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## PROCLAMATIONS • PROKLAMASIES

### PROCLAMATION NO. 13 OF 2018

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

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 Department of Provincial Planning and Treasury of the Eastern Cape, Eastern Cape Development Corporation, Eastern Cape Department of Safety and Liaison, Eastern Cape Parks and Tourism Agency, Buffalo City Metropolitan Municipality, King Sabata Dalindyebo Local Municipality, OR Tambo District Municipality and Nelson Mandela Metropolitan Municipality (hereinafter collectively referred to as "the Institutions");

AND WHEREAS the Institutions or the State may have suffered losses that may be recovered;

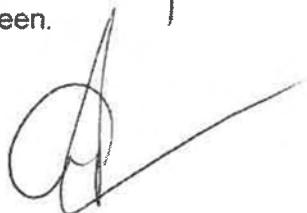
AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the State 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--

- (a) serious maladministration in connection with the affairs of the Institutions;
- (b) improper or unlawful conduct by employees 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 Part 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 have taken place between 5 December 2013 and the date of publication of this Proclamation or which took place prior to 5 December 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 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 Johannesburg, this ..... 13 ..... day of ..... May .... Two thousand and eighteen.



**President**

By Order of the President-in-Cabinet:

  
**Minister of the Cabinet**

## Schedule

1. Maladministration in the affairs of the Department of Provincial Planning and Treasury of the Eastern Cape and the Eastern Cape Development Corporation in relation to the allocation of funds to be used for the funeral of former President Mandela and any related unauthorised, irregular and fruitless and wasteful expenditure incurred by any of the Institutions or the State.
2. The procurement of, or contracting for goods, works or services by the Institutions in relation to the funeral of former President Nelson Mandela 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, circulars, practice notes 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 respective organs of state; or
  - (c) conducted or facilitated by or through the unlawful, irregular or improper intervention of officials or employees of the Institutions, and related unauthorised, irregular and fruitless and wasteful expenditure incurred by any of the Institutions or the State.

**PROKLAMASIE NO. 13 VAN 2018****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 Departement van Provinciale Beplanning en Tesourie van die Oos-Kaap, Oos-Kaapse Ontwikkelings Korporasie, Oos-Kaapse Departement van Veiligheid en Kommunikasié, Oos-Kaapse Parke en Toerisme Agentskap, Buffalo City Metropolitaanse Munisipaliteit, King Sabata Dalindyebo Plaaslike Munisipaliteit, OR Tambo Distrik Munisipaliteit en Nelson Mandela Metropolitaanse Munisipaliteit (hierna na gesamentlik verwys as "die Instellings");

EN AANGESIEN die Instellings 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;

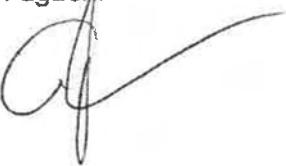
DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Instellings, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, 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 Instellings;
- (b) onbehoorlike of onregmatige optrede deur werknemers 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 gepleeg is in verband met die sake van die Instellings; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belang van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 5 Desember 2013 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 5 Desember 2013 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 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 Johannesburg  
op hede die ..... 13 ..... dag van ..... Mei ..... Twee  
duisend-en-agtién.

President



Op las van die President-in-Kabinet:



Minister van die Kabinet

**BYLAE**

1. Wanadministrasie in die aangeleenthede van die Departement van Provinciale Beplanning en Tesourie van die Oos-Kaap en die Oos-Kaapse Ontwikkelings-korporasie ten opsigte van die toekenning van fondse vir die gebruik vir die begrafnis van voormalige President Nelson Mandela en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat deur enige van die Instansies of die Staat opgedoen was.
2. Die aanskaffing van, of kontraktering van goedere, werke of dienste deur die Instellings in verband met die begrafnis van voormalige President Nelson Mandela en betalings wat gemaak is op 'n wyse wat—
  - (a) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie;
  - (b) teenstrydig was met toepaslike –
    - (i) wetgewing;
    - (ii) handleidings, riglyne, omsendskrywes, praktyknotas of instruksies wat deur die Nasionale Tesourie of relevante Plaaslike Tesourie uitgevaardig is; of
    - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van of wat op die betrokke Instellings van toepassing is;
  - (c) gedoen of gefasiliteer is deur die onregmatige, onreëlmatige of onbehoorlike ingryping van beampies of werknemers van die Instellings, en verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat deur die Instansies of die Staat opgedoen is.

