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- ☐ Single notice, single email – with proof of payment or purchase order.
- ☐ All documents must be attached separately in your email to GPW.
- ☐ 1 notice = 1 form, i.e. each notice must be on a separate form
- ☐ Please submit your notice **ONLY ONCE**.
- ☐ Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- ☐ The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.



eGazette



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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. R. 17 OF 2016

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the Eastern Cape Department of Education (hereinafter referred to as "the Department");

AND WHEREAS the Department suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Department, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Department;
- (b) improper or unlawful conduct by employees or officials of the Department;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 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 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Department; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 January 2014 and the date of publication of this Proclamation or which took place prior to 1 January 2014 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Department, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Thirty-first day of March Two thousand and sixteen.

J G Zuma
President

By Order of the President-in-Cabinet:

T M Masutha
Minister of the Cabinet

Schedule

The procurement of goods and services by or on behalf of the Department from Berlut Books CC; Bright Future Marketing CC t/a Bright Future Marketing Publishers and Booksellers; Cambridge University Press (Pty) Ltd; Clever Child; Clever Kids Educational Tools (Pty) Ltd; Clever Kids Educational Tools (Pty) Ltd; Creative Learning Publishers (Pty) Ltd; Depicta Educational Aids (Pty) Ltd; Educanda CC; Educational Improvement and Study Help CC (EISH); First League Trading CC t/a Early Child Development Suppliers; Global MBD Publishing (Pty) Ltd; Grow Learning Company (Pty) Ltd; Ilima Publishers CC; Inclusive Solutions CC; Lasec SA (Pty) Ltd (Edutrade); Lectio Publishers (Pty) Ltd; Macmillan South Africa (Pty) Ltd; Maths Centre Incorporating Science (Trust); Missing Link Education CC; Modlin E-Learning Solutions (Pty) Ltd; Mongile Suppliers CC; Mpower Learning and Development (Pty) Ltd; Nutrend Publishers CC; Oxford University Press SA (Pty) Ltd; Pearson Holdings SA (Pty) Ltd; Pulse Educational Services CC; Reading Matters (Non Profit Organisation); RIC Publications CC; Shuter & Shooter Publishers (Pty) Ltd; Somerset Educational (Pty) Ltd; Tower City Trading 323 CC t/a Brite Ideas; Via Afrika Publishers & Booksellers (Pty) Ltd; Via Afrika Future; Via Afrika Stimela and Vivlia Publishers and Booksellers (Pty) Ltd, and payments made in respect thereof in a manner that was—

- (a) not fair, competitive, transparent, equitable or cost-effective;
 - (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes or instructions issued by the National Treasury or the applicable Provincial Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Department; or
 - (c) conducted or facilitated by or through the unlawful, irregular or improper intervention of officials or employees of the Department,
- and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Department.

PROKLAMASIE NO. R. 17 VAN 2016**van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleenthede van die Oos-Kaap se Departement van Onderwys (hierna na verwys as "die Departement");

EN AANGESIEN die Departement verliese gely het wat moontlik verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Departement, vir ondersoek na die Spesiale Ondersoekeenhede ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, dit die opdrag van die Spesiale Ondersoekeenhede is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement;
- (b) onbehoorlike of onregmatige optrede deur werknemers of beamptes van die Departement;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreef of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe in verband met die sake van die Departement gepleeg is; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2014 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2014 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenhede toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Departement gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Een-en-dertigste dag van Maart Twee duisend-en-sestien.

