
PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 257 OF 2025**by the****PRESIDENT of the REPUBLIC of SOUTH AFRICA****SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT: MBOMBELA LOCAL MUNICIPALITY**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of Mbombela Local Municipality (hereinafter referred to as "the Municipality");

AND WHEREAS the Municipality or the State suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Municipality, 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 the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Municipality;
- (b) improper or unlawful conduct by the employees or officials of the Municipality;
- (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) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Municipality; 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 took place between 16 February 2015 and the date of publication of this Proclamation or which took place prior to 16 February 2015 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority 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 Act, including the recovery of any losses suffered by the Municipality or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 4th day of February Two thousand and twenty five.

CM Ramaphosa
President

By Order of the President-in-Cabinet:

T Simelane
Minister of the Cabinet

SCHEDULE

1. The procurement of, or contracting for goods, works or services by or on behalf of the Municipality and payments made in respect thereof in a manner that was—

- (a) not fair, competitive, transparent, equitable or cost-effective;
- (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or
 - (iii) 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 Municipality or the State in relation to the following:

the following:

- (aa) Tender number PRE/040/14/MP;
- (bb) Tender number DHS/112/15/MP
- (cc) Tender number NLM-TS-003/2015/16;
- (dd) Construction related goods and services in respect of the R538; Hazyview to Numbi Gate Turnoff Project;
- (ee) Bid number 26/2015 for the appointment of professional consultants for the establishment of the Strategic Programmes and Projects Support Unit for the Municipality; and
- (ff) Bid number 72/2017 for Turnkey Energy Efficiency and Demand Side Management Programme.

2. Maladministration regarding the affairs of the Municipality in relation to the administration of Tender number 116/2018, and any related unauthorized, irregular or fruitless and wasteful expenditure incurred by the Municipality or losses suffered by the Municipality or the State.

3. Any undisclosed or unauthorized interests which employees of the Municipality or the State Institutions may have had in the contractors, suppliers or service providers bidding for work or doing business with the Municipality or to whom contracts were awarded by the Municipality, contrary to the applicable—

- (a) legislation;
- (b) manuals, guidelines, practice notes, circulars or instructions issued by the

National Treasury or the relevant Provincial Treasury; or
(c) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the Municipality;
and the extent of any actual or potential benefits derived directly or indirectly by such employees from such undisclosed or unauthorised interests.

4. Misappropriation of unidentified payments received by the Municipality.

5. Any improper or unlawful conduct by the officials or employees of the Municipality or the service provider in question, or any other person or entity, in relation to the allegations set out in paragraphs 1 to 4 of this Schedule.