

PROCLAMATIONS • PROKLAMASIES

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 43

10 December 2021



PROCLAMATION
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: OVERSTRAND 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 the Overstrand Local Municipality (hereinafter referred to as "the Municipality");

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

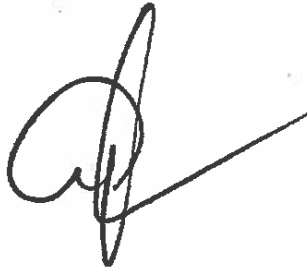
NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Municipality, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of 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 employees of the Municipality;
- (c) 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

(d) 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 1 July 2014 and the date of publication of this Proclamation or which took place prior to 1 July 2014 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, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this 26 day of October Two thousand and twenty-one

President



By Order of the President-in-Cabinet:

Minister of the Cabinet



SCHEDULE

1. Maladministration in the affairs of the Municipality in respect of the—
 - (a) approval, allocation or payment of housing subsidies; or
 - (b) allocations of sites or constructed houses,in terms of the Swartdam Road Site A&B Housing Project of the Swartdam Integrated Residential Development Programme with reference number 13/2/5/2047/3223/.02.

2. Any unlawful or improper conduct by—
 - (a) officials or employees of the Municipality; or
 - (b) any other person or entity,in relation to the allegations set out in paragraph 1 of this Schedule.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 43

10 Desember 2021



PROKLAMASIE
van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA
BESTAANDE SPESIALE ONDERSOEKEENHEID : OVERSTRAND PLAASLIKE
MUNISIPALITEIT

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleentehede van die Overstrand Plaaslike Munisipaliteit (hierna na verwys as die "Munisipaliteit");

EN AANGESIEN ek dit nodig ag dat gemeelde bewerings ondersoek en sivele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleentehede in die Bylae vermeld ten opsigte van die Munisipaliteit, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleentehede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemeelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleentehede van die Munisipaliteit;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Munisipaliteit;
- (c) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die

Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Munisipaliteit; of

- (d) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Julie 2014 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Julie 2014 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekteenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die26.....dag vanOktober..... Twee duisend-en-een-en-twintig.


President

Op las van die President-in-Kabinet:


Minister van die Kabinet

BYLAE

1. Wanadministrasie in die sake van die Munisipaliteit ten opsigte van die—
 - (a) goedkeuring, toekenning of betaling van behuisingssubsidies; of
 - (b) toewysing van persele of geboude huise,
ingevoelge die Swartdam Road Site A&B Behuisingsprojek van die Swartdam Geïntegreerde Residensiële Ontwikkelingsprogram met verwysingsnommer 13/2/5/2047/3223/02.

2. Enige onregmatige of onbehoorlike gedrag deur —
 - (a) amptenare of werknemers van die Munisipaliteit; of
 - (b) enige ander persoon of entiteit,met betrekking tot die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.