J G Zuma
President

Op las van die President-in-Kabinet:

T M Masutha
Minister van die Kabinet

BYLAE

Die aanskaffing van goedere en dienste deur of namens die Departement van Berlut Books BK; Bright Future Marketing BK h/a Bright Future Marketing Publishers and Booksellers; Cambridge University Press (Edms) Bpk; Clever Child; Clever Kids Educational Tools (Edms) Bok; Clever Kids Educational Tools (Edms) Bpk; Creative Learning Publishers (Edms) Bpk; Depicta Educational Aids (Edms) Bpk; Educanda BK; Educational Improvement and Study Help BK (EISH); First League Trading BK h/a Early Child Development Suppliers; Global MBD Publishing (Edms) Bpk; Grow Learning Company (Edms) Bpk; Ilima Publishers BK; Inclusive Solutions BK; Lasec SA (Edms) Bpk (Edutrade); Lectio Publishers (Edms) Bpk; Macmillan South Africa (Edms) Bpk; Maths Centre Incorporating Science (Trust); Missing Link Education BK; Modlin E-Learning Solutions (Edms) Bpk; Mongile Suppliers BK; Mpower Learning and Development (Edms) Bpk; Nutrend Publishers BK; Oxford University Press SA (Edms) Bpk; Pearson Holdings SA (Edms) Bpk; Pulse Educational Services BK; Reading Matters (Nie-winsgewende Organisasie); RIC Publications BK; Shuter & Shooter Publishers (Edms) Bpk; Somerset Educational (Edms) Bpk; Tower City Trading 323 BK h/a Brite Ideas; Via Afrika Publishers & Booksellers (Edms) Bpk; Via Afrika Future; Via Afrika Stimela en Vivlia Publishers and Booksellers (Edms) Bpk, en betalings wat in verband daarmee gemaak is op 'n wyse wat—

- (a) nie billik, mededingend, deursigtig, regverdig of koste-effektief was nie;
- (b) strydig was met toepaslike —
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas of instruksies wat deur die Nasionale Tesourie of toepaslike Provinsiale Tesourie uitgevaardig is;
- of
- (ii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Departement van toepassing is; of
- (c) gedoen of gefasiliteer was deur die onwettige, onreëlmatige of onbehoorlike inmenging van werknemers of beamptes van die Departement, en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Departement aangegaan is.

PROCLAMATION NO. R. 18 OF 2016

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the Department of Correctional Services ("the Department");

AND WHEREAS the Department may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Department, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Department;
- (b) improper or unlawful conduct by employees or officials of the Department;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 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 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Department; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 June 2011 and the date of publication of this Proclamation or which took place prior to 1 June 2011 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Department, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Thirtieth day of March Two thousand and sixteen.

J G Zuma
President

By Order of the President-in-Cabinet:

T M Masutha
Minister of the Cabinet

Schedule

1. Irregularities in the procurement of an electronic monitoring system by the Department in terms of bids HK 07/2011, HO 06/2013 and HO 01/2014 and payments made in respect thereof, in a manner that was—

- (a) not fair, equitable, transparent, competitive or cost-effective;
 - (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, circulars, practice notes or instructions issued by the National Treasury;
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Department;
 - (c) conducted by or facilitated through the improper conduct of—
 - (i) employees or officials of the Department; or
 - (ii) any other person or entity,to corruptly or unduly benefit themselves or others; or
 - (d) fraudulent,
- and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Department.

2. The extension of the contract awarded in terms of bid HK 07/2011 and payments made in respect thereof in a manner that was—

- (a) not fair, equitable, transparent, competitive or cost-effective;
 - (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, circulars, practice notes or instructions issued by the National Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Department,
- and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Department.

3. Any non-performance or defective performance by the service provider appointed by the Department for the electronic monitoring system referred to in paragraph 1 of this Schedule.
4. Any improper or unlawful conduct, in relation to the allegations set out in paragraph 1 of this Schedule, by employees or officials of the Department, the applicable service provider or any other person or entity.

PROKLAMASIE NO. R. 18 VAN 2016**van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleenthede van die Departement van Korrektiewe Dienste (hierna na verwys as "die Departement");

EN AANGESIEN die Departement moontlike verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Departement, vir ondersoek na die Spesiale Ondersoekeenhede ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, dit die opdrag van die Spesiale Ondersoekeenhede is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement;
- (b) onbehoorlike of onregmatige optrede deur werknemers of beamptes van die Departement;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe in verband met die sake van die Departement gepleeg is; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 June 2011 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 June 2011 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekkeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Departement gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Dertigste dag van Maart Twee duisend-en-sestien.

