

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

**NORTH-WEST
NOORD WES**

**PROVINCIAL GAZETTE
PROVINSIALEKOERANT**

Price R1,20

Prys R1,20

Vol.1

06/09/1994

Nr.
No. 38

OFFICE OF THE PREMIER OF THE NORTH WEST

GOVERNMENT NOTICE

NO. 20

AMENDMENT OF THE REGULATIONS MADE UNDER THE COMMISSIONS ACT, 1985 (ACT 14 OF 1985), RELATING TO THE COMMISSION OF INQUIRY INTO THE FUNDING, ACQUISITION OR ONGOING USE OF PUBLIC FUNDS BY ANY DEPARTMENT OF STATE, PARASTATAL OR COMPANY IN WHICH THE EX-GOVERNMENT OF BOPHUTHATSWANA HAS OR HAS HAD ANY INTEREST AT THE INSTANCE OF THE EX-STATE PRESIDENT OR EX-MINISTER OF STATE OR EX-DEPUTY MINISTER OR ANY CIVIL SERVANT OF THE EX-REPUBLIC OF BOPHUTHATSWANA, INCLUDING THE SECURITY FORCES OR ANY EMPLOYEE OF ANY PARASTATAL OR COMPANY IN WHICH THE EX-GOVERNMENT OF BOPHUTHATSWANA HAS OR HAS HAD INTEREST OF TRANSACTIONS OR PROJECTS OF ANY STATE DEPARTMENT AS WELL AS PARASTATALS OR COMPANIES IN WHICH THE EX- GOVERNMENT OF BOPHUTHATSWANA HAS OR HAS HAD ANY INTEREST ON ANY PROPERTY (MOVABLE OR IMMOVABLE) OR ASSET, WHEREVER SITUATED, BELONGING TO (OR WHICH MIGHT HAVE BEEN DISPOSED OF BY) THE EX-STATE PRESIDENT OR EX-MINISTER OF STATE OR EX-DEPUTY MINISTER OR ANY CIVIL SERVANT OF THE EX-REPUBLIC OF BOPHUTHATSWANA, INCLUDING THE SECURITY FORCES OR ANY EMPLOYEE OF ANY PARASTATAL OR COMPANY IN WHICH THE EX-GOVERNMENT OF BOPHUTHATSWANA HAS OR HAS HAD A DIRECT OR INDIRECT INTEREST.

1. Notice is hereby given that the Honourable Premier of the North West has, amended the Regulations made under the Commissions Act, 1985 and published in the Provincial Gazette No. 22 of 9 August 1994 to the extent set out in the Schedule hereto.

P.S. MOLEFE

PREMIER OF THE NORTH WEST.

SCHEDULE

AMENDMENT OF REGULATIONS MADE UNDER THE COMMISSIONS ACT, 1985 (ACT 14 OF 1985), RELATING TO THE COMMISSION OF INQUIRY INTO THE FUNDING, ACQUISITION OR ONGOING USE OF PUBLIC FUNDS BY ANY DEPARTMENT OF STATE, PARASTATAL OR COMPANY IN WHICH THE EX-GOVERNMENT OF BOPHUTHATSWANA HAS OR HAS HAD ANY INTEREST AT THE INSTANCE OF THE EX-STATE PRESIDENT OR EX-MINISTER OF STATE OR EX-DEPUTY MINISTER OR ANY CIVIL SERVANT OF THE EX-REPUBLIC OF BOPHUTHATSWANA, INCLUDING THE SECURITY FORCES OR ANY EMPLOYEE OF ANY PARASTATAL OR COMPANY IN WHICH THE EX-GOVERNMENT OF BOPHUTHATSWANA HAS OR HAS HAD INTEREST OF TRANSACTIONS OR PROJECTS OF ANY STATE DEPARTMENT AS WELL AS PARASTATALS OR COMPANIES IN WHICH THE EX-GOVERNMENT OF BOPHUTHATSWANA HAS OR HAS HAD ANY INTEREST ON ANY PROPERTY (MOVABLE OR IMMOVABLE) OR ASSET, WHEREVER SITUATED, BELONGING TO (OR WHICH MIGHT HAVE BEEN DISPOSED OF BY) THE EX-STATE PRESIDENT OR EX-MINISTER OF STATE OR EX-DEPUTY MINISTER OR ANY CIVIL SERVANT OF THE EX-REPUBLIC OF BOPHUTHATSWANA, INCLUDING THE SECURITY FORCES OR ANY EMPLOYEE OF ANY PARASTATAL OR COMPANY IN WHICH THE EX-GOVERNMENT OF BOPHUTHATSWANA HAS OR HAS HAD A DIRECT OR INDIRECT INTEREST.

1. Regulation 1 of the Regulations is amended by the substitution for the definition of "chairman" of the following definition:

" 'chairperson' means the chairperson of the Commission."

2. Regulation 7 of the Regulations is amended by the substitution for subregulation (1), of the following subregulation:

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20) The evidence and addresses heard and the examinations conducted before the Commission shall be heard and conducted in the open with the following persons present, namely -

- (a) the chairperson and the other members of the Commission;
 - (b) any assessor;
 - (c) any witness, in the course of testifying before or being questioned, examined or re-examined before the Commission or addressing the Commission;
 - (d) the legal representative of a witness so testifying or being questioned or examined provided such legal representative is a practising advocate or attorney of the Supreme Court of Bophuthatswana or South Africa:
- Provided that the chairperson may, in his or her sole discretion, allow such legal representative to address the Commission in the absence of such witness if in the opinion of the chairperson, there exists good cause for doing so and the chairperson is satisfied that the inquiry and investigations and/or proceedings of the Commission are not likely to be prejudiced thereby:

Provided further that the chairperson may, in his or her sole discretion allow a witness on the request of such witness, to give evidence in camera if, in the opinion of the chairperson there exists good cause for doing so, and the chairperson is satisfied that the inquiry and investigations and/or proceedings of the Commission are not likely to be prejudiced thereby."

3. The following regulation is substituted for Regulation 10 of the Regulations:

"10. The chairperson, any member or a person appointed under regulation 2 and any officer authorised by the chairperson for that purpose may, in so far as it may be necessary for or relevant to the inquiry, at all reasonable times enter and inspect any premises and demand and seize any document, book, film, recording, material, equipment, substance or object (whether in solid or liquid form) on or kept on such premises.".

4. The following regulation is substituted for Regulation 11 of the Regulations:

"11. No person shall without the written permission of the chairperson, disseminate any document, book, film, recording, material, equipment, substance or object submitted by any person to the Commission or seized in terms of regulation 10, in connection with the inquiry or publish the contents or any portion of the contents of any such document, book, film, recording, material, equipment, substance or object.".

5. The following Regulation is inserted immediately after regulation 15 of the Regulations:

"16. If the chairperson of the Commission is of the opinion that, notwithstanding the summoning of a witness to appear before the Commission, there is reason to believe that the witness will not so appear, he or she may issue such directive as he or she may deem fit to ensure the attendance of the witness.".

6. The Regulations are amended in general, by the substitution for the word "chairman of the word "chairperson" wherever it so appears in the Regulations.

