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PROCLAMATION

by the

President of the Republic of South Africa

No. R. 113, 1998

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT No. 74 OF 1996): REFERRAL OF MATTER TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL

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

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

NOW, THEREFORE, I hereby, under section 2 (1) of the said Act, and after consultation with the Premier of the Northern Province, refer the matter in the Schedule for investigation

to the Special Investigating Unit and for adjudication of justiciable civil disputes emanating from such investigation to the Special Tribunal established by Proclamation No. R. 24 of 14 March 1997 and determine that, for the purposes of the investigation of that matter, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the said Act, any -

- (a) serious maladministration in connection with the affairs of the Board;
- (b) improper or unlawful conduct by employees of the Board;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) intentional or negligent loss of public money or damage to public property;
- (e) corruption in connection with the affairs of the Board; or
- (f) 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 has taken place between 1 January 1997 and the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Thirteenth day of November, One thousand Nine hundred and Ninety-eight.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

A. M. OMAR

Minister of the Cabinet

SCHEDULE

The unlawful, unauthorized and/or irregular drawing and/or issuing of promissory notes, guarantees, indemnities and/or any other negotiable instruments by and/or on behalf of the Lepelle Northern Water Board in the Northern Province.

PROKLAMASIE

van die

President van die Republiek van Suid-Afrika

No. R. 113, 1998

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET No. 74 VAN 1996): VERWYSING VAN AANGELEENTHEID NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekkeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Lepelle Noordelike Waterraad in die Noordelike Provinsie (hierna "die Raad" genoem);

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en beregbare siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2 (1) van gemelde Wet, en na oorleg met die Premier van die Noordelike Provinsie die aangeleentheid in die Bylae vir ondersoek na die Spesiale Ondersoekkeenheid en vir beregting van beregbare siviele geskille voortspruitend uit sodanige ondersoek na die Spesiale Tribunaal ingestel by Proklamasie

No. R. 24 van 14 Maart 1997 en bepaal dat, vir die doeleindes van die ondersoek van daardie aangeleentheid, die opdrag van die Spesiale Ondersoekkeenheid is om, soos beoog in gemelde Wet, ondersoek te doen na enige -

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Raad;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Raad;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (e) korrupsie in verband met die sake van die Raad; of
- (f) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie van die publiek veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 1997 en die datum van publikasie van hierdie Proklamasie.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Dertiende dag van November Eenduisend Negehonderd Agt-en-negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet:

A. M. OMAR

Minister of the Cabinet

BYLAE

Die onregmatige, ongemagtigde en/of onreëlmatige trekking en/of uitreiking van promesses, waarborge, vrywarings en/of enige ander verhandelbare dokumente deur en/of namens die Lepelle Noordelike Waterraad in die Noordelike Provinsie.

PROCLAMATION**by the*****President of the Republic of South Africa*****No. R. 114, 1998****SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996
(ACT No. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL
INVESTIGATING UNIT AND SPECIAL TRIBUNAL**

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

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

NOW, THEREFORE, I hereby, under section 2 (1) of the said Act, refer the matters in the Schedule for investigation to the Special Investigating Unit and for adjudication of justiciable civil disputes emanating from such investigation to the Special Tribunal established by Proclamation No. R. 24 of 14 March 1997 and determine that, for the purposes of the investigation of those matters, the terms of reference of the Special

Investigating Unit are to investigate as contemplated in the said Act, any -

- (a) serious maladministration in connection with the affairs of the University;
- (b) improper or unlawful conduct by employees of the University;
- (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) corruption in connection with the affairs of the University; 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 has taken place between 1 January 1987 and the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this
Thirteenth day of November, One thousand Nine hundred and Ninety-eight.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

A. M. OMAR

Minister of the Cabinet

SCHEDULE

1. The unlawful, unauthorised and/or irregular appropriation of assets belonging to and/or vesting in the University and/or the failure by the University to exercise proper control over and/or to account for assets belonging to and/or vesting in the University.
2. The unlawful, unauthorised and/or irregular payment of salaries to staff members of the University after resignation.
3. The claiming of excessive overtime remuneration by staff members of the University and/or the subsequent payments made in respect of such claims.
4. The abuse of housing subsidies and rental allowances by staff members of the University.
5. The unlawful, unauthorised and/or irregular sale of motor vehicles belonging to and/or vesting in the University to staff members of the University and/or the failure by the University to collect proper payment in respect of the sale of such motor vehicles.
6. The unlawful, unauthorised and/or irregular awarding of contracts by the University for the rendering of services and/or the supply of goods and/or equipment.
7. The failure to keep and/or to produce proper financial records in respect of the University's pharmacy and/or the failure to exercise proper financial control and administration at the said pharmacy.