J G Zuma
President

Op las van die President-in-Kabinet:

T M Masutha
Minister van die Kabinet

BYLAE

1. Onreëlmatighede in die aanskaffing van 'n elektroniese moniteringstelsel deur die Departement ingevolge botte HK 07/2011, HO 06/2013 en HO 01/2014 en betalings wat in verband daarmee gemaak is op 'n wyse wat—
 - (a) nie regverdig, billik, deursigtig, mededingend, of koste-effektief was nie; of
 - (b) strydig was met toepaslike —
 - (i) wetgewing;
 - (ii) handleidings, riglyne, omsendbriewe, praktyknotas of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Departement van toepassing is;
 - (c) gedoen was deur of gefasiliteer was deur die onbehoorlike optrede van—
 - (i) werknemers of beamptes van die Departement; of
 - (ii) enige ander persoon of entiteit, om hulself of andere op 'n korrupte of onbehoorlike wyse te bevoordeel; of
 - (d) bedrieglik was,en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Departement aangegaan is.
2. Die verlenging van die kontrak wat toegeken is kragtens bod HK 07/201 en betalings wat in verband daarmee gemaak is op 'n wyse wat—

- (a) nie regverdig, billik, deursigtig, mededingend, of koste-effektief was nie; of
 - (b) strydig was met toepaslike —
 - (i) wetgewing;
 - (ii) handleidings, riglyne, omsendbriewe, praktyknotas of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Departement van toepassing is,
- en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Departement aangegaan is.

3. Enige wanprestasie of gebrekkige prestasie deur die diensverskaffer deur die Departement aangestel vir die elektroniese moniteringstelsel na verwys in paragraaf 1 van hierdie Bylae.

4. Enige onbehoorlike of onwettige optrede in verband met die bewering soos uiteengesit in paragraaf 1 van hierdie Bylae, deur werknemers of beamptes van die Departement, die betrokke diensverskaffer of enige ander persoon of entiteit.

PROCLAMATION NO. R. 19 OF 2016

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as "the Act"), have been made in respect of the affairs of the Construction Industry Development Board (hereinafter referred to as "the Board");

AND WHEREAS the—

- (a) Board; and
 - (b) State institutions, as defined in section 1 of the Act, who acted on the purportedly lawful decisions of the Board (hereinafter referred to as "the State institutions"),
- may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Board and the State institutions, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Board;
- (b) improper or unlawful conduct by officials or employees of the Board;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 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 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Board; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 January 2006 and the date of publication of this Proclamation or which took place prior to 1 January 2006 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters

mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Board or State institutions, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Sixteenth day of March Two thousand and sixteen.

J G Zuma
President

By Order of the President-in-Cabinet:

T M Masutha
Minister of the Cabinet

SCHEDULE

1. Maladministration in the affairs of the Board in respect of—
 - (a) the receipt of, or the processing of, or granting of applications by contractors to the Board for registration as a contractor in the register of contractors contemplated in section 16 of the Construction Industry Development Board Act, 2000 (Act No. 38 of 2000); or
 - (b) contractor grading designations awarded by the Board to contractors, in a manner that was—
 - (i) contrary to—
 - (aa) applicable legislation;
 - (bb) applicable manuals, guidelines, practice notes or instructions issued by the National Treasury, the Department of Public Works, the Department of Trade and Industry or any other applicable regulatory authority; or
 - (cc) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Board;
 - (ii) conducted by or facilitated through the improper conduct of—
 - (aa) officials or employees of the Board with undeclared or unauthorized conflict of interests; or
 - (bb) contractors or any other third party, to corruptly or unduly benefit themselves or others; or
 - (iii) fraudulent.
2. Any—
 - (a) failure to implement appropriate measures to safeguard confidential or privileged information or records submitted to the Board; or

(b) irregular dissemination of confidential or privileged information or records by officials or employees of the Board to persons or entities who are not lawfully entitled to such information or records.

