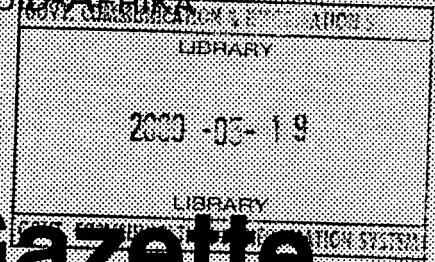


REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA



Government Gazette Staatskoerant

Regulation Gazette

No. 6801

Regulasiekoerant

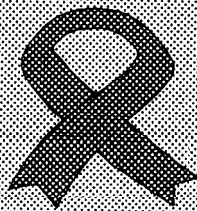
vol. 419

PRETORIA, 8 MAY
MEI 2000

No. 21153

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure,

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

P R O C L A M A T I O N
by the
President of the Republic of South Africa

No. R. 26, 2000

COMMISSION OF INQUIRY INTO CRICKET MATCH FIXING AND RELATED MATTERS

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act No. 8 of 1947), I hereby declare that the provisions of the Act shall be applicable to the Commission of Inquiry into Cricket Match Fixing and Related Matters, and I hereby make the regulations in the Schedule with reference to the said Commission.

Signed at Pretoria on this Fifth day of May, Two thousand.

T. M. MBEKI

President

By Order of the President-in-Cabinet: ~

P. M. MADUNA

Minister of the Cabinet.

SCHEDULE

REGULATIONS

1. In these regulations, unless the context otherwise indicates -
 - “Chairperson” means the Chairperson of the Commission;
 - “Commission” means the Commission of Inquiry into Cricket Match Fixing and Related Matters;
 - “document” includes any book, pamphlet, record, list, circular, plan, placard, poster, publication, drawing, photograph or picture;
 - “inquiry” means the inquiry conducted by the Commission;
 - “member” means a member of the Commission;
 - “officer” means a person in the full-time service of the State who has been appointed or designated to assist the Commission in the execution of its functions;
 - “premises” includes any land, building, structure, part of a building or structure, vehicle, conveyance, vessel or aircraft.
2. The proceedings of the Commission shall be recorded in the manner determined by the Chairperson.
3. (1) Any person appointed or designated to take down or record the proceedings of the Commission in shorthand or by mechanical means or to transcribe such proceedings which have been so taken down or recorded shall at the outset take an oath or make an affirmation in the following form:
 - 1, A. B., declare under oath/affirm and declare_
 - (a) that I shall faithfully and to the best of my ability take down/record the proceedings of the Commission of Inquiry into Cricket Match Fixing and Related Matters in shorthand/by mechanical means as ordered by the Chairperson of the Commission;
 - (b) that I shall transcribe fully and to the best of my ability any shorthand notes/mechanical record of the proceedings of the said Commission made by me or by any other person.
 - (2) No shorthand notes or mechanical record of the proceedings of the Commission shall be transcribed except by order of the Chairperson.
4. Every person employed in the execution of the functions of the Commission, including any person referred to in regulation 3(1), shall help to preserve secrecy with regard to any matter or information that may come to his or her knowledge in the performance of his or her duties in connection with the said functions, except in so far as the publication of such matter or information is necessary for the purposes of the report of the Commission, and every such person, except the Chairperson, any member or any officer, shall, before performing any duty in connection with the Commission, take and subscribe before the Chairperson an oath of fidelity or secrecy in the following form:
 - I, A. B., declare under oath/affirm and declare that except in so far as it is necessary in the performance of my duties in connection with the functions of the Commission of Inquiry into Cricket Match Fixing and Related Matters or by order of a competent court, I shall not communicate to any person any matter or information which may come to my knowledge in connection with the inquiry of the said Commission, or suffer or permit any person to have access to any records of the Commission, including any note, record or transcription of the proceedings of the said Commission in my possession or custody or in the possession or custody of the said Commission or any officer.

5. No person shall communicate to any other person any matter or information which may have come to his knowledge in connection with the inquiry of the Commission, or suffer or permit any other person to have access to any records of the Commission, except in so far as it is necessary in the performance of his or her duties in connection with the functions of the Commission or by order of a competent court.

6. The Chairperson may designate one or more knowledgeable persons to assist the Commission in the performance of some of its functions, in a capacity other than that of a member.

7. The Chairperson or an officer generally or specially authorised thereto by the Chairperson shall administer an oath to or accept an affirmation from any witness appearing before the Commission.

