

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

R. 179

5 March 2021

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. 12 OF 2018**

Under section 2(4) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), I hereby amend Proclamation No. 12 of 2018, by—

- (a) the extension of the period referred to in the fourth paragraph of the Proclamation to the date of publication of this Proclamation;
- (b) the substitution for paragraph 1 of the Schedule of the following paragraph:

"1. The procurement of or contracting for goods, works or services by or on behalf of the Agency 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;
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Agency;
- (c) conducted by or facilitated through the improper conduct of—
 - (i) officials or employees of the Agency; or
 - (ii) contractors, suppliers or service providers of the Agency

or any other person or entity, to corruptly or unduly benefit themselves or any other person or entity, and related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Agency or the State in relation to the appointment of contractors, suppliers and service providers in respect of the following contract numbers:

- (aa) Contract Number: RAL/T682/2015;
- (bb) Contract Number RAL/T740/2015;
- (cc) Contract Number RAL/T694/2015;
- (dd) Contract Number RAL/T695/2015;
- (ee) Contract Number RAL/T687/2015;
- (ff) Contract Number RAL/T699/2015;
- (gg) Contract Number RAL/ACCESS CONTROL;
- (hh) Contract Number RAL/PUBLIC RELATION;
- (ii) Contract Number RAL/T652/2015;
- (jj) Contract Number RAL/T653/2015;
- (kk) Contract Number RAL/T349D/2015;
- (ll) Contract Number RAL/T646/2015;
- (mm) Contract Number RAL/T657/2015;
- (nn) Contract Number RAL/T535C/2015;
- (oo) Contract Number RAL/BERMUDA ROADS/03/2015;
- (pp) Contract Number RAL/C824/2016;
- (qq) Contract Number RAL/C816/2016;
- (rr) Contract Number RAL/C539C/2016;
- (ss) Contract Number RAL/630B/2016;
- (tt) Contract Number RAL/C638/2016;
- (uu) Contract Number RAL/C822/2016;
- (vv) Contract Number RAL/T757/2015;
- (ww) Contract Number RAL/T758/2015; and
- (xx) Contract Number RAL/2016/PR/Communications.”; and

(c) the substitution for paragraph 3 of the Schedule of the following paragraph:

“3. Maladministration in the affairs of the Agency and any losses or prejudice suffered by the Agency, or the State as a result of such maladministration in relation to the—

- (a) increase of the fees of the Chairperson of the Agency's Board; and
- (b) fees or salary payments made to Board members of the Agency's Board in respect of Board fees, contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury;
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Agency,including the causes of such maladministration and related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Agency or the State.”.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this 19th day of February Two thousand and twenty one.

CM Ramaphosa
President

By Order of the President-in-Cabinet:

RO Lamola
Minister of the Cabinet

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

R. 179

5 Maart 2021

VAN 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. 12 VAN 2018**

Kragtens artikel 2(4) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), wysig ek hierby Proklamasie No. 12 van 2018 deur—

(a) die verlenging van die tydperk vermeld in die vierde paragraaf van die Proklamasie tot die datum van publikasie van hierdie Proklamasie;

(b) die vervanging van paragraaf 1 van die Bylae met die volgende paragraaf:

"1. Die verkryging van of kontraktering vir goedere of dienste deur of namens die Agentskap en betalings wat in verband daarmee gemaak is op wyse wat—

(a) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie;

(b) teenstrydig was met toepaslike—

(i) wetgewing;

(ii) handleidings, riglyne, omsendbriewe, praktyknotas of instruksies wat deur die Nasionale Tesourie of die relevante Plaaslike Tesourie uitgevaardig is;

(iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van of wat op die Agentskap van toepassing is;

(c) gedoen of gefasiliteer was deur die onbehoorlike optrede van—

(i) beamptes of werknemers van die Agentskap; of

(ii) kontrakteurs, verskaffers of diensleweraars van die Agentskap of enige ander person of entiteit, om hulself of andere op 'n korrupte of onbehoorlike wyse te bevoordeel, en verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat deur die Agentskap of die Staat aangegaan was ten opsigte van die aanstelling van kontrakteurs, verskaffers en diensleweraars ten opsigte van die volgende kontraknommers:

- (aa) Kontraknommer : RAL/T682/2015;
- (bb) Kontraknommer RAL/T740/2015;
- (cc) Kontraknommer RAL/T694/2015;
- (dd) Kontraknommer RAL/T695/2015;
- (ee) Kontraknommer RAL/T687/2015;
- (ff) Kontraknommer RAL/T699/2015;
- (gg) Kontraknommer RAL/ACCESS CONTROL;
- (hh) Kontraknommer RAL/PUBLIC RELATION;
- (ii) Kontraknommer RAL/T652/2015;
- (jj) Kontraknommer RAL/T653/2015;
- (kk) Kontraknommer RAL/T349D/2015;
- (ll) Kontrak Nommer RAL/T646/2015;
- (mm) Kontraknommer RAL/T657/2015;
- (nn) Kontraknommer RAL/T535C/2015;
- (oo) Kontraknommer RAL/BERMUDA ROADS/03/2015;
- (pp) Kontraknommer RAL/C824/2016;
- (qq) Kontraknommer RAL/C816/2016;
- (rr) Kontraknommer RAL/C539C/2016;
- (ss) Kontraknommer RAL/630B/2016;
- (tt) Kontraknommer RAL/C638/2016;
- (uu) Kontraknommer RAL/C822/2016;
- (vv) Kontraknommer RAL/T757/2015;
- (ww) Kontraknommer RAL/T758/2015; en
- (xx) Kontraknommer RAL/2016/PR/Communications.”;en

- (c) die vervanging van paragraaf 3 van die Bylae met die volgende paragraaf:
- “3. Wanadministrasie in die werksaamhede van die Agentskap en enige verliese of nadeel gely deur die Agentskap of die Staat as gevolg van die wanadministrasie met betrekking tot die—

- (a) verhoging van die fooie van die Voorsitter van die Agentskapsraad; en
- (b) fooie of salarisbetalings aan Raadslede van die Agentskap gemaak vir Raadsfooie,
- strydig met voorgeskrewe—
- (i) wetgewing;
- (ii) handleidings, riglyne, praktyksvoorskrifte, omsendbriewe of instruksies wat deur die Nasionale Tesourie of die relevante Provinsiale Tesourie uitgevaardig is;
- (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Agentskap van toepassing is, insluitend die oorsake van sodanige wanadministrasie en verwante ongemagtigde of vrugtelose en verspilde uitgawes wat deur die Agentskap of die Staat aangegaan is.”.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die 19de dag van Februarie Tweeduisend-en-een-en- twintig.

CM Ramaphosa
President

Op las van die President-in-Kabinet:

RO Lamola
Minister van die Kabinet