

**PROCLAMATION***by the**President of the Republic of South Africa***No. R. 49, 2004****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 South African Housing Trust Limited and its wholly owned subsidiary companies, Nu-Way Housing Developments (Pty) Ltd and Khayaletu Home Loans (Pty) Ltd;

AND WHEREAS the State suffered losses that may be recovered;

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, 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 South African Housing Trust Limited and its subsidiary companies, Nu-Way Housing Developments (Pty) Ltd and Khayaletu Home Loans (Pty) Ltd;

- (b) improper or unlawful conduct by officials of the South African Housing Trust Limited and its subsidiary companies, Nu-Way Housing Developments (Pty) Ltd and Khayaletu Home Loans (Pty) Ltd;
- (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 South African Housing Trust Limited and its subsidiary companies, Nu-Way Housing Developments (Pty) Ltd and Khayaletu Home Loans (Pty) Ltd; 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 1 January 1998 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 in the Schedule, for the purpose of the recovery of any losses suffered by the State.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twelfth day of October Two thousand and four.

**T. A. MANUEL**

**President**

By Order of the President-in-Cabinet:

**B. S. MBANDLA**

**Minister of the Cabinet**

**SCHEDULE**

1. The manner in which and the transactions in terms of which the shareholding of the South African Housing Trust Limited and its wholly owned subsidiary companies, Nu-Way Housing Developments (Pty) Ltd and Khayaletu Home Loans (Pty) Ltd and the businesses of the said subsidiary companies were sold.
  
2. The non-disclosure of information by, and conflict of interest of, the directors of South African Housing Trust Limited and its wholly owned subsidiary companies Nu-Way Housing Developments (Pty) Ltd and Khayaletu Home Loans (Pty) Ltd in relation to the said transactions.