## PROCLAMATION NO. 14 OF 2018

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**

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 KwaZulu-Natal Department of Transport (hereinafter referred to as "the Department");

AND WHEREAS the State or the Department suffered losses that may be recovered;

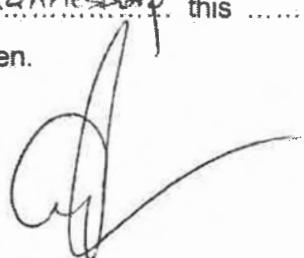
AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, and after consultation with the Premier of the KwaZulu-Natal Province, refer the matters mentioned in the Schedule in respect of the Department, 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 Department;
- (b) improper or unlawful conduct by employees or officials of the Department;
- (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 Department; 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 February 2005 and the date of publication of this Proclamation or which took place prior to 1 February 2005 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 State or the Department, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this .....13..... day of .....May.... Two thousand and eighteen.



**President**

By Order of the President-in-Cabinet:



**Minister of the Cabinet**

## SCHEDULE

1. The consolidation and disposal of—
  - (a) Portion 56 of 36 of Erf 348 Verulam and Portion 1 of Erf 347 Verulam (consolidated into Erf 10626 Verulam);
  - (b) Portion 1 of Erf 6673 Pinetown, Erf 6672 Pinetown, Portion 1 of Erf 6671 Pinetown, Portion 1 of Erf 6670 Pinetown (Portion 1 of Erf 6669 Pinetown), Portion 0 of Erf 6671 Pinetown, Portion 1 of 6668 Pinetown and Portion 1 of 6255 (Extension 59) Pinetown (consolidated into Erf 30660 Pinetown);
  - (c) Portion 79 of Farm No 937 of the Farm Zeekoegat; and
  - (d) Portion 246 of Farm No 1570 Lot 44, Ethekwini,by the Department, which properties belonged to or were under the control of the State or the Department, in a manner that was—
  - (i) not fair, equitable, transparent, competitive or cost-effective;
  - (ii) contrary to applicable—
    - (aa) legislation;
    - (bb) manuals, guidelines, circulars, practice notes or instructions issued by the National Treasury or the relevant Provincial Treasury; or
    - (cc) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Department;
  - (iii) conducted by or facilitated through the improper or unlawful conduct of employees or officials of the Department to corruptly or unduly benefit themselves or others; or
  - (iv) fraudulent,and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Department.
2. The failure by the Department to collect rent in terms of a lease agreement which was concluded between the Department and a third party in respect of the leasing of Erf 10626 Verulam.
3. Corruption, irregularities, malpractices or maladministration in the affairs of the Department relating to the matters referred to in paragraphs 1 and 2 of this Schedule, including the causes of such corruption, irregularities, malpractices or maladministration and any losses, damages or actual or potential prejudice which the Department or the State may have suffered.

**PROKLAMASIE NO. 14 VAN 2018**  
**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**

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 KwaZulu-Natal se Departement van Vervoer (hierna na verwys as "die Departement");

EN AANGESIEN die Staat of die Departement moontlike 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;

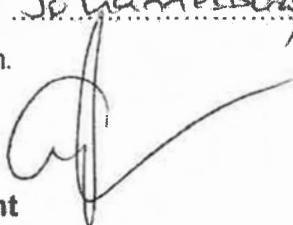
DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, na oorleg met die Premier van die KwaZulu-Natal Provincie, die aangeleenthede in die Bylae vermeld ten opsigte van die Departement, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, 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 aangeleenthede van die Departement;

- (b) onbehoorlike of onregmatige optrede deur werknemers of beampies van die Departement;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmataige 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 Departement gepleeg is; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belang van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Februarie 2005 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Februarie 2005 of na die datum van publikasie van hierdie Proklamasie, maar wat relevant is tot, verband hou met, incidenteel 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 werkzaamhede 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 Staat of die Departement gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die 25 dag van Mei Twee duisend-en-agtien.