3. The appointment of a service provider by the Board, in terms of bid number RFB30026, to a panel of service providers to conduct investigations for the Board over a period of three years and any subsequent work awarded by the Board to the service provider, in a manner that was—

(a) not fair, equitable, transparent, competitive or cost-effective; or

(b) contrary to—

(i) applicable legislation;

(ii) applicable manuals, guidelines, practice notes or instructions issued by the National Treasury; or

(iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Board,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Board.

4. The validity of construction work contracts awarded by the State institutions to contractors contemplated in paragraph 1 of this Schedule, where the State institutions relied on the unlawful or invalid—

(a) registration as contractors in the register of contractors; or

(b) contractor grading designations awarded by the Board to those contractors.

5. Any improper or unlawful conduct by officials or employees of the Board, contractors contemplated in paragraph 1 of the Schedule or any other person, in relation to allegations contemplated in paragraphs 1, 2 or 3 of this Schedule.

PROKLAMASIE NO. R. 19 VAN 2016**van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as "die Wet"), gemaak is in verband met die aangeleenthede van die Konstruksie Industrie Ontwikkelingsraad (hierna na verwys as "die Raad");

EN AANGESIEN die—

- (a) Raad; en
 - (b) Staatsinstellings, soos omskryf in artikel 1 van die Wet, wie op die sogenaamde regmatige besluite van die Raad gehandel het (hierna na verwys as "die Staatsinstellings"),
- moontlik verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Raad en die Staatsinstellings, vir ondersoek na die Spesiale Ondersoekeenhede ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenhede is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Raad;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die Raad;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Raad; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2006 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 January 2006 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Raad of Staatsinstellings gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaaptstad op hede die Sestiende dag van Maart Twee duisend-en-sestien.

J G Zuma
President

Op las van die President-in-Kabinet:

T M Masutha
Minister van die Kabinet

Bylae

1. Wanadministrasie in die sake van die Raad ten opsigte van—
 - (a) die ontvangs van, of die prosessering van, of toestaan van aansoeke deur kontrakteurs tot die Raad vir registrasie as 'n kontrakteur in die register van kontrakteurs soos beoog in artikel 16 van die "Construction Industry Development Board Act, 2000 (Act No. 38 of 2000)"; of
 - (b) kontrakteur-graderingsaanwysings wat deur die Raad aan kontrakteurs toegeken is, op 'n wyse wat—
 - (i) strydig was met —
 - (aa) toepaslike wetgewing;
 - (bb) toepaslike handleidings, riglyne, praktyknotas of instruksies wat deur die Nasionale Tesourie, die Departement van Openbare Werke, die Departement van Handel en Nywerheid of enige ander toepaslike reguleringsowerhede uitgereik is; of
 - (cc) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Raad van toepassing is;
 - (ii) uitgevoer is of gefasiliteer is deur die onbehoorlike optrede van—
 - (aa) beamptes of werknemers van die Raad met 'n ongeopenbaarde of ongemagtigde konflik van belange; of
 - (bb) kontrakteurs of enige derde party, om hulself of andere op 'n korrupte wyse ten onregte te bevoordeel; of

(iii) bedrieglik was.

2. Enige—

- (a) versuim om voldoende maatreëls te implementeer om vertroulike of geprivilegieerde inligting of rekords wat aan die Raad verskaf is, te bewaar; of
- (b) onreëlmatige verspreiding van vertroulike of geprivilegieerde inligting of rekords deur beamptes of werknemers van die Raad aan persone of entiteite wat nie regmatig op die inligting of rekords geregtig is nie.

