
PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. R. 33 OF 2019**by the****PRESIDENT of the REPUBLIC of SOUTH AFRICA****SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): AMENDMENT OF PROCLAMATION NO. R. 21 OF 2018**

Under section 2(4) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), I hereby amend Proclamation No. R. 21 of 2018, by—

- (a) the further extension of the period referred to in the fourth paragraph of the Proclamation to the date of publication of this Proclamation; and
- (b) the substitution for the Schedule to the Proclamation of the following Schedule:

"SCHEDULE

1. For purposes of this Schedule the expression "legal services" must be interpreted to include legal advisory services; litigation services; appointment of legal practitioners to render legal advisory or litigation services; any professional service required for legal or litigation purposes, including the appointment of any intermediary or subject matter expert; and support services for legal or litigation purposes, including the appointment of any interpreter, transcriber or tracer.

2. Maladministration in connection with the affairs of the office of the State Attorney in relation to—

- (a) legal services that were provided, or procured, by the office of the State Attorney in the performance of its functions as contemplated in section 3 of the State Attorney Act, 1957 (Act No. 56 of 1957), on behalf of—
 - (i) the Gauteng Department of Health and the Eastern Cape Department of Health in respect of claims based on medical negligence; or
 - (ii) the South African Police Service in respect of claims based on wrongful arrest or detention, assault or malicious prosecution; or

- (b) the verification, approval or processing for payment of any invoice or account received in relation to legal services provided or procured in terms of paragraph (a).
3. The procurement of legal services, as contemplated in paragraph 2(a) of this Schedule, by the office of the State Attorney, or payments which were made in respect thereof, in a manner that was—
- (a) not fair, competitive, transparent, equitable or cost-effective; or
- (b) contrary to manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the office of the State Attorney, and any related unauthorised, irregular or fruitless and wasteful expenditure which the Department or the State incurred as a result thereof.
4. Any unlawful or irregular conduct by—
- (a) employees or officials of the office of the State Attorney; or
- (b) any other person or entity,
- relating to the allegations referred to in paragraphs 2 or 3 of this 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

PROKLAMASIE NO. R. 33 VAN 2019
van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): WYSIGING VAN PROKLAMASIE NO. R. 21 VAN 2018

Kragtens artikel 2(4) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), wysig ek hierby Proklamasie No. R. 21 van 2018, deur—

- (a) die tydperk vermeld in die vierde paragraaf van die Proklamasie verder te verleng tot die datum van publikasie van hierdie Proklamasie; en
- (b) die Bylae tot die Proklamasie deur die volgende Bylae te vervang:

"BYLAE

1. Vir doeleindes van hierdie Bylae moet die uitdrukking "regsdienste" geïnterpreteer word om in te sluit regsadvies dienste; litigasie dienste; die aanstelling van regspraktisyns om regsadvies dienste of litigasie dienste te verskaf; enige professionele dienste benodig vir regs- of litigasie doeleindes, insluitende die aanstelling van enige tussengangers of onderwerp deskundige; en ondersteuningsdienste vir regs- of litigasie doeleindes, insluitende die aanstelling van enige tolk, transkribeerder of opsporingsagent.

2. Wanadministrasie in die aangeleenthede van die Staatsprokureurskantoor ten opsigte van—

- (a) regsdienste wat verskaf, of aangeskaf is deur die Staatsprokureurskantoor in die uitoefening van die se werksaamhede soos beoog in artikel 3 van die Wet op die Staatsprokureur, 1957 (Wet No. 56 van 1957), namens die—
 - (i) die Gauteng Departement van Gesondheid en die Oos-Kaap Departement van Gesondheid ten opsigte van mediese nalatigheidseise; of
 - (ii) die Suid-Afrikaanse Polisie diens ten opsigte van eise gebaseer op

onregmatige arrestasie of aanhouding, aanranding of kwaadwillige vervolging; of

- (b) die verifikasie, goedkeuring of verwerking vir betaling van enige faktuur of rekening ontvang ten opsigte van enige regsdienste wat ingevolge paragraaf (a) verskaf is.

3. Die aanskaffing van regsdienste, soos beoog in paragraaf 2(a) van hierdie Bylae, deur die Staatsprokureurskantoor, of betalings wat in verband daarmee gemaak is, op 'n wyse wat—

- (a) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie; of
(b) strydig was met handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Staatsprokureurskantoor van toepassing is, en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilte uitgawes wat die Departement of die Staat aangegaan het as gevolg daarvan.

4. Enige onwettige of onbehoorlike optrede deur—

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

wat verband hou met die bewerings waarna verwys word in paragrawe 2 en 3 van hierdie Bylae.

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

CM Ramaphosa

President

Op las van die President-in-Kabinet:

TM Masutha

Minister van die Kabinet