

PROCLAMATIONS

by the
President of the Republic of South Africa

No. R. 40, 1999

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 State institutions mentioned in the Schedule and/or their predecessors and/or successors in law (hereinafter referred to as "the Institutions");

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 and for adjudication of justiciable civil disputes emanating from such investigation to the Special Tribunal established by Proclamation No. R. 24 of 14 March 1997 and determine that, for the purposes of the investigation of those 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 Institutions;
- (b) improper or unlawful conduct by employees of the Institutions;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) intentional or negligent loss of public money or damage to public property;
- (e) corruption in connection with the affairs of the Institutions; or
- (f) 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 1980 and the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-fourth day of March One thousand Nine hundred and Ninety-nine.

N. R. MANDELA
President

By Order of the President-in-Cabinet:

A. M. OMAR
Minister of the Cabinet

SCHEDULE

1. The issuing by the national Department of Agriculture and/or the Land and Agricultural Bank of South Africa Ltd of directives relating to the utilisation by agricultural co-operatives and/or their predecessors and/or successors in law of funds allocated to farmers for drought relief contrary to the guidelines originally laid down by Cabinet for a drought relief scheme and the subsequent utilisation of such funds by co-operatives and/or their predecessors and/or successors in law in accordance with such directives.

2. The unlawful, unauthorised and/or irregular charging of interest by agricultural co-operatives and/or their predecessors and/or successors in law on farmers' debts and the unlawful, unauthorised and/or irregular adjusting of interest rates on such debts by co-operatives and/or their predecessors and/or successors in law.

3. The unlawful and/or irregular application of drought relief schemes.

4. The unlawful, unauthorised and/or irregular discounting of State guarantees on debts owed by farmers to agricultural co-operatives and/or their predecessors and/or successors in law and/or the Land and Agricultural Bank of South Africa Ltd.