  
President

Op las van die President-in-Kabinet:

  
Minister van die Kabinet

**BYLAE**

1. Die konsolidasie en verkoop van—
  - (a) Gedeelte 56 van 36 van Erf 348 Verulam en Gedeelte 1 van Erf 347 Verulam (gekonsolideer in Erf 10626 Verulam);
  - (b) Gedeelte 1 van Erf 6673 Pinetown, Erf 6672 Pinetown, Gedeelte 1 van Erf 6671 Pinetown, Gedeelte 1 van Erf 6670 Pinetown (Gedeelte 1 van Erf 6669 Pinetown), Gedeelte 0 van Erf 6671 Pinetown, Gedeelte 1 van 6668 Pinetown en Gedeelte 1 van 6255 (Uitbreiding 59) Pinetown (gekonsolideer in Erf 30660 Pinetown);
  - (c) Gedeelte 79 van Plaas No 937 van die Plaas Zeekoegat; en
  - (d) Gedeelte 246 van Plaas No 1570 Perseel 44, Ethekwini,deur die Departement, welke eiendomme behoort het aan of onder beheer was van die Staat of die Departement, op 'n wyse wat—
  - (i) nie regverdig, billik, deursigtig, mededingend of koste-effektief was nie;
  - (ii) strydig was met toepaslike—
    - (aa) wetgewing;
    - (bb) handleidings, riglyne, omsendbriewe, praktyknotas of instruksies wat deur die Nasionale Tesourie of toepaslike Proviniale Tesourie uitgevaardig is; of
    - (cc) handleidings, beleid, procedures, voorskrifte, instruksies of praktyke van, of wat op die Departement van toepassing is;
  - (iii) uitgevoer is of gefasiliteer is deur die onbehoorlike optrede van werknemers of beampies of van die Departement om hulself of ander op 'n korrupte of onbehoorlike wyse te bevoordeel; of
  - (iv) bedrieglik was,en enige verwante ongemagtigde, onreëlmataige of vrugtelose en verspilde uitgawes wat deur die Departement opgeloop is.
2. Die versuim van die Departement om huurgeld in te vorder ingevolge 'n huurooreenkoms wat aangegaan is tussen die Departement en 'n derde party vir die verhuring van Erf 10626 Verulam.
3. Korrupsie, onreëlmataighede, wanpraktyke of wanadministrasie in verband met die aangeleenthede van die Departement verbandhoudend met die aangeleenthede waarna verwys word in paragrawe 1 en 2 van hierdie Bylae, insluitende die oorsake van sodanige korrupsie, onreëlmataighede, wanpraktyke of wanadministrasie en

enige verlies, skade of werklike of potensiële nadeel wat die Departement of die Staat mag gely het.

**PROCLAMATION NO. 15 OF 2018**

*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. 8 OF 2017**

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. 8 of 2017, by—

- (a) the further extension of the period referred to in the fourth paragraph of the Proclamation to the date of publication of this Proclamation;
- (b) the substitution for paragraph 1 of the Schedule to the Proclamation of the following paragraph:

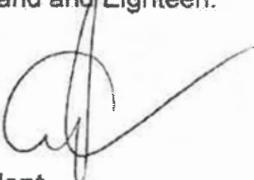
“1. The procurement of, or contracting for goods, works or services by or on behalf of the District Municipality and payments made in respect thereof in a manner that was—

- (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;
  - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the District Municipality; or
- (c) conducted by or facilitated through the improper conduct of—
  - (i) councillors, officials or employees of the District Municipality (hereinafter collectively referred to as “the personnel of the

