PROCLAMATION NOTICE 253 OF 2025

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: NATIONAL SKILLS FUND

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 National Skills Fund (hereinafter referred to as "the Fund");

AND WHEREAS the Fund or the State 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 Fund, 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 Fund;
(b) improper or unlawful conduct by employees of the Fund;
(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 Fund ; 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 2013 and the date of publication of this Proclamation or which took place prior to 1 January 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 Fund or the State, in relation to the said matters in the Schedule.

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Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 4th day of February Two thousand and twenty-five.

MC RAMAPHOSA
President
By Order of the President-in-Cabinet:
MT KUBAYI
Minister of the Cabinet

SCHEDULE

1. Serious maladministration in connection with the affairs of the Fund in relation to the following projects—
   (a) Yikhonolakho Woman and Youth Primary Co-operative Limited (NSF 16/1/3/21);
   (b) Dithipe Development Institute (Pty) Limited;
   (c) Dzunde Farming Co-operative Limited – Rural Development;
   (d) Dual System Apprenticeship Pilot Project – Port Elizabeth TVET College (NSF10/3/8/2/9);
   (e) Rubicon Communication CC;
   (f) Centre for Education Policy Development (Fruitless & Wasteful Expenditure) — NSF 16/2/1/2 & NSF 10/4/4/3;
   (g) Emanzini Staffing Solutions (Pty) Limited (NSF16/1/4/55 and/or 2016-NSFWIL — 0174);
   (h) ADA Holdings (NSF16/1/4/5, Ingewe TVET College — NSF/16/3/2/2 & Lusikisiki/ Bizana — NSF/16/1/2/3);
   (i) Ekurhuleni West TVET College (NSF16/1/2/39); and
   (j) Passionate about People (Pty) Limited (NSF/16/1/3/12&16).

2. Any irregular, unlawful or improper conduct by—
   (a) officials or employees of the Fund;
   (b) contractors, suppliers or applicable service providers of the Fund; or
   (c) any other person or entity,

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

PROKLAMASIE 253 VAN 2025

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: NASIONALE VAARDIGHEIDSFONDS

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 Nasionale Vaardigheidsfonds (hierna na verwys as "die Fonds");

EN AANGESIEN die Fonds en 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 Fonds, 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 Fonds;
(b) onbehoorlike of onregmatige optrede deur werknemers van die Fonds;
(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 aangeleentede van die Fonds; 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 2013 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2013 of na die datum van publikasie van hierdie Proklamasie, maar 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 Fonds of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die 4de dag van Februarie Twee duisend en vyf-en-twintig.

MC RAMAPHOSA
President
Op las van die President-in-Kabinet:
MT KUBAYI
Minister van die Kabinet

BYLAE

1. Ernstige wanadministrasie in verband met die aangeleenthede van die Fonds met betrekking tot die volgende projakte—
   (a) "Yikhonolakho Woman and Youth Primary Co-operative Limited (NSF 16/1/3/21)";
   (b) "Dithipe Development Institute (Pty) Limited";
   (c) "Dzunde Farming Co-operative Limited – Rural Development";
   (d) "Dual System Apprenticeship Pilot Project – Port Elizabeth TVET College (NSF10/3/8/2/9)";
   (e) "Rubicon Communication CC";
   (f) "Centre for Education Policy Development (Fruitless & Wasteful Expenditure) — NSF 16/2/1/2 & NSF 10/4/4/3";
   (g) "Emanzini Staffing Solutions (Pty) Limited (NSF16/1/4/55 and/or 2016-NSFWIL — 0174)";
   (h) "ADA Holdings (NSF16/1/4/5, Ingewe TVET College — NSF/16/3/2/2 & Lusikisiki/ Bizana — NSF/16/1/2/3)";
   (i) "Ekurhuleni West TVET College (NSF16/1/2/39)"; en
   (j) "Passionate about People (Pty) Limited (NSF/16/1/3/12&16)".

2. Enige onreëlmatige, onregmatige of onbehoorlike gedrag deur—
   (a) beamptes of werknemers van die Fonds;
   (b) kontrakteurs, verskaffers of betrokke diensverskaffers van die Fonds; of
   (c) enige ander persoon of entiteit,

   met betrekking tot die bewerings in paragraaf 1 in hierdie Bylae uiteengesit.

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