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GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 360

14 March 2003

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996

(ACT NO. 74 OF 1996): REGULATIONS

The Minister for Justice and Constitutional Development has under section 11 of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), and after consultation with the Heads of the Special Investigating Unit and Special Tribunal established by Proclamation No. R. 118 of 31 July 2001, made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates -
 - "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);
 - "Tribunal President" means the Tribunal President appointed under section 7(2) of the Act.

Recording of proceedings

2. (1) The proceedings of the Special Tribunal shall be recorded in the manner determined by the Tribunal President.

(2) The proceedings of the Special Investigating Unit in terms of section 5(2)(c) of the Act shall be recorded in the manner determined by the Head of the Unit.

(3) No shorthand notes or mechanical record of the proceedings of the Special Investigating Unit contemplated in subregulation (2) may be transcribed except by order of the Head of the Unit.

Taking of oath

3. (1) Any person appointed or designated to —

(a) take down or record the proceedings of the Special Tribunal in shorthand or by mechanical means, shall at the outset take an oath or make an affirmation in the following form:

"I, A.B., declare under oath/affirm that I shall faithfully and to the best of my ability take down/record the proceedings of the Special Tribunal and related matters in shorthand/by mechanical means as ordered by the Tribunal President."

(b) take down or record the proceedings of the Special Investigating Unit in terms of section 5(2)(c) of the Act in shorthand or by mechanical means, shall at the outset take an oath or make an affirmation in the following form:

"I, A.B., declare under oath/affirm that I shall faithfully and to the best of my ability take down/record the proceedings of the Special Investigating Unit and related matters in shorthand/by mechanical means as ordered by the Head of the Unit."

(c) transcribe the record of proceedings of the Special Tribunal, referred to in sub-

regulation (1)(a) shall, upon completion of the transcription, take an oath or make an affirmation in the following form:

"I, A.B., declare under oath/affirm that I have fully and to the best of my ability transcribed all the shorthand notes/the whole of the mechanical record of the proceedings of the Special Tribunal handed to me in this matter." ; and

- (d) transcribe the record of proceedings of the Special Investigating Unit, referred to in sub-regulation (1)(b) shall, upon completion of the transcription, take an oath or make an affirmation in the following form:

"I, A.B., declare under oath/affirm that I have fully and to the best of my ability transcribed all the shorthand notes/the whole of the mechanical record of the proceedings of the Special Investigating Unit handed to me in this matter." .

- (2) The Head of the Unit may direct that before any person appointed in terms of section 3(2), or seconded in terms of section 3(3) of the Act performs any function in terms of the Act, such person shall take an oath, or make an affirmation, of fidelity or secrecy in the following form:

"I, A.B., declare under oath/affirm 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 or with the written leave of the Head of the Unit or by order of the Special Tribunal or the High Court, I shall not communicate to any person any matter or information which may come to my knowledge in connection with any investigation by the Special Investigating Unit, or allow or permit any person to have access to any records of the Special Investigating Unit, including any note, record or transcription of the proceedings of the said Unit, in my possession or custody or in the possession or custody of the said Unit or any member thereof." .

Confidentiality

4. No person shall communicate to any other person any matter or information which may have come to his or her knowledge in connection with any investigation of the Special Investigating Unit, or allow or permit any other person to have access to any records of the Special Investigating Unit, except by order of the Special Tribunal or the High Court, or in so far as it is necessary in the

performance of his or her functions with the Special Investigating Unit or the Special Tribunal, or where it is permitted by leave of the Head of the Unit, or where such matter, information or record is disclosed or referred to in any pleadings or papers or evidence in any proceedings instituted in the Special Tribunal or any court.

Delegation

5. (1) The Head of the Unit may in writing delegate any of his or her functions, in terms of these Regulations, to any other member of the Special Investigating Unit subject to the conditions, directions or guidelines that he or she may determine.

(2) The Head of the Unit may at any time revoke any delegation made in terms of sub-regulation (1).

Offence and penalty

6. Any person who contravenes the provisions of regulation 4 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

7. Subject to sections 3(3) and 7(7) of the Act, the Head of the Unit and the Tribunal President may issue their own directives to regulate the conduct of their respective staff.

Interested party

8. An interested party contemplated in section 8(2) of the Act means any party who, or which, has a direct and substantial interest in any judgment or order the Special Tribunal may make in any proceedings instituted before it in terms of the Act, or who, or which will be prejudiced if any such judgment or order is carried into effect.

Repeal of regulations

9. The Regulations published under Government Notice No. R. 420 of 14 March 1997 are hereby repealed.