

SOUTH AFRICAN REVENUE SERVICE**NO. R. 370****23 April 2021****GENERAL EXPLANATORY NOTE:**

[] Words that are between square brackets and in bold typeface indicate deletions from the existing rules

_____ Words that are underlined with a solid line indicate insertions in the existing rules

CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF RULES (DAR 210)

Under section 120 of the Customs and Excise Act, 1964, the rules published in Government Notice R. 1874 of 8 December 1995 are amended to the extent set out in the Schedule hereto.

**EDWARD CHRISTIAN KIESWETTER****COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE**

SCHEDULE

Substitution of form

1. Item 202.00 of the Schedule to the rules is hereby amended by the substitution for form DA 185 of the following form:

“DA 185 Application form: Registration/Licensing of Customs and Excise Clients”.

Insertion of forms

2. Item 202.00 of the Schedule to the rules is hereby amended by the insertion of the following forms:

“DA 185.4A18 Registration client type 4A18 - To be in possession or control of and to use goods consisting of a mixture which includes marked goods (Section 37A(9) and rule 37A.12)

DA 185.4A19 Registration client type 4A19 - Supply of aviation kerosene and / or aviation spirit (Items 460.05 / 496.00 or 623.11 / 671.01)

DA 185.4A20 Registration client type 4A20 - Producer of goods not capable of use in any engine (Section 37A(4) and rule 37A.11)”.



DA 185

APPLICATION FORM: REGISTRATION / LICENSING OF CUSTOMS AND EXCISE CLIENTS

For official use

1. NOTES FOR COMPLETION OF THE DA 185 AND ITS ANNEXURES											
<p>1. Where the asterisk (*) appears, delete whichever is not applicable.</p> <p>2. Indicate with an "X" in the appropriate block(s) whichever is applicable.</p> <p>3. Complete the annexure listed in container 11 which is relevant to the registration or licensing type applied for.</p> <p>4. Reflect the relevant customs and excise client number when updating (by amending or confirming) existing registration or licensing information.</p> <p>5. Where security must be furnished, complete and submit annexure DA 185.C.</p> <p>6. An importer, exporter, remover in bond or searcher for wreck not located in the Republic, must also complete and submit annexure DA 185.D, to disclose a registered agent.</p> <p>7. Complete and submit any prescribed agreement, if applicable.</p> <p>8. If the space provided in a particular container on form DA185 or any annexure is insufficient, the information required must be furnished on a separate page, which must be attached to form DA185 or the relevant annexure.</p> <p>9. All references to sections and rules pertain to the Customs and Excise Act, 1964 ("the Act").</p> <p>10. All Customs and Excise forms are available on the SARS website (www.sars.gov.za) or at any SARS branch office.</p>											
2. EXISTING REGISTRANT/LICENSEE PARTICULARS											
If currently registered/licensed in terms of the Act, please state allocated customs and excise client number											
3. LOCATION OF APPLICANT											
Natural person, who is:					Juristic person, that is:						
Located in the RSA: Yes <input type="checkbox"/> No <input type="checkbox"/>					Located in the RSA: Yes <input type="checkbox"/> No <input type="checkbox"/>						
4. PURPOSE OF APPLICATION											
New registration/licence or renewal:			<input type="checkbox"/>		Update of existing information:			<input type="checkbox"/>			
								Notification of cancellation: <input type="checkbox"/>			
5. APPLICANT PARTICULARS											
Registered name of business (juristic person) or name of natural person:											
Business address: Complex											
Street name and number:											
Unit Number											
Building name and floor number:											
Suburb/District:											
City/Town:						Street code:					
Postal address:											
Suburb/District:											
City/Town:						Postal code:					
Country:											
Business telephone (Including code):			Code: ()		Tel. ()		Fax number (Including code):		Code: () Fax: ()		
Cellular phone number:							Business e-mail address:				
Home telephone number:											
6. SOUTH AFRICAN BANK ACCOUNT DETAILS											
Bank account number:											

Mark if you do not have a South African bank account and are using a South African bank account of a third party		<input type="checkbox"/>	
Branch Name:			Branch No: <input type="text"/>
Bank Name:		Cheque: <input type="checkbox"/>	Savings: <input type="checkbox"/> Transmission: <input type="checkbox"/>
Account holder name:			

7. SARS TAXPAYER REFERENCE NUMBERS (if applicable)																												
i. VAT Registration Number:	4															ii. Income Tax Reference Number:												
iii. PAYE Reference Number:	7															iv. SDL Reference Number:	L											
v. UIF Reference Number:	U																											