3. Die aanstelling van 'n diensverskaffer deur die Raad, kragtens bodnommer RFB30026, op 'n paneel van diensverskaffers om ondersoek vir die Raad in te stel oor 'n periode van drie jaar en enige daaropvolgende werk wat deur die Raad aan die diensverskaffer toegeken is, op 'n wyse wat—

- (a) nie regverdig, billik, deursigtig, mededingend of koste-effektief was nie; of
- (b) strydig was met —
 - (i) toepaslike wetgewing;
 - (ii) toepaslike handleidings, riglyne, praktyknotas of instruksies wat deur die Nasionale Tesourie uitgereik is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Raad van toepassing is,en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilte uitgawes wat deur die Raad aangegaan is.

4. Die geldigheid van konstruksie-werkskontrakte wat die Staatsinstellings aan kontrakteurs, beoog in paragraaf 1 van hierdie Bylae, toegeken het, waar die Staatsinstellings gesteun het op die onregmatige of ongeldige—

- (a) registrasie as kontrakteurs in die register vir kontrakteurs; of
- (b) kontrakteur-graderingaanwysings wat deur die Raad aan daardie kontrakteurs toegeken is.

5. Enige onbehoorlike of onwettige gedrag van beamptes of werknemers van die Raad, die kontrakteurs beoog in paragraaf 1 van hierdie Bylae of enige ander persoon, ten opsigte van die bewerings vervat in paragrawe 1, 2 of 3 van hierdie Bylae.

PROCLAMATION NO. R. 20 OF 2016

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the Department of Correctional Services (hereinafter referred to as "the Department");

AND WHEREAS the Department suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Department, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Department;
- (b) improper or unlawful conduct by employees or officials of the Department;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 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 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Department; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 10 May 2013 and the date of publication of this Proclamation or which took place prior to 10 May 2013 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Department, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Sixteenth day of March Two thousand and sixteen.

J G Zuma
President

By Order of the President-in-Cabinet:

T M Masutha
Minister of the Cabinet

SCHEDULE

1. The appointment of a service provider by the Department to—
 - (a) render project management services relating to renovations to the Zeerust, Brandvlei, Durban Westville, Johannesburg and St Albans correctional facilities; and
 - (b) conduct condition assessments in terms of the Government Immovable Asset Management Act, 2007 (Act No. 19 of 2007), in respect of 221 correctional facilities, and payments made in respect thereof in a manner that was—
 - (i) not fair, equitable, transparent, competitive or cost-effective; or
 - (ii) contrary to applicable—
 - (aa) legislation;
 - (bb) manuals, guidelines, circulars, practice notes or instructions issued by the National Treasury; or
 - (cc) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Department.
2. Any unlawful, improper or unlawful conduct by officials or employees of the Department or the applicable service provider or any other person or entity, in relation to the allegations set out in paragraph 1 of the Schedule.
3. Any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Department in relation to the allegations set out in paragraph 1 of the Schedule.

PROKLAMASIE NO. R. 20 VAN 2016**van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleenthede van die Departement van Korrektiewe Dienste (hierna na verwys as "die Departement");

EN AANGESIEN die Departement moontlike verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Departement, vir ondersoek na die Spesiale Ondersoekeenhede ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, dit die opdrag van die Spesiale Ondersoekeenhede is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement;
- (b) onbehoorlike of onregmatige optrede deur werknemers of beamptes van die Departement;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe in verband met die sake van die Departement gepleeg is; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 10 Mei 2013 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 10 Mei 2013 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte

betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekkeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Departement gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die Sestiende dag van Maart Twee duisend-en-sestien.

