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PROCLAMATION

by the

President of the Republic of South Africa

No. R. 2, 2003

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), have been made in respect of the affairs of the Department of Transport of the Eastern Cape Province (hereinafter referred to as the "Department"), the Transkei Road Transport Corporation (hereinafter referred to as "TRTC") and the Umanyano Transport Services (hereinafter referred to as "Umanyano Transport");

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

NOW, THEREFORE, I hereby, under section 2(1) of the said Act, and after consultation with the Premier of the Eastern Cape Province, refer the matters in the Schedule 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 these matters, the terms of reference of the Special Investigating Unit, are to investigate as contemplated in the said Act, any -

(a) serious maladministration in connection with the affairs of the Department, the "TRTC" and Umanyano Transport;

(b) improper or unlawful conduct by officials of the Department, and employees of "TRTC" and Umanyano Transport;

(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) corruption in connection with the affairs of the Department, the "TRTC" and Umanyano Transport; 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 has taken place between May 1997 and the date of publication 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 said Act in relation to the said matters.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Thirtieth day of December Two thousand and two.

T. M. MBEKI
President

By Order of the President-in-Cabinet:

P. M. MADUNA
Minister of the Cabinet

SCHEDULE

1. The acquisition of assets belonging to the liquidated "TRTC" by Umanyano Transport and the Department's involvement in this matter.

2. The transfer of assets belonging to the liquidated "TRTC" to Umanyano Transport and the Department's involvement in this matter.

3. The registration of motor vehicles belonging to the liquidated "TRTC" in the name of Umanyano Transport and the Department's involvement in this matter.

PROKLAMASIE

van die

President van die Republiek van Suid-Afrika

No. R. 2, 2003

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), gemaak is in verband met die aangeleenthede van die Departement van Vervoer van die Oos-Kaap Provinsie (hierna verwys na as die "Departement"), die "Transkei Road Transport Corporation" (hierna verwys na as die "TRTC") en "Umanyano Transport Services" (hierna verwys na as "Umanyano Transport");

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

DERHALWE verwys ek hierby, kragtens artikel 2(1) van gemelde Wet, en na oorleg met die Premier van die Oos-Kaap Provinsie, die aangeleenthede in die Bylae 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 daardie aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige -

(a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement, die "TRTC" en "Umanyano Transport";

(b) onbehoorlike of onregmatige optrede deur amptenare van die Departement, en werknemers van "TRTC" en "Umanyano Transport";

(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) korrupsie in verband met die sake van die Departement, die "TRTC" en "Umanyano Transport"; of

(g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie van die publiek veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen Mei 1997 en die datum van publikasie van hierdie Proklamasie en om die bevoegdhede en werksaamhede wat deur die Wet aan die Spesiale Ondersoekeenheid toegewys of opgedra is uit te oefen of te verrig in verband met die genoemde aangeleenthede.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Dertigste dag van Desember Tweeduisend-en-twee.

T. M. MBEKI
President

Op las van die President-in-Kabinet:

P. M. MADUNA
Minister van die Kabinet

BYLAE

1. Die verkryging van bates wat aan die gelikwideerde "TRTC" behoort het deur "Umanyano Transport" en die Departement se betrokkenheid in hierdie aangeleentheid.

2. Die oordrag van bates wat aan die gelikwideerde "TRTC" behoort het aan "Umanyano Transport" en die Departement se betrokkenheid in hierdie aangeleentheid.

3. Die registrasie van motorvoertuie wat aan die gelikwideerde "TRTC" behoort het in die naam van "Umanyano Transport" en die Departement se betrokkenheid in hierdie aangeleentheid.

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