8. The charging of excessive fees by attorneys appointed by the University.
9. The irregular funding and/or management of Edupark and/or the failure to exercise proper financial control and/or administration over Edupark.

PROKLAMASIE

van die

President van die Republiek van Suid-Afrika

No. R. 114, 1998

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET No. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekkeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Universiteit van die Noorde (hierna "die Universiteit" genoem);

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en beregbare siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2 (1) van gemelde Wet, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekkeenheid en vir beregting van beregbare siviele geskille voortspruitend uit sodanige ondersoek na die Spesiale Tribunaal ingestel by Proklamasie No. R. 24 van 14 Maart 1997 en bepaal dat,

vir die doeleindes van die ondersoek van daardie aangeleenthede, die opdrag van die Spesiale Ondersoekkeenheid is om, soos beoog in gemelde Wet, ondersoek te doen na enige -

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Universiteit;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Universiteit;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat betrekking het op Staatseiendom;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) korrupsie in verband met die sake van die Universiteit; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie van die publiek veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 1987 en die datum van publikasie van hierdie Proklamasie.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Dertiende dag van November Eenduisend Negehonderd Agt-en-negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet:

A. M. OMAR

Minister of the Cabinet

BYLAE

1. Die onregmatige, ongemagtigde en/of onreëlmatige toe-eiening van bates wat behoort aan en/of vestig in die Universiteit en/of die versuim deur die Universiteit om behoorlike beheer uit te oefen oor en/of rekenskap te gee van bates wat behoort aan en/of vestig in die Universiteit.
2. Die onregmatige, ongemagtigde en/of onreëlmatige betaling van salarisse aan personeellede van die Universiteit na bedanking.
3. Die eis van buitensporige oortydvergoeding deur personeellede van die Universiteit en/of die gevolglike betalings gemaak ten opsigte van sodanige eise.
4. Die misbruik van behuisingssubsidies en huurtoelaes deur personeellede van die Universiteit.
5. Die onregmatige, ongemagtigde en/of onreëlmatige verkoping van motorvoertuie wat behoort aan en/of vestig in die Universiteit aan personeellede van die Universiteit en/of die versuim deur die Universiteit om behoorlike betaling ten opsigte van die verkoping van sodanige motorvoertuie in te vorder.
6. Die onregmatige, ongemagtigde en/of onreëlmatige toekenning van kontrakte deur die Universiteit vir die lewering van dienste en/of die verskaffing van goedere en/of toerusting.
7. Die versuim om behoorlike finansiële rekords ten opsigte van die Universiteit se apteek te hou en/of voor te lê en/of die versuim om behoorlike finansiële beheer en administrasie uit te oefen by gemelde apteek.

8. Die heffing van buitensporige fooie deur prokureurs aangestel deur die Universiteit.
9. Die onreëlmatige befondsing en/of bestuur van *Edupark* en/of die versuim om behoorlike finansiële beheer en administrasie uit te oefen oor *Edupark*.

CONTENTS**INHOUD**

No.		Page No.	Gazette No.	No.		Bladsy No.	Koerant No.
GOVERNMENT NOTICES				GOEWERMENSKENNISGEWINGS			
Justice, Department of				Justisie, Departement van			
<i>Government Notices</i>				<i>Goewermenskennisgewings</i>			
R. 113	Special Investigating Units and Special Tribunals Act (74/1996): Referral of matters to existing special investigating unit and special tribunal	1	19463	R. 113	Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale (74/1996): Verwysing van aangeleenthede na bestaande spesiale ondersoekeenheid en spesiale tribunaal	1	19463
R. 114	do.: do	7	19463	R. 114	do.: do	12	19463

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