8. NATURE OF ENTITY															
Company		Close corporation		Trust		Sole proprietor / natural person		Partnership							
Co-operative		Organ of state						Any other juristic person							
Registration number of juristic person, where registration is a requirement for such entity															

9. SOLE PROPRIETOR / NATURAL PERSON OR DIRECTORS / PARTNERS / MEMBERS / TRUSTEES/ ADMINISTRATOR ETC PARTICULARS																			
i. Initials:						First name/s:													
Surname:																			
Designation or capacity:																			
Citizenship:																			
ID Type:																			
ID / Passport no:																Passport country (e.g. South Africa = ZAF)			
ii. Initials:						First name/s:													
Surname:																			
Designation or capacity:																			
Citizenship:																			
ID Type:																			
ID / Passport No:																Passport country (e.g. South Africa = ZAF)			
iii. Initials:						First name/s:													
Surname:																			
Designation or capacity:																			
Citizenship:																			
ID Type:																			
ID / Passport No:																Passport country (e.g. South Africa = ZAF)			

10. AUTHORISED OFFICER									
Initials:						First name/s:			
Surname:									
Telephone (including code):	Code: (____)	Tel. (____)	Fax number (including code):	Code: (____)	Fax. (____)				
E-mail address:						Cellular phone number:	(____)		

Public Officer:	<input type="checkbox"/>	Curator/Trustee:	<input type="checkbox"/>	Partner:	<input type="checkbox"/>	Accounting officer / Treasurer / Financial Officer:	<input type="checkbox"/>	Other, please specify:	
<p>Duly authorised to act on behalf of juristic entity by –</p> <p>*a resolution passed at a meeting of the Board of Directors, held at on the day of (CCYY); or</p> <p>*express consent in writing of all the members of the close corporation /* partners of the partnership /* trustees of the trust; or</p> <p>* being a person having the management of any other juristic person (please state name); or</p> <p>* being a delegated officer of an organ of State,</p> <p>hereby apply on behalf of the applicant for registration* / licensing*.</p>									

11. REGISTRATION OR LICENSE TYPES AND RELEVANT ANNEXURES					
Annexure	Registration	Tick box	Annexure	Licensing	Tick box
DA 185 4A1	Importer (Located/ not located in the Republic)	<input type="checkbox"/>	DA 185 4B1	Special Manufacturing Warehouse – (Section 21 and the rules thereto)	<input type="checkbox"/>
DA 185 4A2	Exporter (Located/ not located in the Republic)	<input type="checkbox"/>	DA 185 4B2	Manufacturing Warehouse – (Sections 19A, 27, 54E, 54J, 54AA and the rules thereto)	<input type="checkbox"/>
DA 185 4A2	Exporter for SADC, SADC-EPA, SACU/EFTA, SACU/MERCOSUR, AfCFTA and SACUM-UK EPA (Located/ not located in the Republic) – (rule 59A.01, rules 49A, 49B, 49D, 49E, 49F and 49G)	<input type="checkbox"/>	DA 185 4B3	Storage Warehouse (Section 19 and the rules thereto)	<input type="checkbox"/>
DA 185 4A2 (Section A) & Form DA 46A1.02	Exporter for GSP - AGOA (Located/ not located in the Republic) – (rules 46A1.02)	<input type="checkbox"/>	DA 185 4B4	Special Storage Warehouse (Sections 19A and 21 and the rules thereto)	<input type="checkbox"/>
DA 185 4A2 (Section B) & Form DA 49A.02	Approved Exporter – SADC-EPA, SACU/EFTA, AfCFTA or SACUM-UK EPA (Located/ not located in the Republic) – (rules 49A.20 (24), (25), 49D.18(19)(22), 49F.19(19),(20) and 49G.20(24),(25))	<input type="checkbox"/>	DA 185 4B5	Clearing Agent – (Section 64B and the rules thereto)	<input type="checkbox"/>
DA 185 4A2 (Section C) & Form DA 46A.01	Exporter for GSP (various countries) (Located/ not located in the Republic) – (relevant rules for section 46A)	<input type="checkbox"/>	DA 185 4B6	Remover of goods in Bond (Located/ not located in the Republic) – (Section 64D and the rules thereto)	<input type="checkbox"/>
DA 185 4A3	Rebate User (Schedule Nos. 3, 4 and 6) – (Section 75 and the rules thereto)	<input type="checkbox"/>	DA 185 4B7	Distributor of Fuel – (Section 64F and the rules thereto)	<input type="checkbox"/>
DA 185 4A4 & DA46A1.03	Manufacturer – (Section 46)	<input type="checkbox"/>	DA 185 4B8	Special Ad Valorem Manufacturing Warehouse – (Section 36A and the rules thereto)	<input type="checkbox"/>
DA 185 4A5	Special Manufacturing Warehouse: APDP (Item 317.03 of Part 1 of Schedule No.3)	<input type="checkbox"/>	DA 185 4B9	Storage Warehouse (Customs Controlled Area Enterprise) – (Sections 19A, 21, 21A and Rule 21A.10)	<input type="checkbox"/>
DA 185 4A6	Electronic User – (Section 101A and the rules thereto)	<input type="checkbox"/>	DA 185 4B10	Manufacturing Warehouse (Customs Controlled Area Enterprise) – (Sections 19A, 21A, 27 and Rule 21A.10)	<input type="checkbox"/>
DA 185 4A7 & Form DA 46A.02	Producer for SADC, SADC-EPA, SACU/EFTA, SACU/MERCOSUR, AfCFTA, SACUM-UK EPA and GSP – (rule 59A.01, rules 49A, 49B, 49D, 49E, 49F, 49G and 46A2.18)	<input type="checkbox"/>	DA 185 4B11	Distillation of spirits by an agricultural distiller (Section 62 and rule 63.07)	<input type="checkbox"/>
DA 185 4A8	Commercial manufacturer of biofuel – (Section 37B and rule 37B.02(b))	<input type="checkbox"/>	DA 185 4B12	To own, possess or keep stills (Section 63 and rule 116.01)	<input type="checkbox"/>