- District Municipality"); or
- (ii) contractors, suppliers or service providers of the District Municipality or any other person or entity, to corruptly or unduly benefit themselves or any other person or entity, and related unauthorised, irregular or fruitless and wasteful expenditure incurred by the District Municipality, the local municipalities that fall within the area of the District Municipality or the State in relation to—
- (aa) the supply, construction or commissioning of Ventilated Improved Pit toilets (hereinafter referred to as "VIP toilets"), which goods, works or services were procured in terms of the Greater Giyani Municipality - MDM 2014-004 Tender and the Greater Tzaneen Municipality or the greater area of the Tzaneen Municipality - MDM 2014-005 Tender (hereinafter referred to as "the Tenders") ; or
- (bb) the construction, installation, repair, refurbishment, maintenance or removal of boreholes within the area of the District Municipality and relevant local municipalities that fall within the area of the District Municipality by Twin Corner Constructions And Protects (Pty) Ltd, Tsireledzo Trading Enterprise CC, Rembua Trading (Pty) Ltd, Piesons Investment CC and Amadwala Trading 373 (Pty) Ltd."; and
- (c) the substitution for paragraph 2 of the Schedule to the Proclamation of the following paragraph:
- "2. Maladministration in the affairs of the District Municipality and any losses or prejudice suffered by the District Municipality, the local municipalities that fall within the area of the District Municipality or the State as a result of such maladministration in relation to—
- (a) the supply, construction or commissioning of VIP toilets, which goods, works or services were procured in terms of the Tenders;
- (b) the failure or refusal by the District Municipality to refund erroneous or premature payments amounting to R304 101 000, which were received by the District Municipality from the National Treasury or the national transferring officer (Department of Cooperative Governance and Traditional Affairs);
- (c) the establishment or regular maintenance of a vendor database or masterfile;
- (d) approximately R210.4 million that the District Municipality was required

- to return to National Treasury, when the District Municipality did not spend the money during the 2012/2013 financial year in respect of the Municipal Infrastructure Grant and Water Services Operating Grant;
- (e) the failure or refusal by the District Municipality to address issues raised by, or implement recommendations of the Auditor-General of South Africa as set out in the Annual Audit Report relating to the District Municipality for the 2013/2014 financial year; and
- (f) the construction, installation, repair, refurbishment, maintenance or removal of boreholes within the area of the District Municipality and relevant local municipalities that fall within the area of the District Municipality, by Twin Corner Constructions And Protects (Pty) Ltd, Tsireledzo Trading Enterprise CC, Rembua Trading (Pty) Ltd, Piesons Investment CC and Amadwala Trading 373 (Pty) Ltd, including the causes of such maladministration and related unauthorised, irregular or fruitless and wasteful expenditure incurred by the District Municipality, the local municipalities that fall within the area of the District Municipality or the State.”.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this ..... 13 ..... day of ..... May ..... Two Thousand and Eighteen.



President

By Order of the President-in-Cabinet:



Minister of the Cabinet

**PROKLAMASIE NO. 15 VAN 2018**  
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. 8 VAN 2017**

Kragtens artikel 2(4) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), wysig ek hierby Proklamasie No. R. 8 van 2017, deur—

- (a) die verdere verlenging van die tydperk vermeld in die vierde paragraaf van die Proklamasie tot die datum van publikasie van hierdie Proklamasie; en
- (b) die vervanging van paragraaf 2 van die Bylae tot die Proklamasie deur die volgende paragraaf:
  - "1. Die aanskaffing van, of kontraktering vir goedere, werke of dienste deur of namens die Distriksmunisipaliteit en betalings wat in verband daarmee gemaak is op 'n wyse wat—
    - (a) nie regverdig, mededingend, deursigtig, billik of koste-effektiel was nie; of
    - (b) strydig was met toepaslike —
      - (i) wetgewing;
      - (ii) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of relevante Plaaslike Tesourie uitgevaardig is; of
      - (iii) handleidings, beleid, procedures, voorskrifte, instruksies of praktyke van, of wat op die Distriksmunisipaliteit van toepassing is; of
  - (c) gedoen of gefasiliteer was deur die onbehoorlike optrede van—
    - (i) raadslede, beampies of werknemers van die Distriksmunisipaliteit (hierna na gesamentlik na verwys as "die personeel van die Distriksmunisipaliteit"); of
    - (ii) kontrakteurs, verskaffers of diensverskaffers van die Distriksmunisipaliteit of enige ander persoon of entiteit, om hulself of enige ander persoon of entiteit op 'n korrupte of onbehoorlike wyse te bevoordeel,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Distriksmunisipaliteit, die plaaslike munisipaliteite wat binne die area van die Distriksmunisipaliteit geleë is of die Staat in verband met die—

