

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 420
14 March 1997

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT
No. 74 OF 1996): REGULATIONS

The Minister of Justice has, under section 11 of the Special Investigating
Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), made the
regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates-

"Interested party" means any party who has a direct and substantial
interest in an issue which is such that a judgment or order by a Special
Tribunal cannot be sustained without necessarily prejudicing that interest;

"Head of the Unit" means the Head of the Special Investigating Unit
appointed under section 3 (1) of the Act;

"the Act" means the Special Investigating Units and Special Tribunals Act,
1996 (Act No. 74 of 1996); and

"Tribunal President" means the Tribunal President appointed under section 7
(2) of the Act.

Recording of proceedings

2. The proceedings of the Special Investigating Unit or Special Tribunal
shall be recorded in the manner determined by the Head of the Unit or the
Tribunal President, as the case may be.

Taking of oath

3. (1) Any person appointed or designated to take down or record the
proceedings of the Special Investigating Unit or Special Tribunal in shorthand
or by mechanical means or to transcribe such proceedings which have been so
taken down or recorded, shall at the outset take an oath or make an
affirmation in the following form:

I, A.B., declare under oath/affirm and declare-

(a) that I shall faithfully and to the best of my ability take down/record the proceedings of the Special Investigating Unit/Special Tribunal and related matters in shorthand/by mechanical means as ordered by the Head of the Unit/Tribunal President;

(b) that I shall transcribe fully and to the best of my ability any shorthand notes/mechanical record of the proceedings of the Special Investigating Unit/Special Tribunal made by me or by any other person."

(2) No shorthand notes or mechanical record of the proceedings of the Special Investigating Unit or Special Tribunal shall be transcribed except by order of the Head of the Unit or the Tribunal President, as the case may be.

4. The Head of the Unit or the Tribunal President, as the case may be, shall direct that any person appointed in terms of section 3 (2), seconded in terms of section 3 (3) or designated in terms of section 7 (7) of the Act, and before that person performs any function in terms of the Act, takes and subscribes to an oath of fidelity or secrecy in the following form:

"I, A.B., declare under oath/affirm and declare that, except in so far as it is necessary in the performance of my duties in connection with the functions of the Special Investigating Unit/Special Tribunal or by order of a competent court, I shall not communicate to any person any matter or information which may come to my knowledge in connection with the investigation by the Special Investigating Unit/adjudication by the Special Tribunal, or suffer or permit any person to have access to any records of the Special Investigating Unit/Special Tribunal, including any note, record or transcription of the proceedings of the said Unit/Tribunal in my possession or custody or in the possession or custody of the said Unit/Tribunal or any official thereof."

Confidentiality

5. No person shall communicate to any other person any matter or information which may have come to his or her knowledge in connection with the investigation of the Special Investigating Unit or suffer or permit any other person to have access to any records of the Special Investigating Unit except in so far as it is necessary in the performance of his or her duties with the functions of the Special Investigating Unit or the Special Tribunal or by order of a competent Court.

Existing proceedings or other investigations

6. (1) Whenever it appears from the evidence or information presented to the Special Investigating Unit that the Special Investigating Unit's investigation may adversely affect or greatly overlap with any existing, instituted or pending legal proceedings or with any other investigation carried out in terms of any law, evidence which is relevant to such legal proceedings or other investigation shall be dealt with by the Special Investigating Unit in such a manner as not to affect adversely such legal proceedings or other investigation.

(2) The Special Investigating Unit shall notify the other body or institution before which legal proceedings are instituted or pending or by which the other investigation is carried out, of its intention to investigate the matter concerned and of the result thereof.

Notice to interested party

7. (1) Whenever the Special Investigating Unit decides to institute civil proceedings or to cause such proceedings to be instituted in a Special Tribunal, the Special Investigating Unit must notify any interested party of its decision.

(2) The notice contemplated in subregulation (1) must state clearly-

(a) the issues on which the proceedings are instituted;

(b) the relief to be applied for;

(c) an invitation to the interested party to file with the Special Tribunal any issues he or she would like to raise any relief he or she would like to apply for; and

(d) that the interested party is entitled to legal representation.

Offence and penalty

8. Any person who contravenes the provisions of regulation 5, shall be guilty of an offence and on conviction be liable to a fine or to imprisonment for a period not exceeding three months.\$

Staff rules

9. Subject to sections 3 (3) and 7 (7) of the Act, the Head of the Unit and the Tribunal President may jointly or separately make rules to regulate the conduct of their respective staff to promote the efficiency of their respective offices.