DA 185 4A9	Non-commercial manufacturer of biofuel – (Section 37B and rule 37B.02(a))	<input type="checkbox"/>	DA 185 4B13	To manufacture or import stills for sale or to repair stills for reward (rule 63.01)	<input type="checkbox"/>
DA 185 4A10	Manufacturer in terms of drawback items 501.00 to 521.00 (Note 2(a) to Part 1 of Schedule No. 5)	<input type="checkbox"/>	DA 185 4B14	Degrouping depot (Section 64G and rules thereto)	<input type="checkbox"/>
DA185 4A11	Special Economic Zone Operator and/or designation of a Customs Controlled Area (CCA) – (Sections 21A and rule 21A.04)	<input type="checkbox"/>	DA 185 4B15	Searching wreck or searching for wreck (Section 64C and rule 64C.01)	<input type="checkbox"/>
DA 185 4A12	Electricity Producer – (rule 54FA.04)	<input type="checkbox"/>	DA 185 4B16	Container depot (Section 64A and rule 64A.01)	<input type="checkbox"/>
DA 185 4A13	Registered Agent (rule 59A.01A)	<input type="checkbox"/>			
DA 185 4A14	Registered Still (rule 63.04)	<input type="checkbox"/>			
DA 185 4A15	Manufacture of excisable goods solely for own use by the manufacturer (Section 116 and rule 116.01)	<input type="checkbox"/>			
DA 185 4A16	Non-commercial manufacturer of sugary beverages (Section 59A and Rule 54I.03)	<input type="checkbox"/>			
DA 185.4A17	Tobacco leaf dealer (Section and rule 107A)	<input type="checkbox"/>			
DA 185 4A18	To be in possession or control of and to use goods consisting of a mixture which includes marked goods (Section 37A(9) and rule 37A.12)	<input type="checkbox"/>			
DA 185 4A19	Supply of aviation kerosene and / or aviation spirit (Items 460.05 / 496.00 or 623.11 / 671.01)	<input type="checkbox"/>			
DA 185 4A20	Producer of goods not capable of use in any engine (Section 37A(4) and rule 37A.11)	<input type="checkbox"/>			

DA 185 C	Security Particulars	<input type="checkbox"/>
DA 185 D	Disclosure of registered agent by importer, exporter, or remover of goods in bond or searcher for wreck not located in the Republic (rule 59A.01A(b)(iii) and Section 64D.01)	<input type="checkbox"/>

12. INFORMATION REGARDING CONTRAVENTIONS AND OTHER MATTERS

Please indicate whether during the preceding five years, the applicant or an employee of the applicant in a managerial position, or if the applicant is a juristic entity, a director, administrator or trustee or other person managing the entity-