- (aa) verskaffing, oprigting of ingebruikneming van Ventilering Verbeterde Puttoilette (hierna na verwys as "VP toilette"), aangegaan was, welke goedere, werke of dienste aangeskaf was ingevolge die "Greater Giyani Municipality - MDM 2014-004" Tender en die "Greater Tzaneen Municipality or the greater area of the Tzaneen Municipality - MDM 2014-005" Tender (hierna na verwys as "die Tenders"); of
- (bb) die konstruksie, installering, herstel, opknapping, instandhouding of verwydering van boorgate binne die gebied van die Distriksmunisipaliteit en relevante plaaslike munisipaliteite wat binne die gebied van die Distriksmunisipaliteit val deur Twin Corner Constructions And Protects (Edms) Bpk, Tsireledzo Trading Enterprise BK, Rembua Trading (Edms) Bpk, Piesons Investment BK en Amadwala Trading 373 (Edms) Bpk."; en
- (c) die vervanging van paragraaf 2 van die Bylae tot die Proklamasie deur die volgende paragraaf:

"2. Wanadministrasie in die aangeleenthede van die Distriksmunisipaliteit en enige verliese of nadeel wat deur die Distriksmunisipaliteit, die plaaslike munisipaliteite wat binne die area van die Distriksmunisipaliteit geleë is of die Staat gely is as gevolg van sodanige wanadministrasie ten opsigte van—

  - (a) die verskaffing, oprigting of ingebruikneming van die VP toilette, welke goedere, werke of dienste aangeskaf ingevolge die Tenders;
  - (b) die versuim of weierung deur die Distriksmunisipaliteit om foutiewe of voortydige betalings ten bedrae van R304 101 000, wat deur die Distriksmunisipaliteit vanaf die Nasionale Tesourie of die "national transferring officer" (Departement van Koöperatiewe Regering en Tradisionele Sake) ontvang is, terug te betaal;
  - (c) die totstandbringung of gereelde hersiening van 'n verkopersdatabasis of meesterlêer;
  - (d) ongeveer R210.4 miljoen wat die Distriksmunisipaliteit aan die Nasionale Tesourie moes terughandig, toe die Distriksmunisipaliteit nie die geld gedurende die 2012/2013 finansiële jaar ten opsigte van die "Municipal Infrastructure Grant and Water Services Operating Grant" bestee het nie;

- (e) die versuim of weiering deur die Distriksmunisipaliteit om aangeleenthede wat geopper was, of om aanbevelings van die Ouditeur-Generaal van Suid-Afrika soos uiteengesit in die Jaarlikse Ouditeursverslag ten opsigte van die Distriksmunisipaliteit vir die 2013/2014 finansiële jaar, aan te spreek of te implementeer; en
- (f) die konstruksie, installering, herstel, opknapping, instandhouding of verwydering van boorgate binne die gebied van die Distriksmunisipaliteit en relevante plaaslike munisipaliteite wat binne die gebied van die Distriksmunisipaliteit val, deur Twin Corner Constructions And Protects (Edms) Bpk, Tsireledzo Trading Enterprise BK, Rembua Trading (Edms) Bpk, Piesons Investment BK en Amadwala Trading 373 (Edms) Bpk,  
insluitende die oorsake van die wanadministrasie en verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Distriksmunisipaliteit, die plaaslike munisipaliteite wat binne die area van die Distriksmunisipaliteit geleë is of die Staat aangegaan is.”.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg, op hede die ..... 13 ..... dag van Mei .....

