

PROCLAMATION NOTICE 254 OF 2025**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.45 OF 2021**

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. 45 of 2021 (hereinafter referred to as "the original Proclamation"), by—

- (a) the deletion of the words "ALEXKOR SOC LIMITED" in the heading of the original Proclamation;
- (b) the substitution for the words "Alexkor SOC Limited (hereinafter referred to as "Alexkor"), which is a state owned mining company" in the first paragraph of the original Proclamation for the words:
"Alexkor SOC Limited, the Alexkor Richtersveld Mining Company Pooling and Share Joint Venture and the State Diamond Trader (hereinafter collectively referred to as "the Institutions");";
- (c) the substitution for the word "Alexkor" in the second paragraph of the original Proclamation for the words "the Institutions";
- (d) the substitution for the word "Alexkor" in the introductory part of the fourth paragraph of the original Proclamation for the words "the Institutions";
- (e) the substitution for the word "Alexkor" in subparagraphs (a), (b) and (f) of the fourth paragraph of the original Proclamation for the words "the Institutions";
- (f) the substitution for the date "1 October 2016" (appearing in both instances) in the fourth paragraph of the original Proclamation of the date "1 January 2014";
- (g) the extension of the period referred to in the fourth paragraph of the original Proclamation to the date of publication of this Proclamation;
- (h) the substitution for the word "Alexkor" in the last line of the fourth paragraph of the original Proclamation of the words "the Institutions"; and
- (i) the substitution for paragraphs 1 and 2 of the Schedule to the original Proclamation of the following paragraphs:
 - "1. The procurement of and contracting for goods or services, by or on behalf of the Institutions, in relation to the marketing, valuation, sale, including any decision not to buy, and beneficiation of diamonds, and income generated or lost therefrom or payments made in respect thereof in a manner that was:
 - (a) not fair, equitable, transparent, competitive or cost-effective;
 - (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, circulars, practice notes or instructions issued by the National Treasury;
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Institutions;
 - (c) conducted by or facilitated through the irregular, improper or

- unlawful conduct of—
- (i) Board members, employees, officials and agents of the Institutions;
 - (ii) service providers, traders, auctioneers, bidders and buyers of diamonds; and
 - (iii) any other person or entity, to corruptly or unduly benefit themselves or any other person or entity; or
- (d) fraudulent,
- and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Institutions.
2. Any undisclosed or unauthorised interests which Board members, employees, officials or agents of the Institutions or their service providers may have had in:
- (a) service providers, traders, auctioneers, bidders or buyers of diamonds; or
 - (b) any other person or entity, relating to the marketing, valuation, sale, including any decision not to buy, or beneficiation of diamonds, and the extent of any actual or potential benefits derived directly or indirectly by such Board members, employees, officials or agents of the Institutions or such service providers from such undisclosed or unauthorised interests.
3. Serious maladministration in the affairs of the Institutions in respect of the marketing, valuation, sale, including any decision not to buy, and the beneficiation of diamonds pursuant to agreements or contracts concluded between the Institutions on the one hand and service providers, traders, auctioneers, bidders or buyers of diamonds on the other hand.
4. Serious maladministration in the affairs of Alexkor SOC Limited in respect of contracts concluded with, and fees paid to, Regiments Capital (Pty) Limited.
5. Any irregular, improper or unlawful conduct by Board members, officials, employees or agents of the Institutions, the service providers, bidders, traders, auctioneers or buyers of diamonds or any other person or entity in relation to the allegations set out in paragraphs 1 to 3 of this Schedule.”.

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:

T SIMELANE

Minister of the Cabinet

PROKLAMASIE 254 VAN 2025

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.45 VAN 2021**

Kragtens artikel 2(4) van die Wet op Spesiale Ondersoekkeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), wysig ek hierby Proklamasie No. R. 45 van 2021 (hierna na verwys as “die oorspronklike Proklamasie”), deur—

