

SPECIAL TRIBUNAL OF SOUTH AFRICA
Judgment summary

<i>SIU v Inqaba Yokulinda and Others</i>	
URL	https://lawlibrary.org.za/akn/za/judgment/zast/2023/1/eng@2023-01-03
Citations	(GP/01/2022) [2023] ZAST 1
Date of judgment	3 January 2023
Keyword(s): ¹	Application, applicant, respondent, special tribunal, special investigating unit, interdict, disputed property, order, striking out, rescission, extension, preserve, preservation order, grant funding, construction, service provider, proposal, feasibility study, grant agreement, performance, progress reports, bank statements, evidence, review application, case management meeting, unlawful activities, interests of justice, fairness, equity, interpretation, power to extend, good cause, consent, lapsed, malpractice, maladministration, state institutions, settlement agreement, repay monies, irregular, fraudulent, prejudice, delay, explanation, <i>ex parte</i> application, default judgement, proceeds from unlawful activities, condonation
Case type ²	Four applications
Result	Condonation for late filing of the Extension Application by the SIU was granted, and the Preservation Order was revived. The Reconsideration Applications, the Application to Strike Out and the Application for Rescission were all dismissed.
Flynote ³	Special Tribunal Proceedings – Extension of time – the Special Tribunal may, on good cause shown, extend any time period stipulated in an order made by the Special Tribunal, and condone non-compliance with the Rules
Legislation and International Instruments ⁴	● Rules 14, 12 and 24 of the Special Tribunal’s Rules
Cases cited as authority ⁵	n/a
Facts ⁶	The first respondent (Yokulinda) had applied for grant funding from the thirteenth respondent, the National Lotteries Commission (NLC), for the construction of athletic tracks. Once the funding

¹ Clarify the type of issues that come up in the case.

² Whether Trial, Application or Appeal.

³ **Area of law** - topic – subtopic.

⁴ Legislation/ International instrument title and section numbers.

⁵ List of cases considered to be important precedent (case name and citation).

⁶ Brief facts about the case (max 150 words).

	<p>was approved, the fourth respondent (Unicus) received a portion of the grant but did not perform in terms of the Grant Agreement. Yokulinda subsequently applied for and was granted additional funding from the NLC without being required to furnish any progress reports. The applicant, the Special Investigating Unit (SIU), found evidence that monies from the Unicus bank account has been utilised for various unlawful expenses and following the investigation, the SIU applied for the preservation order in the main application, to interdict or preserve the property and assets of the fifth, sixth, and seventh respondents for their involvement in the unlawful activities. The Special Tribunal had granted the preservation order pending the institution of a review application by the SIU within 30 days of the date of the order (Preservation Order). As the SIU could not institute the review within the time prescribed by the order, an extension application was submitted in terms of Tribunal Rule 14 to condone non-compliance with the timeframes and an extension to file the review application (Extension Application). The first to sixth, ninth and twelfth respondents applied for the Preservation Order to be reconsidered (Reconsideration Applications). Unicus and the fifth respondent applied to have parts of the founding affidavit struck out on the basis that it constituted inadmissible hearsay evidence (Application to Strike Out), and the seventh respondent sought to rescind the Preservation Order (Rescission Application).</p>
Summary ⁷	<p>The Special Tribunal was asked to determine whether Tribunal Rule 14 permitted the Special Tribunal to condone non-compliance with time frames prescribed by an order, in this instance the Preservation Order. The Special Tribunal was also asked to determine whether there were any merits to the respondents objecting to the Preservation Order, whether the portions of the founding affidavit were inadmissible, and whether the Preservation Order as it related to the seventh respondent ought to be rescinded.</p>
Decision/ Judgment ⁸	<p>The Special Tribunal condoned the late filing of the Extension Application sought by the SIU in terms of Tribunal Rule 14, and the Preservation Order was revived. The SIU was ordered to institute the review proceedings within 30 days of the present order. The Special Tribunal, however, dismissed the Reconsideration</p>

⁷ Summary of the determination of legal questions and/or grounds of appeal (between 150-250 words).

⁸ A brief summary of the ruling/judgment of the court (max 100 words).

	Applications, Application to Strike Out, and Rescission Application sought by the various respondents.
Basis of the decision ⁹	<p>In terms of the Extension Application, the Special Tribunal was satisfied with the SIU's explanation regarding the reasons for the delay and found that, in the interests of justice, the Extension Application ought to be granted. The Special Tribunal also held that Rule 14 ought to be interpreted to enable the Special Tribunal to extend any period, on good cause shown, including any period stipulated by the Special Tribunal in an order.</p> <p>In terms of the Reconsideration Applications, the Special Tribunal found that the objections raised by the respondents did not take their respective cases any further, and were therefore dismissed.</p> <p>In terms of the Application to Strike Out, the Special Tribunal found these to be misguided and without merit and was therefore also dismissed.</p> <p>Finally, in terms of the Rescission Application, the Special Tribunal found that the respondent had relied on the incorrect rules and, as it was already admitted that unlawful funds had been used to purchase a car for the respondent, the application was also found to be misguided and dismissed.</p>
Reported by Date	African Legal Information Institute (AfricanLII) 3 January 2023

⁹ A 1-2 sentence summary of the basis of the decision (i.e. which legal rules were relied on).