J G Zuma
President

Op las van die President-in-Kabinet:

T M Masutha
Minister van die Kabinet

BYLAE

1. Die aanstelling van 'n diensverskaffer deur die Departement om—
 - (a) projekbestuur dienste te verskaf ten opsigte van verbeterings aan die Zeerust, Brandvlei, Durban Westville, Johannesburg en St Albans korrektiewe fasiliteite; en
 - (b) toestandbeoordelings te doen, kragtens die Wet op Bestuur van Onroerende Regeringsbates, 2007 (Wet No. 19 van 2007), ten opsigte van 221 korrektiewe fasiliteite,en betalings wat in verband daarmee gemaak is op 'n wyse wat—
 - (i) nie regverdig, billik, deursigtig, mededingend, of koste-effektief was nie; of
 - (ii) strydig was met toepaslike —
 - (aa) wetgewing;
 - (bb) handleidings, riglyne, omsendbriewe, praktyknotas of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
 - (cc) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Departement van toepassing is.
2. Enige onwettige, onbehoorlike of onregmatige optrede deur beamptes van die Departement of die toepaslike diensverskaffer of enige ander persoon of entiteit, ten opsigte van die bewerings uiteengesit in paragraaf 1 van die Bylae.
3. Enige ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Departement aangegaan is ten opsigte van die bewerings uiteengesit in paragraaf 1 van die Bylae.

PROCLAMATION NO. R. 21 OF 2016

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the Msunduzi Local Municipality (hereinafter referred to as "the Municipality");

AND WHEREAS the Municipality suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Municipality, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Municipality;
- (b) improper or unlawful conduct by councillors, officials or employees of the Municipality;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 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 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Municipality; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 7 December 2008 and the date of publication of this Proclamation or which took place prior to 7 December 2008 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Municipality, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-fourth day of March Two thousand and sixteen.

J G Zuma
President

By Order of the President-in-Cabinet:

T M Masutha
Minister of the Cabinet

SCHEDULE

1. The procurement of, and contracting for security equipment and security services, as envisaged in the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), by or on behalf of the Municipality in terms of contract number 23 of 2009 and contract number 23 of 2013, from a service provider and payments which were made in respect thereof in a manner that was—

- (a) not fair, equitable, transparent, competitive or cost-effective;
 - (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes or instructions issued by the National Treasury; or
 - (iii) manuals, codes, policies, procedures, instructions or practices of, or applicable to, the Municipality;
 - (c) fraudulent; or
 - (d) conducted or facilitated by the manipulation of the supply chain management or procurement processes of the Municipality—
 - (i) by the service provider; or
 - (ii) in collusion with or through the intervention of councillors, officials or employees of the Municipality in order to unduly benefit themselves or others,
- and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality.

2. Any non-compliance by the service provider with its obligations in terms of contract number 23 of 2009 and contract number 23 of 2013.

3. Any unlawful or irregular conduct by the—

- (a) Municipality, the councillors, officials or employees of the Municipality; or
 - (b) service provider, its directors, employees or agents,
- relating to any of the allegations set out in paragraphs 1 or 2 of this Schedule.

PROKLAMASIE NO. R. 21 VAN 2016**van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersekeenheede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleenthede van die Msunduzi Plaaslike Munisipaliteit (hierna na verwys as "die Munisipaliteit");

EN AANGESIEN die Munisipaliteit verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Munisipaliteit, vir ondersoek na die Spesiale Ondersekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Munisipaliteit;
- (b) onbehoorlike of onregmatige optrede deur raadslede, beamptes of werknemers van die Munisipaliteit;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Munisipaliteit; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 7 Desember 2008 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 7 Desember 2008 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale

Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Munisipaliteit gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Vier-en-twintigste dag van Maart Twee duisend-en-sestien.

