**PROCLAMATION NO. R. 3 OF 2020**

**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. 11 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. 11 of 2018, by—

*(a)* the 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 paragraph 1 of the Schedule to the Proclamation of the following paragraph:

"1. The contracting for or procurement of—

(*a*) coal;

(*b*) coal transportation services;

(*c*) diesel;

(*d*) cloud computing services;

(*e*) software licenses and support services; and

(*f*) engineering and project management consulting services in respect of Contract Number: 4600061859 and Contract Number: 4600062636,

by Eskom and payments made in respect thereof in a manner that was—

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

(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 Eskom;

(iii) conducted by or facilitated through the improper conduct of—

(*aa*) employees, officials or agents of Eskom; or

(*bb*) any other person or entity,

to corruptly or unduly benefit themselves or others; or

(iv) fraudulent,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by Eskom or the State.".

Given under my Hand and the Seal of the Republic of South Africa at Waterkloof this 6 day of January Two thousand and twenty.

**CM Ramaphosa**
**President**

By Order of the President-in-Cabinet:

**R Lamola**
**Minister of the Cabinet**

**PROKLAMASIE NO. R. 3 VAN 2020**

## 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. 11 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. 11 van 2018 deur—

*(a)* die verlenging van die tydperk vermeld in die vierde paragraaf van die Proklamasie tot die datum van publikasie van hierdie Proklamasie; en

(*b*) die vervanging in paragraaf 1 van die Bylae met die volgende paragraaf:

"1. Die kontraktering vir of aanskaffing van—

(*a*) steenkool;

(*b*) steenkool vervoerdienste;

(*c*) diesel;

(*d*) wolk rekenaardienste;

(*e*) sagteware lisensies en ondersteuningsdienste; en

(*f*) ingenieurs-en projekbestuur raadgewende dienste ten opsigte van Kontraknommer: 4600061859 en Kontraknommer: 460006263,

deur Eskom en betalings wat in verband daarmee gemaak is op ‘n wyse wat —

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

(ii) strydig was met toepaslike—

(*aa*) wetgewing;

(*bb*) handleidings, riglyne, omsendskrywes, praktyknotas of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of

(*cc*) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op Eskom van toepassing is;

(iii) gedoen of gefasiliteer was deur die onbehoorlike optrede van—

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(*aa*) werknemers, beamptes of agente van Eskom; of

(*bb*) enige ander persoon of entiteit,

om hulself of andere op 'n korrupte of onbehoorlike wyse te bevoordeel; of

(iv) bedrieglik was,

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

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Waterkloof op hede die 6.dag van Januarie Tweeduisend-en-twintig.

**CM Ramaphosa**
**President**

Op las van die President-in-Kabinet:

**R Lamola**
**Minister van die Kabinet**