
PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 257 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: MBOMBELA LOCAL MUNICIPALITY**

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 Mbombela Local Municipality (hereinafter referred to as “the Municipality”);

AND WHEREAS the Municipality 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 Municipality, 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 Municipality;
- (b) improper or unlawful conduct by the employees or officials of the Municipality;
- (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 Municipality; 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 16 February 2015 and the date of publication of this Proclamation or which took place prior to 16 February 2015 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 Municipality or the State, in relation to the said matters in the 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.

CM Ramaphosa
President

By Order of the President-in-Cabinet:

T Simelane
Minister of the Cabinet

SCHEDULE

1. The procurement of, or contracting for goods, works or services by or on behalf of the Municipality and payments made in respect thereof in a manner that was—

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

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by Municipality or the State in relation to the following:

the following:

- (aa) Tender number PRE/040/14/MP;
- (bb) Tender number DHS/112/15/MP
- (cc) Tender number NLM-TS-003/2015/16;
- (dd) Construction related goods and services in respect of the R538; Hazyview to Numbi Gate Turnoff Project;
- (ee) Bid number 26/2015 for the appointment of professional consultants for the establishment of the Strategic Programmes and Projects Support Unit for the Municipality; and
- (ff) Bid number 72/2017 for Turnkey Energy Efficiency and Demand Side Management Programme.

2. Maladministration regarding the affairs of the Municipality in relation to the administration of Tender number 116/2018, and any related unauthorized, irregular or fruitless and wasteful expenditure incurred by the Municipality or losses suffered by the Municipality or the State.

3. Any undisclosed or unauthorized interests which employees of the Municipality or the State Institutions may have had in the contractors, suppliers or service providers bidding for work or doing business with the Municipality or to whom contracts were awarded by the Municipality, contrary to the applicable—

- (a) legislation;
- (b) manuals, guidelines, practice notes, circulars or instructions issued by the

National Treasury or the relevant Provincial Treasury; or
(c) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the Municipality;
and the extent of any actual or potential benefits derived directly or indirectly by such employees from such undisclosed or unauthorised interests.

4. Misappropriation of unidentified payments received by the Municipality.
5. Any improper or unlawful conduct by the officials or employees of the Municipality or the service provider in question, or any other person or entity, in relation to the allegations set out in paragraphs 1 to 4 of this Schedule.

PROKLAMASIE KENNISGEWING 257 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: MBOMBELA PLAASLIKE MUNISIPALITEIT**

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 Mbombela Plaaslike Munisipaliteit (hierna na verwys as “die Munisipaliteit”);

EN AANGESIEN die Munisipaliteit 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 Munisipaliteit, 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 Ondersoekkeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Munisipaliteit;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die Munisipaliteit;
- (c) onregmatige bewilliging of besteding van publieke geld;
- (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 Munisipaliteit; 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 16 Februarie 2015 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 16 Februarie 2015 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 Ondersoekkeenheid 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 Munisipaliteit gely is.

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

CM Ramaphosa

President

Op las van die President-in-Kabinet:

T Simelane

Minister van die Kabinet

BYLAE

1. Die aanskaffing van, of kontraktering vir goedere, werke of dienste deur of namens die Munisipaliteit en betalings gemaak ten opsigte daarvan 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 betrokke Provinsiale Tesourie uitgevaardig is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Munisipaliteit van toepassing is,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat aangegaan is deur die Munisipaliteit, of verliese wat gely is, deur die Munisipaliteit of Staat met betrekking tot die volgende:

- (aa) Tender nommer PRE/040/14/MP;
- (bb) Tender nommer DHS/112/15/MP;
- (cc) Tender nommer NLM-TS-003/2015/16;
- (dd) Konstruksie verwante goedere en dienste ten opsigte van die R538, Hazyview na Numbi Hek Afdraai Projek;
- (ee) Bod nommer 26/2015 vir die aanstelling van professionele konsultante vir die daarstelling van die Strategiese Program en Projek Ondersteuning Eenheid vir die Munisipaliteit; en
- (ff) Bod nommer 72/2017 vir “Turnkey Energy Efficiency and Demand Side Management Programme”.

2. Wanadministrasie met betrekking tot die aangeleenthede van die Munisipaliteit in verband met die administrasie van Tender nommer 116/2018, en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat aangegaan is deur die Munisipaliteit, of verliese wat gely is, deur die Munisipaliteit of Staat.

3. Enige onverklaarde of ongemagtigde belange wat werknemers van die Munisipaliteit of Staatsinstellings mag gehad het in die kontrakteurs, verskaffers of diensverskaffers wat aangebied het om te werk vir of besigheid met die Munisipaliteit te doen of aan wie kontrakte deur die Munisipaliteit toegeken is, strydig met toepaslike—

- (a) wetgewing;
- (b) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of die betrokke Provinsiale Tesourie uitgevaardig is; of
- (c) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Munisipaliteit van toepassing is,

en die mate van enige werklike of potensiale voordele direk of indirek verkry deur sodanige werknemers van sodanige onverklaarde of ongemagtigde belange.

4. Wanbesteding van ongeïdentifiseerde betalings deur die Munisipaliteit ontvang.

5. Enige onbehoorlike of onregmatige gedrag van die beamptes of werknemers van die Munisipaliteit of die betrokke diensverskaffer, of enige ander persoon of entiteit, met betrekking tot die bewerings in paragrawe 1 tot 4 in hierdie Bylae uiteengesit.