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Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
PROCLAMATIONS • PROKLAMASIES			
R. 26	Special Investigating Units and Special Tribunals Act (74/1996): Referral of matters to existing Special Investigating Unit	42562	12
R. 26	Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Verwysing van Aangeleenthede na bestaande Spesiale Ondersoekenhede en Spesiale Tribunaal.....	42562	16
R. 27	Special Investigating Units and Special Tribunals Act (74/1996)A: Amendment of Proclamation No. R. 22 of 2016.....	42562	20
R. 27	Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Wysiging van Proklamasie No. R. 22 van 2016.....	42562	21
R. 28	Special Investigating Units and Special Tribunals (74/1996): Referral of matters to existing Special Investigating Unit: Department of Water and Sanitation.....	42562	22
R. 28	Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Verwysing van aangeleenthede na bestaande Spesiale Ondersoekenhede: Departement van Water en Sanitasie.....	42562	25
R. 29	Special Investigating Units and Special Tribunals Act (74/1996): Referral of matters to existing Special Investigating Unit: Council for Medical Schemes	42562	28
R. 29	Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Verwysing van aangeleenthede na bestaande Spesiale Ondersoekenhede: Raad op Mediese Skemas	42562	31
R. 30	Special Investigating Units and Special Tribunals Act (74/1996): Referral of matters to existing Special Investigating Unit	42562	34
R. 30	Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Verwysing van aangeleenthede na bestaande Spesiale Ondersoekenhede	42562	37
R. 31	Special Investigating Units and Special Tribunals Act (74/1996): Amendment of Proclamation No. R. 2 of 2018	42562	40
R. 31	Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Wysiging van Proklamasie No. R. 2 van 2018	42562	41
R. 32	Special Investigating Units and Special Tribunals Act (74/1996): Referral of matters to existing Special Investigating Unit	42562	42
R. 32	Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Verwysing van aangeleenthede na bestaande Spesiale Ondersoekenhede en Spesiale Tribunaal.....	42562	45

PROCLAMATION NO. R. 32 OF 2019**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 Denel SOC Ltd and business divisions in which Denel is a majority shareholder (hereinafter jointly referred to as "Denel") ;

AND WHEREAS Denel 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 Denel, 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 Denel;
- (b) improper or unlawful conduct by the employees or officials of Denel;
- (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 Denel; 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 2015 and the date of publication of this Proclamation or which took place prior to 1 January 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 Denel 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 7th day of June Two thousand and Nineteen.

CM RAMAPHOSA

President

By Order of the President-in-Cabinet:

TM MASUTHA

Minister of the Cabinet

SCHEDULE

1. The procurement of, or contracting for—
 - (a) IT security assessment services;
 - (b) services to develop a white paper relating to the validity of advance payment bank guarantees on all contracts entered into by Denel and the Armaments Corporation of South Africa SOC Ltd;
 - (c) legal services; or
 - (d) steel fabrication services and steel fabricated goods,by or on behalf of Denel, and payments made in respect thereof in a manner that was—
 - (i) not fair, competitive, transparent, equitable or cost-effective; or
 - (ii) contrary to applicable—
 - (aa) legislation;
 - (bb) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury; or
 - (cc) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to Denel,and any related losses or irregular or fruitless and wasteful expenditure incurred by Denel or the State as a result thereof.
2. The awarding of bursaries by Denel contrary to applicable policies, procedures, prescripts, practices of, or applicable to Denel that regulate the awarding of such bursaries and any related losses or irregular or fruitless and wasteful expenditure incurred by Denel or the State as a result thereof.
3. Any unlawful or irregular conduct by employees and officials of Denel or any other person or entity in relation to the allegations set out in paragraphs 1 or 2 of this Schedule.