

PROCLAMATION NO. R. 29 OF 2019
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

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 Council for Medical Schemes, established by section 3 of the Medical Schemes Act, 1998 (Act No. 131 of 1998) (hereinafter referred to as "the Council");

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 Council, 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 Council;
- (b) improper or unlawful conduct by employees or officials of the Council;
- (c) 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 Council; or
(d) 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 matters 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, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this 13th day of June Two thousand and nineteen.

CM Ramaphosa

President

By Order of the President-in-Cabinet:

TM Masutha

Minister of the Cabinet

SCHEDULE

1. Maladministration in connection with the affairs of the Council in relation to regulatory interventions which were conducted by the Council in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998), including the causes of such maladministration.

2. Any irregular, improper or unlawful conduct by—

- (a) the employees or officials of the Council; or
- (b) any other person or entity,

in relation to the allegations set out in paragraph 1 of this Schedule.

PROKLAMASIE NO. R. 29 VAN 2019**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**

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 Raad op Mediese Skemas, ingestel ingevolge artikel 3 van die Wet op Mediese Skemas, 1998 (Wet No. 131 van 1998) (hierna na verwys as "die Raad");

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, 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, 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 Raad;
- (b) onbehoorlike of onregmatige optrede deur werknemers of beamptes van die Raad;
- (c) 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 Bedryghede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Raad; of

- (d) 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 aangeleenthede 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.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die 13 dag van Junie Twee duisend-en-negentien.

CM Ramaphosa

President

Op las van die President-in-Kabinet:

TM Masutha

Minister van die Kabinet

BYLAE

1. Wanadministrasie in verband met die aangeleenthede van die Raad ten opsigte van regulatoriese ingrypings wat deur die Raad uitgevoer was ingevolge die Wet op Mediese Skemas, 1998 (Wet No. 131 van 1998), insluitend die oorsake van sodanige wanadministrasie.

2. Enige onreëlmatige, onbehoorlike of onwettige optrede deur—

- (a) die werknemers of beamptes van die Raad; of
- (b) enige ander persoon of entiteit,

wat verband hou met die bewerings waarna verwys word in paragraaf 1 van hierdie Bylae.