

PROCLAMATION 216 OF 2024

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): AMENDMENT OF PROCLAMATION NO. R.3618 OF 2023 - CHRIS HANI DISTRICT MUNICIPALITY

Under section 2(4) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), I hereby amend Proclamation No. R. 3618 of 2023, by—

- (a) the substitution of the date “1 December 2011” of the date “1 June 2019” in the English version of the proclamation and the extension of the period referred to in the fourth paragraph of the Proclamation to the date of publication of the amended Proclamation;
- (b) the substitution for paragraph 1 of the Schedule to the Proclamation of the following paragraph:

“1. Serious maladministration in the affairs of the Municipality in relation to—

- (a) the appointment of the Chris Hani Co-operative Development Centre NPC for the conversion of Community Service Providers and Operators into functional co-operatives; and
- (b) the procurement of goods, works or services in terms of Tender No. 33/2015/MD (TN) – Cluster 9 Backlog Eradication: Tsomo Water Treatment and River Abstraction Works,

in a manner that was—

- (i) not fair, competitive, transparent, equitable or cost-effective; or
- (ii) contrary to applicable—
 - (aa) legislation;
 - (bb) manuals, guidelines, practice notes, circulars, or instructions issued by the National Treasury or the relevant Provincial Treasury;

- (cc) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Municipality, and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality or the State”;
- (c) the substitution for paragraph 2 of the Schedule to the Proclamation of the following paragraph—
- “2. Any improper, unlawful or irregular conduct by—
- (a) officials or employees of the Municipality;
- (b) suppliers or service providers of the Municipality; or
- (c) any other person or entity,
- in relation to the allegations set out in paragraph 1 of this Schedule;”

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

President

By Order of the President-in-Cabinet:

Minister of the Cabinet

PROKLAMASIE KENNISGEWING 216 VAN 2024

**deur die
PRESIDENT van die REPUBLIEK VAN SUID-AFRIKA**

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): WYSIGING VAN PROKLAMASIE NO. R.3618 VAN 2023 – CHRIS HANI-DISTRIKSMUNISIPALITEIT

Hierby wysig ek, kragtens artikel 2(4) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), Proklamasie No. R. 3618 van 2023—

- (a) deur die datum “1 Desember 2011” te vervang deur die datum “1 Junie 2019” in die Engelse weergawe van die proklamasie en die tydperk waarna in die vierde paragraaf van die Proklamasie verwys word, na die datum van publikasie van die gewysigde Proklamasie te verleng;
- (b) deur paragraaf 1 van die Bylae by die Proklamasie deur die volgende paragraaf te vervang:
 - “1. Ernstige wanadministrasie in die sake van die Munisipaliteit ten opsigte van—
 - (a) die aanstelling van die Chris Hani Koöperatiewe Ontwikkelingssentrum MSW vir die omskepping van die Gemeenskapsdiensverskaffers en Operateurs in funksionele koöperasies; en
 - (b) die verkryging van goedere, werke of dienste ingevolge Tendernoo. 33/2015/MD (TN) – Groep 9-agterstand-uitwissing: Tsomo Waterbehandelings- en Rivierabstraksiewerke,op 'n wyse—
 - (i) wat nie billik, mededingend, deursigtig, gelyk of koste-doeltreffend was nie;
 - (ii) wat strydig was met toepaslike—
 - (aa) wetgewing;
 - (bb) handleidings, riglyne, praktyknotas, omsendbriewe, of opdragte

deur die Nasionale Tesourie of tersaaklike provinsiale tesourie uitgereik;

(cc) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of van toepassing op, die Munisipaliteit, en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwistende uitgawes deur die Munisipaliteit of die Staat aangegaan";

(c) deur paragraaf 2 van die Bylae by die Proklamasie deur die volgende paragraaf te vervang—

"2. Enige onbehoorlike, onwettige of onreëlmatige gedrag deur—

(a) beamptes of werknemers van die Munisipaliteit;

(b) verskaffers of diensverskaffers van die Munisipaliteit; of

(c) enige ander persoon of entiteit,

in verband met die bewerings in paragraaf 1 van hierdie Bylae uiteengesit;"

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te
op hede die dag van Tweeëduisend vier-en-twintig.

President

Op las van die President in die Kabinet:

Minister van die Kabinet