- (a) die skraping van die woorde “: ALEXKOR SOC BEPERK” in die opskrif van die oorspronklike Proklamasie;
- (b) die vervanging vir die woorde “Alexkor SOC Beperk (hierna na verwys as “Alexkor”), wat ‘n Staatsbeheerde myn maatskappy is” in die eerste paragraaf van die oorspronklike Proklamasie vir die woorde:
“Alexkor SOC Beperk, die Alexkor Richtersveld Mining Company Pooling and Share Joint Venture and the Staatsdiamanthandelaar (hierna na gesamentlik verwys as “die Instansies”);”;
- (c) die vervanging vir die woord “Alexkor” in die tweede paragraaf van die oorspronklike Proklamasie vir die woorde “die Instansies”;
- (d) die vervanging vir die woord “Alexkor” in die inleidende gedeelte van die vierde paragraaf van die oorspronklike Proklamasie vir die woorde “die Instansies”;
- (e) die vervanging vir die woord “Alexkor” in subparagrafe (a), (b) en (f) van die vierde paragraaf van die oorspronklike Proklamasie vir die woorde “die Instansies”;
- (f) die vervanging vir die datum “1 Oktober 2016” (wat in beide gevalle verskyn) in die vierde paragraaf van die oorspronklike Proklamasie vir die datum “1 Januarie 2014”;
- (g) die verlenging van die tydperk vermeld in die vierde paragraaf van die oorspronklike Proklamasie tot die datum van publikasie van hierdie Proklamasie;
- (h) die vervanging vir die woord “Alexkor” in die laaste reël van die vierde paragraaf van die oorspronklike Proklamasie vir die woorde “die Instansies”; en
- (i) die vervanging vir paragrafe 1 en 2 van die Bylae tot die oorspronklike Proklamasie vir die volgende paragrafe:
 - “1. Die verkryging van en kontraktering vir goedere of dienste, deur of namens die Instansies, in verband met die bemarking, evaluering, verkoop, met inbegrip van enige besluit om nie te koop nie, en die verwerking van diamante, en inkomste verky of verloor daardeur of betalings gemaak ten opsigte daarvan op ‘n wyse wat:
 - (a) nie regverdig, gelykmatig, deursigtig, mededingend of koste-effektief was nie;
 - (b) strydig was met toepaslike—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, omsendskrywes, praktyk notas of instruksies wat deur die Nasionale Tesourie uitgevaardig is;
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyk van of van toepassing is op die Instansies;
 - (c) uitgevoer of gefasiliteer deur die onreëlmatige, onbehoorlike of onwettige gedrag van—
 - (i) Raadslede, werknemers, beamptes en agente van die Instansies;
 - (ii) diensverskaffers, handelaars, afslaers, aanbieders en kopers van diamante; en
 - (iii) enoge ander persoon of entiteit,

- om hulself of enige ander persoon op korrupte wyse of ten onregte te bevoordeel; of
- (d) bedrieglik,
- en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspulde uitgawes deur die Instansies aangegaan.
2. Enige onvermelde of ongemagtigde belange wat Raadslede, werknemers, beamptes of agente van die Instansies of hul diensverskaffers mag gehad het in:
- (a) diensverskaffers, handelaars, afslaers, aanbieders of kopers van diamante; of
- (b) enige ander persoon of entiteit, met betrekking tot die bemarking, evaluering, verkoop, met inbegrip van enige besluit om nie te koop nie, of die verwerking van diamante, en die strekking van enige werklike of moontlike voordele wat direk of indirek verkry is deur sodanige Raadslede, werknemers, beamptes of agente van die Instansies of sodanige diensverskaffers van sodanige onvermelde of ongemagtigde belange.
3. Ernstige wanadministrasie in die aangeleenthede van die Instansies ten opsigte van die bemarking, evaluering, verkoop, met inbegrip van enige besluit om nie te koop nie, en die verwerking van diamante as gevolg van ooreenkomste of kontrakte wat aangegaan is tussen die Instansies aan die een kant en diensverskaffers, handelaars, afslaers, aanbieders of kopers van diamante aan die ander kant.
4. Ernstige wanadministrasie in die aangeleenthede van Alexkor SOC Beperk ten opsigte van kontrakte wat gesluit is met, en fooi oorbetaal aan, Regiments Capital (Pty) Limited.
5. Enige onreëlmatige, onbehoorlike of onregmatige optrede deur Raadslede, beamptes, werknemers of agente van die Instansies, die diensverskaffers, aanbieders, handelaars, afslaers of kopers van diamante of enige ander persoon of entiteit met betrekking tot die aantuigings in paragrawe 1 tot 3 van hierdie Bylae uiteengesit.”.

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

MC RAMAPHOSA

President

Op las van die President-in-Kabinet:

T SIMELANE

Minister van die Kabinet