

No. R. 41, 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 national Department of Home Affairs, the South African Revenue Services and the South African Police Services (hereinafter referred to as "the Institutions") pertaining to ports of entry at the Northern Province borders;

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 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 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 1990 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-fifth 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 unlawful, unauthorised and/or irregular admission of persons, vehicles, and/or commercial goods through ports of entry by officials of the Institutions.
2. The failure to act in terms of appropriate legislation against offenders at ports of entry by officials of the Institutions.
3. The failure to collect the prescribed fees and/or payments from agents and/or persons passing through ports of entry by officials of the Institutions and/or the unlawful, unauthorised and/or irregular collection of such fees and/or payments.
4. The unlawful, unauthorised and/or irregular storing of vehicles and goods within the Customs Control Areas and State Warehouses by officials of the Institutions.
5. The unlawful, unauthorised and/or irregular receipt of commission by officials of the Institutions.