(a) Has contravened or failed to comply with the provisions of the Act	Yes:		No:	
(b) Has failed to comply with any condition, obligation or other requirement imposed by the Commissioner in respect of a registration or licence*	Yes:		No:	
(c) Has been convicted of any offence under the Act	Yes:		No:	
(d) Has been convicted of any offence involving fraud or dishonesty	Yes:		No:	
(e) Has made any false or misleading statement in any material respect or omitted to state any material fact which was required to be stated in any application for registration or licensing or for any other purpose	Yes:		No:	

under the Act				
(f) Has been declared insolvent or in liquidation	Yes:		No:	
Note: • If the answer is "yes" to any of the above questions, full details must be furnished on a separate page and attached to the application. • Any applicant may, where it is contended in respect of paragraphs (a) and (b) that the contravention or failure was inadvertent, without fraudulent intent or gross negligence, include a submission to this effect which should be furnished on a separate page and attached to the application.				

13. INFORMATION REGARDING TAX COMPLIANCE

Indicate whether the applicant -				
(a) owes SARS any of the following for which the applicant is liable in terms of this Act or any other tax law: Outstanding-				
(i) taxes	Yes:		No:	
(ii) interest	Yes:		No:	
(iii) penalties	Yes:		No:	
(iv) other amounts	Yes:		No:	
(b) has any outstanding tax returns or other documents that must be submitted for tax purposes to SARS in terms of this Act or any other tax law	Yes:		No:	

14. DOCUMENTS IN SUPPORT OF APPLICATION

An application must, unless otherwise stated in the specific Annexure, be supported by the following documents to be submitted to the customs authority on request:

- A document confirming the banking details of the bank account referred to in box 6, which can be –
 - A bank certified original bank statement or a legible bank certified copy of an original bank statement;
 - a bank certified auto bank statement; or
 - an original letter from the bank on an official bank letterhead;
- the original or a certified copy of—
 - a municipal account or fixed line telephone account issued to the applicant to confirm the applicant's physical address, if the applicant is located in the Republic; and
 - a telephone account issued to the applicant to confirm the applicant's telephone contact details;
- if the applicant is a juristic entity, a certified copy of the founding document or any certificate issued in terms of the laws of the Republic or of another country certifying that the applicant is incorporated, registered or recognised in terms of the laws of the Republic or that other country;
- a certified copy of the identification document or passport proving identity and citizenship—
 - if the applicant is an individual, of the applicant;
 - if the applicant is a juristic entity, of the directors, members, partners, trustees, administrator, chairperson, manager, as the case may be, of the applicant; and
 - the authorised officer of the applicant, if not already provided under (ii);
- a certified copy of the court order in the case of the applicant being an emancipated minor;
- if the applicant applies for registration as an agent for a non-local licensee or registered person, a certified copy of the agency contract between the applicant and the non-local licensee or registered person;
- a certified copy of the document authorising a person to act as authorised officer on behalf of the applicant;
- if applicable, documents evidencing that the applicant has in place—
 - an information security policy and security procedures or mechanisms to protect the applicant's electronic systems from unauthorised access; and
 - procedures and back-up capabilities to protect it against the loss of information; and
- any other document as the Commissioner may require for purposes of the application or for purposes of an update of information already submitted.

15. DECLARATION BY APPLICANT OR AUTHORISED OFFICER ON BEHALF OF APPLICANT THAT IS A JURISTIC PERSON

I hereby-

- declare that the particulars in the application and all annexures are true and correct; and
- undertake to-
 - inform the SARS promptly in accordance with the rules of any changes in the particulars furnished in the application; and
 - comply with customs and excise laws and procedures.

(Initials and surname)

(Signature)

(Status / Capacity, e.g. Director)

(Date & Place)

16. FOR OFFICIAL USE ONLY

I, _____ Team Member,
 _____ at _____
Full name and surname *Branch Office name*

Office hereby certify / confirm

that the applicant (or authorised officer) / representative*:

- Visited this office in person;
- Is in fact the person reflected on his/her identification document/passport*; and

- Is the person as is reflected on the letter of authority (where applicable).

<i>Team Member: SID</i>	<i>Team Member: Signature</i>	<i>Date</i>
I, _____	Team Leader, at _____	Office hereby certify / confirm
<i>Full name and surname</i>	<i>Office name</i>	

that the applicant / representative*:

- Visited this office in person;
- Is in fact the person reflected on his/her identification document/passport*; and
- Is the person as is reflected on the letter of authority (where applicable).

