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**PROCLAMATIONS • PROKLAMASIES**

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**PROCLAMATION NO. R. 37 OF 2017**

**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 National Department of Transport, the Provincial Departments of Transport, local authorities and entities that perform functions in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996), which relate to the allegations mentioned in the Schedule (hereinafter collectively referred to as 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 employees, officials or agents 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 2010 and the date of publication of this Proclamation or which took place prior to 1 January 2010 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 conduct 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.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Fourth day of November Two thousand and seventeen.

**J G Zuma**  
**President**

By Order of the President-in-Cabinet:

**T M Masutha**  
**Minister of the Cabinet**

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## SCHEDULE

1. Unlawful or improper conduct by employees, officials or agents of the Institutions or any other person which relate to the—
  - (a) registration and licensing of motor vehicles;
  - (b) registration of motor vehicle ownership or licensing details;
  - (c) issuing of driving licences, learner's licences or professional driving permits;
  - (d) conversion of foreign driving licences and military driving licences to driving licences;
  - (e) issuing of roadworthy certificates; or
  - (f) issuing of operator fitness cards.
  
2. The entering of, changing, tampering with, or manipulation of, data or information on the electronic National Traffic Information System in a manner that—
  - (a) was contrary to applicable legislation, manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the Institutions; or
  - (b) resulted or could potentially result in the circumvention of the payment of licensing fees, penalties or any other outstanding moneys due to the Institutions or the State.

**PROKLAMASIE NO. R. 37 VAN 2017****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 aangeleentehede van die Nasionale Departement van Vervoer, die Provinsiale Departemente van Vervoer, plaaslike owerhede en entiteite wat funksies verrig ingevolge die Nasionale Padverkeerswet, 1996 (Wet No. 93 van 1996) (hierna na verwys as die "Instellings");

EN AANGESIEN die Instellings en die Staat verliese gely het wat moontlike verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele verrigtinge voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleentehede in die Bylae vermeld ten opsigte van die Instellings, 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 aangeleentehede, dit 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 aangeleentehede van die Instellings;

- (b) onbehoorlike of onregmatige optrede deur werknemers, beamptes of agente van die Instellings;
- (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 in verband met die sake van die Instellings gepleeg is; 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 2010 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2010 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 Instellings of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Vierde dag van November Twee duisend-en-sewentien.

**J G Zuma**  
**President**

Op las van die President-in-Kabinet:

**TM Masutha**  
**Minister van die Kabinet**

**BYLAE**

1. Onwettige of onbehoorlike optrede deur werknemers, beamptes of agente van die Instellings of enige ander persoon wat verband hou met die—
  - (a) registrasie en lisensiëring van motorvoertuie;
  - (b) registrasie van motorvoertuig eienaarskap of lisensiëring besonderhede;
  - (c) uitreiking van bestuurslisensies, leerlinglisensies of professionele bestuurspermitte;
  - (d) omskakeling van buitelandse bestuurslisensies en militêre bestuurslisensies na bestuurslisensies;
  - (e) uitreiking van padwaardigheidsertifikate; of
  - (f) uitreiking van operateursgeskiktheid kaarte.
  
2. Die invoeging van, verandering, peuter met, of manipulasie van, data of inligting op die Elektroniese Nasionale Verkeersinligtingstelsel op 'n wyse wat—
  - (a) strydig was met toepaslike wetgewing, handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Instellings van toepassing is; of
  - (b) aanleiding gegee het of moontlik aanleiding kon gegee het tot die ontduiking van die betaling van lisensiegelde, boetes of enige ander uitstaande gelde wat aan die Instellings of die Staat verskuldig was.