J G Zuma
President

Op las van die President-in-Kabinet:

T M Masutha
Minister van die Kabinet

BYLAE

1. Die aanskaffing van, en kontraktering vir sekerheidstoerusting en sekerheidsdienste, soos beoog in die Wet op die Regulering van die Private Sekerheidsbedryf, 2001 (Wet No. 56 van 2001), deur of namens die Munisipaliteit, ingevolge kontraknommer 23 van 2009 en kontraknommer 23 van 2013, van 'n diensverskaffer en betalings wat daarkragtens gemaak op 'n wyse wat—

- (a) nie regverdig, billik, deursigtig, mededingend, of koste-effektief was nie;
 - (b) strydig was met toepaslike —
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
 - (iii) handleidings, kodes, beleid, prosedures, instruksies of praktyke van, of wat op die Munisipaliteit van toepassing is,
 - (c) bedrieglik was; of
 - (d) gedoen of gefasiliteer was deur die manipulerings van die voorsieningskanaal-bestuur of aanskaffingsprosesse van die Munisipaliteit—
 - (i) deur die diensverskaffer; of
 - (ii) in samespanning met of deur die tussentrede van raadslede, beamptes of werknemers van die Munisipaliteit om hulself of andere onbehoorlik te bevoordeel,
- en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilte uitgawes wat deur die Munisipaliteit aangegaan is.

2. Enige nie-nakoming deur die diensverskaffer van sy verpligtinge kragtens kontraknommer 23 van 2009 en kontraknommer 23 van 2013.

3. Enige onwettige of onreëlmatige optrede deur—

- (a) die Munisipaliteit, die raadslede, beamptes of werknemers van die Munisipaliteit; of
 - (b) die diensverskaffer, sy direkteure, werknemers of agente,
- verbandhoudend met enige van die bewerings vervat in paragrawe 1 en 2 van hierdie Bylae.

PROCLAMATION NO. R. 22 OF 2016

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the Department of Human Settlements, Gauteng Province (hereinafter referred to as "the Department") and Lepelle Northern Water;

AND WHEREAS the Department and Lepelle Northern Water suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Department and Lepelle Northern Water, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Department and Lepelle Northern Water;
- (b) improper or unlawful conduct by employees of the Department and Lepelle Northern Water;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offences referred to in Parts 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 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Department and Lepelle Northern Water; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 February 2014 and the date of publication of this Proclamation or which took place prior to 1 February 2014 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons,

entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Department or Lepelle Northern Water, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Sixteenth day of March Two thousand and sixteen.

J G Zuma
President

By Order of the President-in-Cabinet:

T M Masutha
Minister of the Cabinet

Schedule

1. The appointment of LTE Consulting (Pty) Limited (hereinafter referred to as "LTE") by the Department to render services to the Department in respect of Tender No: G05020078/1(Tender for Sweetwaters (Kanana Park Extension 6) Reticulation Networks: The Construction of Sweetwaters Reticulation Network for Water and Sewer) and payments which were made by the Department to LTE in a manner that was—

- (a) not fair, equitable, transparent, competitive or cost-effective; or
- (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes or instructions issued by the National Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Department,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Department.

2. The appointment of LTE by Lepelle Northern Water to render services to Lepelle Northern Water in respect of the Mopani Water and Waste Water Emergency Intervention which includes Giyani Water and Waste Water Schemes on a turnkey basis and payments which were made by Lepelle Northern Water to LTE in a manner that was—

- (a) not fair, equitable, transparent, competitive or cost-effective; or
- (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes or instructions issued by the National Treasury; or

(iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to Lepelle Northern Water, and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by Lepelle Northern Water.

PROKLAMASIE NO. R. 22 VAN 2016
van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA
BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleenthede van die Departement van Behuising, Gauteng Provinsie (hierna na verwys as "die Departement") en Lepelle Northern Water;

EN AANGESIEN die Departement en Lepelle Northern Water verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Departement en Lepelle Northern Water, vir ondersoek na die Spesiale Ondersoekeenhede ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenhede is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement en Lepelle Northern Water;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Departement en Lepelle Northern Water;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) 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 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Departement en Lepelle Northern Water; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Februarie 2014 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Februarie 2014 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Departement en Lepelle Northern Water gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die Sestiende dag van Maart Twee duisend-en-sestien.