<i>Team Leader: SID</i>	<i>Team Leader: Signature</i>	<i>Date</i>
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ANNEXURE DA 185.4A18

REGISTRATION CLIENT TYPE 4A18 – TO BE IN POSSESSION OR CONTROL OF AND TO USE GOODS CONSISTING OF A MIXTURE WHICH INCLUDES MARKED GOODS (SECTION 37A(9) AND RULE 37A.12)

- Please complete the appropriate section (A and B or C)
- A separate application should be submitted for each location where a marked product will be mixed
- The mixture must be used solely for domestic or industrial applications as contemplated in Rule 37A.12
- Mixing must take place as contemplated in Rule 37A.12(a)(ii)
- Copies of the plan of the premises indicating the production, storage and use facilities **must** be submitted with each application
- The applicant's attention is drawn to the requirements of Rule 37A.12(b) and (c) read with Rules 37A.07(a) and (b) of the Customs and Excise Act No. 91 of 1964

A	New application
Full name of applicant	
Postal address of applicant	
Postal code	
Physical address of applicant where mixing takes place	
VAT registration number	
Income tax number	
Company/CC registration no. (or ID no. if applicant is an individual)	
Code and telephone number of applicant	
Code and Fax number of applicant	
E- mail address of applicant	
B	Business Activities
Name and address of supplier/s of marked goods	
Name and address of supplier/s of additives	

Name and address of supplier/s of marked blended goods			
Estimated quantity of goods to be mixed (per annum)			
Formula of blend of goods to be mixed			
Total number and marks of tanks to be used for production/storage purposes			
Capacity of each tank referred to above			
C	Change of: (Mark with a "X")		
Name	Address	Cancellation	Other
If change of name and/or address and/or other particulars please insert new particulars in the appropriate fields in A or B			
Previous name of applicant			
Previous postal address of applicant			
Previous physical address of applicant			
If other, please indicate			
I HEREBY DECLARE THAT THE INFORMATION REFLECTED ABOVE IS TRUE AND CORRECT			
.....
Name (in print)	Signature	Capacity	Date



ANNEXURE DA 185.4A19

REGISTRATION CLIENT TYPE 4A19 – SUPPLY OF AVIATION KEROSENE AND / OR AVIATION SPIRIT (ITEMS 460.05 / 496.00 OR 623.11 / 671.01)

- Please complete the appropriate section (A and B or C)
- A separate application should be submitted for each location from which aviation kerosene and / or aviation spirit is supplied
- The aviation kerosene and/or aviation spirit must be used solely for aviation purposes in aircraft engines
- Copies of the plan of the premises from which aviation kerosene is to be supplied indicating the storage facilities must be submitted with each application
- The applicants attention is drawn to section 37A(9) of the Customs and Excise Act and to the provisions of item 460.05 / 496.00 or 623.11 / 671.01 and Rules 37A.07, 37A.13 and 37A.14 of the Customs and Excise Act No. 91 of 1964

A	New application	
Full name of applicant		
Postal address of applicant		
Postal code		
Physical address of applicant where production takes place		
VAT registration number		
Income tax number		
Company/CC registration no. (or ID No. if applicant is an individual)		
Code and telephone number of applicant		
Code and Fax number of applicant		
E-mail address of applicant		
B	Business Activities and Description of Goods	
Name and address of oil company or other supplier supplying aviation kerosene and/or aviation spirit to applicant		
Customer number with supplier		
Estimated quantity of aviation kerosene and/or aviation spirit to be supplied (per annum)		
Total No. and marks of tanks to be used for production/storage purposes		

Capacity of each tank referred to above	
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C		Change of: (Mark with a "X")	
Name	Address	Cancellation	Other
If change of name and/or address and/or other particulars please insert new particulars in the appropriate fields in A or B			
Previous name of applicant			
Previous postal address of applicant			
Previous physical address of applicant			
If other, please indicate			
I HEREBY DECLARE THAT THE INFORMATION REFLECTED ABOVE IS TRUE AND CORRECT			
.....
Name (in print)	Signature	Capacity	Date



ANNEXURE DA 185.4A20

REGISTRATION CLIENT TYPE 4A20 – PRODUCER OF GOODS NOT CAPABLE OF USE IN ANY ENGINE (SECTION 37A(4) AND RULE 37A.11)

