artikel 3 word hierby gewysig deur item (dd) van subparagraaf (iii) van paragraaf (a) van subartikel (7) deur die volgende item te vervang:</p> <p>“(dd) te eniger tyd skuldig bevind is of word, hetsy in die Republiek of elders, aan diefstal, bedrog, vervalsing of uitgifte van ’n vervalste stuk, meened, [’n] enige oortreding kragtens die <u>Wet op die Voorkoming van Korruptie, 1958 (Wet No. 6 van 1958)</u>, die Wet op Korruptie, 1992 (Wet No. 94 van 1992), of 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, of enige misdryf waarby oneerlikheid betrokke is.”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> |
| Wet 65 van 1996     | Wet op Films en Publikasies                            | <p>Artikel 7 word hierby gewysig deur subparagraaf (i) van paragraaf (h) van subartikel (1) deur die volgende subparagraaf te vervang:</p> <p>“(i) in die Republiek, aan diefstal, bedrog, vervalsing en uitgifte van ’n vervalste stuk, meened, of [’n <b>misdryf ingevolge die Wet op Korruptie, 1992 (Wet No. 94 van 1992)</b>] enige misdryf kragtens die <u>Wet op die Voorkoming van Korruptie, 1958 (Wet No. 6 van 1958)</u>, die Wet op Korruptie, 1992 (Wet No. 94 van 1992), of 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;”.</p>                                           | <p>30</p> <p>35</p> <p>40</p> <p>45</p>          |
| Wet 74 van 1996     | Wet op Speciale Ondersoekeenhede en Speciale Tribunale | <p>Artikel 2 word hierby gewysig deur paragraaf (f) van subartikel (2) deur die volgende paragraaf te vervang:</p> <p>“(f) [<b>korruptie</b>] 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 ’n Staatsinstelling; of”.</p>                                                                                                                                                                                                                                                                                                                 | <p>50</p> <p>55</p> <p>60</p>                    |

## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title   | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                |
|---------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Act 57 of 1997      | Lotteries Act | <p>1. Section 3 is hereby amended by—</p> <p>(a) the substitution for paragraph (b) of subsection (5) of the following paragraph:</p> <p>“(b) shall suspend the membership of any member of the board in the event of the State instituting criminal proceedings in a court of law on a charge of theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the Corruption Act, 1992 (Act 94 of 1992), 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, or any offence involving dishonesty;</p> <p>(b) the substitution for subparagraph (i) of paragraph (c) of subsection (5) of the following subparagraph:</p> <p>“(i) being found guilty in a court of law of contravening this Act or of theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992, 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, or any offence involving dishonesty; or;”;</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> |

WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel     | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                    |
|---------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| Wet 57 van 1997     | Wet op Loterye | <p>1. Artikel 3 word hierby gewysig deur—</p> <p>(a) paragraaf (b) van subartikel (5) deur die volgende paragraaf te vervang:</p> <p>“(b) moet die Minister die lidmaatskap van enige lid van die raad opskort in die geval waar die Staat strafregtelike verrigtinge in ’n geregshof instel op ’n aanklag van diefstal, bedrog, vervalsing of uitgifte van ’n vervalste stuk, meened, ’n oortreding ingevolge die Wet op Korupsie, 1992 (Wet No. 94 van 1992), of 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 Bedrywig-hede, 2004, of enige misdryf waarby oneerlikheid betrokke is;”;</p> <p>(b) subparagraaf (i) van paragraaf (c) van subartikel (5) deur die volgende subparagraaf te vervang:</p> <p>“(i) in ’n geregshof skuldig bevind word aan ’n oortreding van hierdie Wet of aan diefstal, bedrog, vervalsing of uitgifte van ’n vervalste stuk, meened, ’n oortreding ingevolge die Wet op die Voorkoming van Korupsie, 1958 (Wet No. 6 van 1958), die Wet op Korupsie, 1992, of 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 Bedrywig-hede, 2004, of enige misdryf waarby oneerlikheid betrokke is; of”;</p> <p>en</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> |

## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     |             | <p>(c) the substitution for item (dd) of subparagraph (iii) of paragraph (a) of subsection (7) of the following item:</p> <p>“(dd) has at any time been, or is, convicted, whether in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the <u>Prevention of Corruption Act, 1958 (Act No. 6 of 1958)</u>, the <u>Corruption Act, 1992, Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences)</u> of Chapter 2 of the <u>Prevention and Combating of Corrupt Activities Act, 2004</u>, or any offence involving dishonesty.”.</p> <p>2. Section 51 is hereby amended by the substitution for paragraph (e) of subsection (1) of the following paragraph:</p> <p>“(e) if the certificate holder is convicted on a charge of theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the <u>Prevention of Corruption Act, 1958 (Act No. 6 of 1958)</u>, the <u>Corruption Act, 1992, Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences)</u> of Chapter 2 of the <u>Prevention and Combating of Corrupt Activities Act, 2004</u>, or any offence involving dishonesty.”.</p> |

WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                          |
|---------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
|                     |            | <p>(c) item (dd) van subparagraaf (iii) van paragraaf (a) van subartikel (7) deur die volgende item te vervang:</p> <p>“(dd) in enige stadium skuldig bevind is of word, hetsy in die Republiek of elders, aan diefstal, bedrog, vervalsing of uitgifte van ’n vervalste dokument, meened, ’n misdryf ingevolge die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992, of 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, of enige misdryf waarby oneerlikheid betrokke is.”.</p> <p>2. Artikel 51 word hierby gewysig deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:</p> <p>“(e) indien die sertifikaathouer skuldig bevind word op ’n aanklag van diefstal, bedrog, vervalsing of uitgifte van ’n vervalste stuk, meened, ’n oortreding ingevolge die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992, of 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, of enige misdryf waarby oneerlikheid betrokke is.”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title                                | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                  |
|---------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| Act 105 of 1997     | Criminal Law Amendment Act                 | <p>1. Section 51 is hereby amended by the addition of the following subsection:</p> <p>“(9) The amounts mentioned in respect of the offences referred to in PART II of Schedule 2 to the Act, may be adjusted by the Minister from time to time by notice in the <i>Gazette</i>.”</p> <p>2. PART II of Schedule 2 is hereby amended by the substitution of the words preceding paragraph (a) in the last offence of PART II, of the following words:</p> <p>“Any offence relating to exchange control, [corruption] extortion, fraud, forgery, uttering, [or] theft, or an offence 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—”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> |
| Act 40 of 1998      | South African Civil Aviation Authority Act | <p>Section 9 is hereby amended by the substitution for subparagraph (ii) of paragraph (a) of subsection (3) of the following subparagraph:</p> <p>“(ii) of any offence in terms of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act 94 of 1992), 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, the Companies Act, 1973, or of contravening this Act;”.</p>                                                                                                                                                                                                                                       | <p>30</p> <p>35</p> <p>40</p>                    |
| Act 105 of 1998     | National Empowerment Fund Act              | <p>Section 7 is hereby amended by the substitution for paragraph (e) of subsection (1) of the following paragraph:</p> <p>“(e) has at any time been convicted, whether in the Republic or elsewhere, of theft, fraud, forgery and uttering, perjury, an offence in terms of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), 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, or any other offence involving dishonesty; or”.</p>                                                                                                                                                  | <p>45</p> <p>50</p> <p>55</p> <p>60</p>          |



WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel                                             | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                  |
|---------------------|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| Wet 105 van 1997    | Strafregwysigingswet                                   | <p>1. Artikel 51 word hierby gewysig deur die volgende subartikel by te voeg:</p> <p>“(9) Die bedrae vermeld ten opsigte van die misdrywe bedoel in DEEL II van Bylae 2 by die Wet, kan van tyd tot tyd by kennisgewing in die <i>Staatskoerant</i> deur die Minister aangepas word.”.</p> <p>2. DEEL II van Bylae 2 word hierby gewysig deur die woorde wat paragraaf (a) in die laaste misdryf van DEEL II voorafgaan, deur die volgende woorde te vervang:</p> <p>“ ’n Misdryf wat verband hou met deviese beheer, [korruptsie] afpersing, bedrog, vervalsing, uitgifte, [of] diefstal, of ’n misdryf 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—”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> |
| Wet 40 van 1998     | Wet op die Suid-Afrikaanse Burgerlike Lugvaartowerheid | <p>Artikel 9 word hierby gewysig deur subparagraaf (ii) van paragraaf (a) van subartikel (3) deur die volgende subparagraaf te vervang:</p> <p>“(ii) enige oortreding van hierdie Wet, of enige misdryf ingevolge die Maatskappywet, 1973, [of] die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992 (Wet No. 94 van 1992), of 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;”.</p>                                                                                                                                                                                                                                  | <p>30</p> <p>35</p> <p>40</p> <p>45</p>          |
| Wet 105 van 1998    | Wet op die Nasionale Bemagtigingsfonds                 | <p>Artikel 7 word hierby gewysig deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:</p> <p>“(e) op enige tydstip, hetsy in die Republiek of elders, van diefstal, bedrog, vervalsing en uitgifte, meeneed, ’n misdryf ingevolge die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992 (Wet No. 94 van 1992), of 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, of enige ander misdryf wat oneerlikheid behels, skuldig bevind is nie; of”.</p>                                                                                                                                             | <p>50</p> <p>55</p> <p>60</p> <p>65</p>          |

**Act No. 12, 2004**      **PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004**

| No. and Year of Law | Short title                                                          | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                            |
|---------------------|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Act 112 of 1998     | Witness Protection Act                                               | The Schedule to the Act is hereby amended by the substitution for the words proceeding paragraph (a) in item 14 of the following words:<br>“Any offence relating to exchange control, <b>[corruption]</b> extortion, fraud, forgery, uttering, <b>[or]</b> theft, or an 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.”.                                                                                                                                                                                                                            | 5<br>10                    |
| Act 121 of 1998     | Prevention of Organised Crime Act                                    | Schedule 1 to the Act is hereby amended by the substitution for item 12 of the following item:<br>“12. any offence contemplated in Part 1 to 4, or section 17, 18, 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;”.                                                                                                                                                                                                                                                                                                                                                                                    | 15<br>20                   |
| Act 131 of 1998     | Medical Schemes Act                                                  | Section 5 is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:<br>“(d) has at any time been convicted (whether in the Republic of South Africa or elsewhere) of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act 94 of 1992), 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, or any offence involving dishonesty, and has been sentenced therefor to imprisonment without the option of a fine.”. | 25<br>30<br>35<br>40<br>45 |
| Act 132 of 1998     | South African Medicines and Medical Devices Regulatory Authority Act | Section 8 is hereby amended by the substitution for subparagraph (i) of paragraph (j) of subsection (1) of the following subparagraph:<br>“(i) theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958) the Corruption Act, 1992 (Act 94 of 1992), 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, or any other offence involving dishonesty;”.                                                                                                                                      | 50<br>55<br>60             |

WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel                                                                        | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                            |
|---------------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Wet 112 van 1998    | Wet op Getuiebeskerming                                                           | Die Bylae by die Wet word hierby gewysig deur die woorde wat paragraaf (a) in item 14 voorafgaan deur die volgende woorde te vervang:<br>“ ’n Misdryf wat verband hou met deviesebeheer, [korruptsie] afpersing, bedrog, vervalsing, uitgifte, [of] diefstal of ’n 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—”.                                                                                                                                                                                                                                                                         | 5<br>10<br>15              |
| Wet 121 van 1998    | Wet op die Voorkoming van Georganiseerde Misdad                                   | Bylae 1 by die Wet word hierby gewysig deur item 12 deur die volgende item te vervang:<br>“12. enige misdryf beoog 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;”.                                                                                                                                                                                                                                                                                                                                                                                                                                        | 20<br>25                   |
| Wet 131 van 1998    | Wet op Mediese Skemas                                                             | Artikel 5 word hierby gewysig deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:<br>“(d) te eniger tyd (hetsy in die Republiek van Suid-Afrika of elders) skuldig bevind is aan diefstal, bedrog, vervalsing of die uitgifte van ’n vervalste dokument, meened, ’n misdryf kragtens die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992 (Wet No. 94 van 1992), of 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 Korruptsie, 2004, of enige misdryf waarby oneerlikheid betrokke is, en daarvoor gevonniss is met gevangenisstraf sonder die keuse van ’n boete.”. | 30<br>35<br>40<br>45<br>50 |
| Wet 132 van 1998    | Wet op die Suid-Afrikaanse Regulerende Owerheid vir Medisyne en Mediese Toestelle | Artikel 8 word hierby gewysig deur subparagraaf (i) van paragraaf (j) van subartikel (1) deur die volgende subparagraaf te vervang:<br>“(i) diefstal, bedrog, vervalsing of die in omloop bring van ’n vervalste dokument, meened, ’n misdryf ingevolge die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992 (Wet No. 94 van 1992) of 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, of enige ander misdryf waarby oneerlikheid betrokke is;”.                                                                                                                    | 55<br>60<br>65<br>70       |

## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title                                              | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                      |
|---------------------|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Act 4 of 1999       | Broadcasting Act                                         | Section 16 is hereby amended by the substitution for subparagraph (i) of paragraph (d) of subsection (1) of the following subparagraph:<br>“(i) in the Republic, of theft, fraud, forgery and uttering a forged document, perjury, or an offence in terms of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958) the Corruption Act, 1992 (Act 94 of 1992), 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;”.                       | 5<br>10<br>15        |
| Act 20 of 1999      | Road Traffic Management Corporation Act                  | Section 10 is hereby amended by the substitution for subparagraph (ii) of paragraph (a) of subsection (1) of the following subparagraph:<br>“(ii) of any offence in terms of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act 94 of 1992), 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, the Companies Act, 1973 (Act 61 of 1973), or this Act;”.                                               | 20<br>25<br>30       |
| Act 13 of 2000      | Independent Communications Authority of South Africa Act | Section 6 is hereby amended by the substitution for subparagraph (i) of paragraph (j) of subsection (1) of the following subparagraph:<br>“(i) theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act 94 of 1992), 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, or any other offence involving dishonesty; or”. | 35<br>40<br>45<br>50 |

WET OP DIE VOORKOMING EN BESTRYDING VAN Wet No. 12, 2004  
KORRUPTIE BEDRYWIGHED, 2004

| No. en Jaar van Wet | Kort titel                                                    | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                         |
|---------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| Wet 4 van 1999      | Uitsaaiwet                                                    | <p>Artikel 16 word hierby gewysig deur subparagraaf (i) van paragraaf (d) van subartikel (1) deur die volgende subparagraaf te vervang:</p> <p>“(i) in die Republiek, aan diefstal, bedrog, vervalsing en die in omloop bring van ’n vervalste dokument, meened of ’n misdryf ingevolge die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992 (Wet No. 94 van 1992), of 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;”.</p>                            | <p>5</p> <p>10</p> <p>15</p> <p>20</p>  |
| Wet 20 van 1999     | Wet op die Padverkeersbestuurskorporasie                      | <p>Artikel 10 word hierby gewysig deur subparagraaf (ii) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:</p> <p>“(ii) aan enige misdryf ingevolge die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992 (Wet No. 94 van 1992), 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, die Maatskappywet, 1973 (Wet No. 61 van 1973), of hierdie Wet;”.</p>                                                                      | <p>25</p> <p>30</p> <p>35</p> <p>40</p> |
| Wet 13 van 2000     | Wet op die Onafhanklike Kommunikasie-owerheid van Suid-Afrika | <p>Artikel 6 word hierby gewysig deur subparagraaf (i) van paragraaf (j) van subartikel (1) deur die volgende subparagraaf te vervang:</p> <p>“(i) diefstal, bedrog, vervalsing of uitgifte van ’n vervalste dokument, meened, ’n misdryf ingevolge die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992 (Wet No. 94 van 1992), of 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, of enige ander misdryf waarvan oneerlikheid ’n element is; of”.</p> | <p>45</p> <p>50</p> <p>55</p> <p>60</p> |

## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title                                 | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                     |
|---------------------|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Act 38 of 2000      | Construction Industry Development Board Act | Section 7 is hereby amended by the substitution for paragraph (a) of subsection (4) of the following paragraph:<br>“(a) is convicted, whether in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, or any offence involving dishonesty or of any offence in terms of the <u>Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act 94 of 1992), 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, or the Companies Act, 1973 (Act 61 of 1973), or of contravening this Act;</u> ”. | 5<br>10<br>15<br>20 |
| Act 63 of 2000      | Home Loan and Mortgage Disclosure Act       | Section 8 is hereby amended by the substitution for subparagraph (i) of paragraph (e) of subsection (2) of the following subparagraph:<br>“(i) an offence involving dishonesty or <b>[corruption]</b> an 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 <u>Prevention and Combating of Corrupt Activities Act, 2004;</u> or”.                                                                                                                                                                                                                                                               | 25<br>30<br>35      |
| Act 56 of 2001      | Private Security Industry Regulation Act    | The Schedule to the Act is hereby amended by the substitution for the offence mentioned in the 26th line of the following offence:<br>“ <b>[Corruption in terms of statutory law]</b> An 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 <u>Prevention and Combating of Corrupt Activities Act, 2004.</u> ”.                                                                                                                                                                                                                                                                                 | 40<br>45            |



WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel                                                                         | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 |
|---------------------|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Wet 38 van 2000     | “umThetho weBhodi eThuthukisa iMboni yezokwAkha”                                   | <p>Artikel 7 van die isiZulu teks word hierby gewysig deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:</p> <p>“(a) ligwetshiwe ecaleni, kwiRiphabhulikhi noma kwenye indawo, ngecala lokweba, lokukhwabanisa, lokufoja noma lokwenza umqulu ofojiwe, ukuziphikisa nanoma yiliphi icala elinokungethembeki nanoma yiliphi icala lokukhohlakala ngokuhambisana nomThetho woku Vimba inKohlakalo, 1958 (umThetho 6 ka-1958), (Corruption Act No. 94 of 1992), iziNgxenywe 1 kuya ku-4, noma isigaba 17, 20 noma 21 (maqondana nalawo macala okukhulunywe ngawo ngasenhla kuphela) zeSahluko 2 somThetho wokuVimba nokuLwa nenKohlakalo, 2004, umthetho weziNkampani (Companies Act, No. 61 of 1973), noma ukwephula lo mThetho;”.</p> | 5<br>10<br>15<br>20<br>25<br>30 |
| Wet 63 van 2000     | “uMthetho wokuDalula uLwazi ngeMalimboleko yeZindlu kanye neSibambiso sesiKweletu” | <p>Artikel 8 van die isiZulu teks word hierby gewysig deur subparagraaf (i) van paragraaf (e) van subartikel (2) deur die volgende subparagraaf te vervang:</p> <p>“(i) elimayelana nokungathembeki noma <u>[ukukhohlakala] icala elimayelana nokungethembeki noma elinye lamacala abalulwe eziNgxenyeni 1 ukuya ku-4, noma ezigabeni 17, 20 noma 21 (uma ngabe ziyawachaphazela lamacala asebaluliwe ngenhla) eSahlakweni 2 soMthetho wokuNqandwa nokuPhelisa kweZenzo zeNkohlakalo ka 2004; noma”.</u></p>                                                                                                                                                                                                                                                    | 35<br>40<br>45<br>50            |
| Wet 56 van 2001     | Wet op die Regulering van die Private Sekuriteitsbedryf                            | <p>Die Bylae by die Wet word hierby gewysig deur die misdryf in die sewen-twintigste reël deur die volgende misdryf te vervang:</p> <p>“<u>[Korrupsie ingevolge statutêre reg] ’n 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.”.</u></p>                                                                                                                                                                                                                                                                                                                                                           | 55<br>60                        |

## Act No. 12, 2004

PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title                                | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                      |
|---------------------|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Act 13 of 2002      | Immigration Act                            | Schedule II to the Act is hereby amended by the substitution for the offence "Corruption" of the following offence:<br>"An 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".                                                                                                                                                                                                                 | 5<br>10              |
| Act 14 of 2002      | Media Development and Diversity Agency Act | Section 5 is hereby amended by the substitution for paragraph (e) of the following paragraph:<br>"(e) has, notwithstanding paragraph (f), at any time been convicted of theft, fraud, perjury, an offence under the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act 94 of 1992), 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, or any other offence involving dishonesty;" | 15<br>20<br>25       |
| Act 15 of 2002      | Land and Agricultural Development Bank Act | Section 10 is hereby amended by the substitution for subparagraph (i) of paragraph (d) of the following subparagraph:<br>"(i) in the Republic of theft, perjury, or an offence in terms of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act 94 of 1992), 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;"                                                                 | 30<br>35<br>40<br>45 |

WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel                                                                                               | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                  |
|---------------------|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| Wet 13 van 2002     | “UmTsetfo wetiFikinamtfwalo”                                                                             | Die siSwati teks van Bylae 2 by die Wet word hierby gewysig deur die misdryf “Kukhohlakala” deur die volgende misdryf te vervang:<br>“ <u>Licala lekukhulunywa ngalo etigabeni 1 ukuya ku 4 nome tigaba 17, 20 na 21 (njengekuphatselana kwazo nemacala lasaphawuliwe ngenhla) kuSahluko 2 kuMtsetfo weKuvikelwa neKucedvwa Kwetento Tebugebengu wanga 2004</u> ”.                                                                                                                                                                                                                                                                                                                                                                        | 5<br><br>10<br><br>15                            |
| Wet 14 van 2002     | “Umthetho Wokuthuthukisa Zokurhatjha Mazombe Kunye Nehlangano Ejamele lindlela Zokurhatjha Ezahlukeneko” | Artikel 5 van die isiNdebele teks word hierby gewysig deur paragraaf (e) deur die volgende paragraaf te vervang:<br>“(e) ukhe, ngaphandle kwetjhejo lendima (f), kwesinye nesinye isikhathi wabotjhelwa ukweba, ukukhwabanisa, ukukhuluma amala afungile, okumlandu ngokuya komThetho wokulwa nobuKholakali ka 1958 (umThetho we 6 ka 1958), komThetho wokulwa nobuKholakali ka 1992 (Corruption Act, 1992, umThetho wama-94 ka 1992), namkha inqenye yoku 1 ukuya kweye 4 namkha indinyana ye 17, ya 20, namkha ya 21 (nanyana ngimuphi umlandu ophathelene namaqala angaphezulu) ezikusahluko se 2 somThetho wokulwa nokuvikela imisebenzi ephathelene nobukholakali ka 2004, nanyana omunye nje umlandu ophathelene nokungathembeki;”. | 20<br>25<br><br>30<br><br>35<br><br>40<br><br>45 |
| Wet 15 van 2002     | Wet op die Land- en Landbou- ontwikkelingsbank                                                           | Artikel 10 word hierby gewysig deur subparagraaf (i) van paragraaf (d) deur die volgende subparagraaf te vervang:<br>“(i) in die Republiek skuldig bevind is aan diefstal, meened of ’n misdryf ingevolge die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958), die Wet op Korruptsie, 1992 (Wet No. 94 van 1992), of 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;”.                                                                                                                                                                                                            | 50<br><br>55<br><br>60                           |

Act No. 12, 2004 PREVENTION AND COMBATING OF CORRUPT  
ACTIVITIES ACT, 2004

| No. and Year of Law | Short title                                                                                                | Extent of Repeal or Amendment                                                                                                                                                                                                                                                                                                                                                    |
|---------------------|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Act 70 of 2002      | Regulation of Interception of Communications and Provision of Communi-cation related Information Act, 2002 | The Schedule to the Act is hereby amended by the substitution for item 12 of the following item:<br>“12. any offence contemplated in [section 1(1) of the Corruption Act, 1992 (Act 94 of 1992),] 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 Cor-rupt Activities Act, 2004;”. |

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WET OP DIE VOORKOMING EN BESTRYDING VAN  
KORRUPTIE BEDRYWIGHED, 2004

Wet No. 12, 2004

| No. en Jaar van Wet | Kort titel                                                                                                 | Omvang van Herroeping of Wysiging                                                                                                                                                                                                                                                                                                                                                            |
|---------------------|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wet 70 van 2002     | Wet op die Reëling van Onderskepping van Kommunikasies en Verstrekking van Kommunikasie-verwante Inligting | Die Bylae by die Wet word hierby gewysig deur item 12 deur die volgende item te vervang:<br>“12. enige misdryf beoog in <b>[artikel 1(1) van die Wet op Korrupsie, 1992 (Wet No. 94 van 1992)]</b> 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;”. |

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