J G Zuma
President

Op las van die President-in-Kabinet:

T M Masutha
Minister van die Kabinet

BYLAE

1. Die aanstelling van LTE Consulting (Ltd) Beperk (hierna na verwys as “LTE”) deur die Departement om dienste aan die Departement te verskaf ten opsigte van Tender No: G05020078/1(Tender for Sweetwaters (Kanana Park Extension 6) Reticulation Networks: The Construction of Sweetwaters Reticulation Network for Water and Sewer) en betalings wat deur die Departement gemaak is aan LTE op ’n wyse wat—

- (a) nie regverdig, mededingend, deursigtig, billik, of koste-effektief was nie; of
- (b) strydig was met toepaslike —

- (i) wetgewing;
- (ii) handleidings, riglyne, praktyknotas of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
- (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Departement van toepassing is,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Departement opgeloop was.

2. Die aanstelling van LTE deur Lepelle Northern Water om dienste aan die Lepelle Northern Water te verskaf ten van die “Mopani Water and Waste Water Emergency Intervention” en die “Giyani Water and Waste Water Schemes” op ’n “turnkey” basis en betalings wat deur Lepelle Northern Water gemaak is aan LTE op ’n wyse wat—

- (a) nie regverdig, mededingend, deursigtig, billik, of koste-effektief was nie; of

- (b) strydig was met toepaslike —
- (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op Lepelle Northern Water van toepassing is,
- en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur Lepelle Northern Water opgeloop was.

PROCLAMATION NO. R. 23 OF 2016

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the KwaZulu-Natal Provincial Department of Transport (hereinafter referred to as "the Department");

AND WHEREAS the Department suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Department, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Department;
- (b) improper or unlawful conduct by employees or officials of the Department;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 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 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Department; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 January 2008 and the date of publication of this Proclamation or which took place prior to 1 January 2008 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Department, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Sixteenth day of March Two thousand and sixteen.

J G Zuma
President

By Order of the President-in-Cabinet:

T M Masutha
Minister of the Cabinet

SCHEDULE

Any conduct by officials or agents of the Department or any other person which relates to the—

- (a) registration of motor vehicle ownership and/or licensing details; or
- (b) entering of, or changes made to, or tampering with, or manipulation of data and/or information,

on the eNatis system of the Department in a manner which—

- (i) was contrary to applicable legislation, manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Department;
- (ii) resulted or could potentially result in the circumvention of the payment of licensing fees, any penalties or any other outstanding moneys to the Department; or
- (iii) was otherwise irregular or unlawful.

PROKLAMASIE NO. R. 23 VAN 2016
van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleenthede van die KwaZulu-Natal se Departement van Vervoer (hierna na verwys as "die Departement");

EN AANGESIEN die Departement moontlike verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Departement, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, dit die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement;
- (b) onbehoorlike of onregmatige optrede deur werknemers of beamptes van die Departement;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatregel of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe in verband met die sake van die Departement gepleeg is; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak, wat plaasgevind het tussen 1 Januarie 2008 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2008 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die

werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Departement gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die Sestiende dag van Maart Twee duisend-en-sestien.

J G Zuma
President

Op las van die President-in-Kabinet:

T M Masutha
Minister van die Kabinet

BYLAE

Enige optrede deur beamptes of agente van die Departement of enige ander persoon wat verband hou met die—

- (a) registrasie van motorvoertuigeienaarskap en/of lisensiëringsbesonderhede; of
- (b) optekening van, of verandering van, of bemoeiing met, of manipulasie van data en/of inligting,

op die eNatis stelsel van die Departement op 'n wyse wat—

- (i) strydig was met toepaslike wetgewing, handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Departement van toepassing is; of
- (ii) tot gevolg gehad het of potensieel tot gevolg kan hê dat die betaling van lisensiëringsgelde, enige boetes of ander uitstaande gelde aan die Departement omseil kon word; of
- (iii) andersins onreëlmatig of onwettig was.

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