- Please complete the appropriate section (A and B or C)
- A separate application should be submitted for each location which manufactures independently
- The output of the manufacturing operation must consist entirely of goods or a range of goods which can only be used as burning fuel not capable of use as a fuel in any engine as defined in Chapter 85 to 87 of the Harmonised Tariff
- The applicant's attention is drawn to Rule 37A.11 and also the applicable provisions of Rules 37A.06 and 37A.07 of the Customs and Excise Act No. 91 of 1964
- Copies of the plan of the premises indicating the production and storage facilities **must** be submitted with each application

A	New application	
Full name of applicant		
Postal address of applicant		
Postal code		
Physical address of applicant where production takes place		
VAT registration number		
Income tax number		
Company/CC registration number (or ID no. if applicant is an individual)		
Code and telephone number of applicant		
Code and Fax number of applicant		
E- mail address of applicant		
B	Business Activities and Description of Goods	
Name and address of supplier/s of marked goods		
Name and address of supplier/s of goods with which marked goods will be mixed		
Customer number with supplier		
Name and estimated quantity of each of the goods produced (per annum)		

Formula of blend of goods to be mixed			
Total number and marks of tanks to be used for production/storage purposes			
Capacity of each tank referred to above			
C	Change of: (Mark with a "X")		
Name	Address	Cancellation	Other
If change of name and/or address and/or other particulars please insert new particulars in the appropriate fields in A or B			
Previous name of applicant			
Previous postal address of applicant			
Previous physical address of applicant			
If other, please indicate			
I HEREBY DECLARE THAT THE INFORMATION REFLECTED ABOVE IS TRUE AND CORRECT			
.....
Name (in print)	Signature	Capacity	Date

PROCLAMATION NOTICES • PROKLAMASIE KENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**NO. R. 15****23 April 2021**

PROCLAMATION
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 Gauteng Department of Agriculture and Rural Development and Ekurhuleni Metropolitan Municipality (hereinafter referred to as "the Institutions");

AND WHEREAS the Institutions or the State 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 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 Institutions;
- (b) improper or unlawful conduct by the employees or officials of the Institutions;
- (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 Institutions; 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 2017 and the date of publication of this Proclamation or which took place prior to 1 January 2017 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 to this Proclamation 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 Institutions or the State, in relation to the said matters in the Schedule to this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Hyde Park this 23rd day of March Two thousand and twenty one.

President

By Order of the President-in-Cabinet:

Minister of the Cabinet

SCHEDULE

1. The procurement of, or contracting for the supply of 200 portable three-wheel motorised waste collection vehicles by or on behalf of the Institutions in relation to tender number GT/GDARD/030/2017 and payments made in respect thereof in a manner that was—

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

(b) contrary to applicable—

(i) legislation;

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

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

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Institutions or losses suffered by the Institutions or the State.

2. Any irregular, improper or unlawful conduct by—

(a) contractors, employees or officials of the Institutions; or

(b) the suppliers, service providers or any other person or entity,
relating to the allegations set out in paragraph 1 of this Schedule.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 15

23 April 2021

PROKLAMASIE
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 Gauteng Departement van Landbou en Landelike Ontwikkeling en Ekurhuleni Metropolitaanse Munisipaliteit (hierna na verwys as “die Instansies”);

EN AANGESIEN die Instansies of die Staat 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 Instansies, 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 Instansies;
- (b) onbehoorlike of onregmatige optrede deur werknemers of beamptes van die

Instansies;

- (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 Instansies; 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 2017 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2017 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 tot hierdie Proklamasie 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 tot hierdie Proklamasie, insluitend die verhaal van enige verliese wat deur die Instansies of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Hyde Park op hede die 23ste dag van Maart Twee duisend-een-en-twintig.

President

Op las van die President-in-Kabinet:

Minister van die Kabinet

BYLAE

1. Die verkryging van, of kontraktering vir die verskaffing van 200 draagbare driewiel gemotoriseerde afvalverwyderingsvoertuie, deur of namens die Instansies ingevolge tendernommer GT/GDARD/030/2017 en betalings ten opsigte daarvan gemaak 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, omsendskrywes of instruksies wat deur die Nasionale Tesourie of die toepaslike Provinsiale Tesourie uitgevaardig is; of

(iii) handleidings, kodes, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Instansies van toepassing is;

en enige verbandhoudende ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Instansies aangegaan is of verliese deur die Instansies of die Staat gely.

2. Enige onwettige of onbehoorlike optrede deur—

(a) kontrakteurs, werknemers of beamptes van die Instansies; of

(b) die verskaffers, diensverskaffers of enige ander persoon of entiteit, ten opsigte van die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.