8. Where, at the time of any person giving evidence before the Commission, members of the general public are or have been excluded from attendance at the proceedings of the Commission, the Chairperson may, on the request of such a person, direct that no person shall disclose in any manner whatsoever the name or address of such person or any information likely to reveal his or her identity,

9. Any witness appearing before the Commission may be cross-examined by a person only if the Chairperson permits such cross-examination by such person because the Chairperson deems it necessary in the interest of the functions of the Commission.

10. Any witness appearing before the Commission may, in the discretion of the Chairperson and in such manner as may be determined by him or her, be assisted by an advocate or an attorney.

11. An officer, attorney or advocate designated thereto by the Chairperson may be present at the hearing of evidence at the inquiry and may adduce evidence and arguments relating to the inquiry.

12. Whenever the Commission is satisfied upon evidence or information presented to it that the Commission's inquiry may adversely affect any existing, instituted or pending legal proceedings or any investigation instituted in terms of any law, evidence which is relevant to such legal proceedings or investigation shall be dealt with by the Commission in such a manner as not to affect adversely such legal proceedings or investigation.

13. (1) The Chairperson, any member or any officer may, with a warrant, for the purposes of the inquiry, at all reasonable times and without prior notice or with such notice as he or she may deem appropriate enter and inspect any premises and demand and seize any document which is on such premises.

(2) Any entry upon or search of any premises in terms of this regulation shall be conducted with strict regard to decency and order, including—

- (a) a person's right to, respect for and the protection of his or her dignity;
- (b) the right of a person to freedom and security; and
- (c) the right of a person to his or her personal privacy.

(3) The premises referred to in sub-regulation (1) may only be entered by virtue of a warrant issued in chambers by a magistrate, regional magistrate or judge of the area of jurisdiction within which the premises is situated: Provided that such a warrant may only be issued by a magistrate, regional magistrate or judge who is not the Chairperson, member or officer of the Commission.

(4) Subject to the proviso to sub-regulation (3), a warrant referred to in sub-regulation (1) maybe issued by a judge in respect of premises situated in another area of jurisdiction, if he or she deems it justified.

(5) The warrant may only be issued if it appears to the magistrate, regional magistrate or judge from information on oath or affirmation, stating the need, in regard to the inquiry, for a search and seizure in terms of this regulation that there are reasonable grounds for believing that any document or article referred to in sub-regulation (1) is upon or at such premises or suspected to be upon or at such premises.

14. No person shall without the written permission of the Chairperson—

- (a) disseminate any document submitted to the Commission by any person in connection with the inquiry or publish the contents or any portion of the contents of such document; or
- (b) peruse any document, including any statement, which is destined to be submitted to the Chairperson or intercept such document while it is being taken or forwarded to the Chairperson.

15. No person shall, except in so far as shall be necessary in the execution of the terms of reference of the Commission, publish or furnish any other person with the report or any interim report of the Commission or a copy or a part thereof or information regarding the consideration of evidence by the Commission for publication before the expiration of a period of 14 days after it has been submitted to the President: Provided that the President may authorise publication of any such report before the expiration of that period.

16. No person shall insult, disparage or belittle the Chairperson or any member of the Commission or prejudice the proceedings or findings of the Commission.

17. Any person who-

- (a) wilfully hinders, resists or obstructs the Chairperson, any member or any officer in the exercise of any power contemplated in regulation 13; or
- (b) contravenes a provision of regulation 5, 8, 14 or 15; or
- (c) contravenes a provision of regulation 16, shall be guilty of an offence and liable on conviction—

- (i) in the case of an offence referred to in paragraph (a) or (b), to a fine, or to imprisonment for a period not exceeding six months; and
- (ii) in the case of an offence referred to in paragraph (c), to a fine, or to imprisonment for a period not exceeding 12 months.

T E R M S O F R E F E R E N C E
OF THE
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
TO THE