Tweeduisend-en-agtien.

  
President

Op las van die President-in-Kabinet:

  
Minister van die Kabinet

**PROCLAMATION NO. 16 OF 2018****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 Media, Information and Communication Technologies Sector Education and Training Authority (hereinafter referred to as "the MICT SETA");

AND WHEREAS the MICT SETA 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 MICT SETA, 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 MICT SETA;
- (b) improper or unlawful conduct by employees or officials of the MICT SETA;
- (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 MICT SETA; 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 April 2014 and the date of publication of this Proclamation or which took place prior to 1 April 2014 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 MICT SETA 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  
*Johannesburg*, this .....13..... day of ....May.... Two thousand and eighteen.

  
President

By Order of the President-in-Cabinet:

  
Minister of the Cabinet

**SCHEDULE**

1. Maladministration in the affairs of the MICT SETA in relation to the allocation of discretionary grant funding to Lylacorp (Pty) Ltd, Network Infraco (Pty) Ltd, Bandwith Technologies, Inforcomm (Pty) Ltd, Hallmark Technologies CC, SPL Communications CC, Centretech Broadcasting CC, Northern Lights Trading, Nashua (Pty) Ltd and Broadband College of Technology and any losses or prejudice suffered by the MICT SETA or the State as a result of such maladministration.
2. Any undisclosed or unauthorised interests which officials or employees of the MICT SETA may have had in Lylacorp (Pty) Ltd, Network Infraco (Pty) Ltd, Bandwith Technologies, Inforcomm (Pty) Ltd, Hallmark Technologies CC, SPL Communications CC, Centretech Broadcasting CC, Northern Lights Trading, Nashua (Pty) Ltd and Broadband College of Technology and the extent of any benefit so derived by such officials or employees of the MICT SETA.
3. Any unlawful or irregular conduct by—
  - (a) officials or employees of the MICT SETA; or
  - (b) any other person or entity,relating to the allegations referred to in paragraph 1 of this Schedule.

**PROKLAMASIE NO. 16 VAN 2018**  
**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 "Media, Information and Communication Technologies Sector Education and Training Authority" (hierna na verwys as "die MICT SETA");

EN AANGESIEN die MICT SETA of die Staat verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat die 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 MICT SETA, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doelwindes 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 MICT SETA;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die MICT SETA;
- (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 MICT SETA; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling van die belang van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 April 2014 en die datum van die publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 April 2014 of na die datum van die publikasie van hierdie Proklamasie, 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 MICT SETA of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid Afrika te Johannesburg, op hede die 13 dag van May, Twee duisend-en-agtien.

President

  
Minister van die Kabinet

**BYLAE**

1. Wanadministrasie in die werksaamhede van die MICT SETA en enige verliese of nadeel gely deur die MICT SETA of die Staat as gevolg van wanadministrasie met betrekking tot die toekenning van diskresionêre toelae befondsing aan Lylacorp (Edms) Bpk, Network Infraco (Edms) Bpk, Bandwith Technologies, Inforcomm (Edms) Bpk, Hallmark Technologies BK, SPL Communications BK, Centretech Broadcasting BK, Northern Lights Trading, Nashua (Edms) Bpk en Broadband College of Technology.
  2. Enige ongeopenbaarde of ongemagtigde belang wat beamptes of werknekmers van die MICT SETA mag gehad het in Lylacorp (Edms) Bpk, Network Infraco (Edms) Bpk, Bandwith Technologies, Inforcomm (Edms) Bpk, Hallmark Technologies BK, SPL Communications BK, Centretech Broadcasting BK, Northern Lights Trading, Nashua (Edms) Bpk en Broadband College of Technology en die omvang van enige voordeel wat sodanige beamptes of werknekmers van MICT SETA daaruit bekom het.
  3. Enige onwettige of onreëlmataige optrede deur—
    - (a) beamptes of werknekmers van die MICT SETA; of
    - (b) enige ander persoon of entiteit,
- in verband met die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.