COMMISSION OF INQUIRY INTO CRICKET MATCH FIXING AND RELATED MATTERS

- A. The Commission shall inquire into, make findings, report on and make recommendations concerning the following matters:
1. The disclosures made by the former South African cricket captain, Hansie Cronje, that during the Triangular Tournament between South Africa, England and Zimbabwe in January and February 2000, he received payment of approximately \$10000-00 from a bookmaker and, in particular—
 - 1.1 the identity of the person from whom he received such payments;
 - 1.2 the intended purpose of the payment;
 - 1.3 the persons who were aware of such payment;
 - 1.4 any decisions, actions or omissions by him or anybody else as a result of such payment; and
 - 1.5 any other matters related or incidental to the receipt of such payment.
 2. Whether during the period 1 November 1999-17 April 2000, and excluding the matters referred to in paragraph 1, any member of the South African cricket team or team official received or was promised payment of any amount of money or other benefit (excluding salary, emoluments, sponsorship and other payments or benefits lawfully connected therewith) in relation to his or her functions as a member of the South African cricket team or as a team official and, if so,
 - 2.1 from whom such payment was received or promised;
 - 2.2 the intended purpose of such payment or promise;
 - 2.3 the persons who were aware of such payment or promise;
 - 2.4 whether any decision, action or omission by the recipient or anyone else in consequence of such payment or promise occurred; and
 - 2.5 any other matters related or incidental to the receipt of such payment or promise.
 3. Whether a proposal was made to the South African cricket team during its tour to India in 1996 that it forfeit or otherwise influence the result of a cricket match and if so,—
 - 3.1 by whom the proposal was made;
 - 3.2 to whom the proposal was made;
 - 3.3 the terms of the proposal;
 - 3.4 who was aware of the proposal;
 - 3.5 any decisions, actions or omissions by any person as a result of such proposal; and
 - 3.6 any other matters related or incidental to such proposal.
 - 4.1 Whether during the period 1 November 1999-17 April 2000 any member of the South African cricket team or any team official —
 - 4.1.1 bet on any match or series of matches or on any event connected with any match or series of matches;
 - 4.1.2 induced or encouraged any other person to bet on any match or series of matches or to offer the facility for such bets to be placed;
 - 4.1.3 gambled or entered into any other form of financial speculation on any match or series of matches or any event connected with any match or series of matches;
 - 4.1.4 induced or encouraged any other person to gamble or enter into any other form of financial speculation on any match or series of matches or any event connected with any match or series of matches;
 - 4.1.5 was a party to contriving or attempting to contrive the result of any match or series of matches or any event connected with any match or series of matches;
 - 4.1.6 failed to perform on his merits in any match owing to an arrangement relating to betting on the outcome of any match or on the occurrence of any event connected with any match or for any other improper reason related to any promise or threat;
 - 4.1.7 induced or encouraged or suggested to any other player not to perform on its merits in any match owing to any arrangement relating to betting on the outcome of any match or on the occurrence of any event connected with any match or for any other improper reason related to any promise or threat;

- 4.1.8 received from any other person any money, benefit or other reward (whether financial or otherwise) or was promised any money, benefit or other reward (whether financial or otherwise) for the provision on any information concerning the weather, the teams, the state of the grounds, the status of or the outcome of any match or the occurrence of any event connected with any match or the tactics in relation to any match, unless such information had been provided to a newspaper or other form of media in accordance with an obligation entered into in the normal course and disclosed in advance of the match;
- 4.1.9 received any money, benefit or other reward (whether financial or otherwise) or was promised any money, benefit or other reward (whether financial or otherwise) in circumstances which would amount to conduct detrimental to the game of cricket;
- 4.1.10 provided or promised any money, benefit or other reward (whether financial or otherwise) which could bring him or her or the game of cricket into disrepute;
- 4.1.11 received any approaches from another person to engage in conduct such as that described in paragraphs 4.1-4.10;
- 4.1.12 was aware that any other player or team official engaged in conduct or received approaches such as described in paragraphs 4.1-4.10;
- 4.1.13 received or was aware that any person received, threats or promises of any nature which might induce him or her to engage in conduct or acquiesce in any proposal made by an approach such as described in paragraphs 4.1-4.10; and
- 4.1.14 had contact, either personally or through an agent or intermediary, with any bookmakers, their agents or intermediaries in relation to a cricket match or series of cricket matches.

4.2 Should the Commission, during the course of its investigations, find it necessary that the period before 1 November 1999 should also be investigated, the Terms of Reference may be amended accordingly.

For the purposes of paragraphs 2, 3 and 4, "member of the South African cricket team" shall mean any person selected as a player to represent South Africa in a test match, a one day international match or tour match whether that person actually played cricket in such matches or not and "team official" shall mean any person other than a player who was or is employed by, was or is an agent of, represents or represented or is or was affiliated to the South African cricket team, including, without limitation, team managers, coaches, doctors and physiotherapists.

- B. These Terms of Reference may be added to, varied or amended from time to time.
 - C. The matters shall be investigated in the order in which they appear in these Terms of Reference.
 - D. The Commission shall immediately conduct a preliminary investigation in relation to the matters referred to in paragraphs 1, 2 and 3 and publish an interim report by not later than 30 June 2000. The Commission may, if it considers it appropriate to do so, or if directed so to do, inquire further into any or all of the matters referred to in paragraphs 1, 2 and 3 and report thereon and make recommendations in relation thereto.
 - E. With regard to the matters referred to in paragraph 4, the Commission shall have the power to publish interim reports on any of the matters referred to therein.
 - F. The Commission shall be subject to and conducted in terms of the provisions of the Commissions Act, No 8 of 1947, as amended.
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