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PROCLAMATION

by the

President of the Republic of South Africa

No. R. 123, 1998

NATIONAL PROSECUTING AUTHORITY ACT, 1998

CATEGORIES OF OFFENCES IN RESPECT OF THE INVESTIGATING DIRECTORATE: SERIOUS ECONOMIC OFFENCES

WHEREAS the Investigation of Serious Economic Offences Act, 1991 (Act No. 117 of 1991), whereby the Office for Serious Economic Offences was established and which provided that such Office may investigate any offence which in the opinion of the Director: Office of Serious Economic Offences is a serious and complicated economic offence, was repealed by the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998) (hereinafter referred to as "the Act");

AND WHEREAS section 43(7)(a) of the Act provides that the aforementioned Office shall become the Investigating Directorate: Serious Economic Offences (hereinafter referred to as "the Investigating Directorate") which shall be deemed to have been established under section 7 of the Act;

NOW, THEREFORE, I hereby, under section 43(7)(c) of the Act, and on the request of the National Director of Public Prosecutions, further specify the categories of offences in the Schedule, in respect of which the Investigating Directorate must exercise its functions.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Fourth day of December, 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

- (a) Any offence of -
 - (i) fraud;
 - (ii) theft;
 - (iii) forgery and uttering; or
 - (iv) corruption in terms of the Corruption Act, 1992 (Act No. 94 of 1992); or
- (b) any other -
 - (i) economic common law offence; or
 - (ii) economic offence in contravention of any statutory provision, which involves patrimonial prejudice or potential patrimonial prejudice to the State, any body corporate, trust, institution or person,

which is of a serious and complicated nature.

PROKLAMASIE*van die**President van die Republiek van Suid-Afrika*

No. R. 123, 1998

WET OP DIE NASIONALE VERVOLGINGSGESAG, 1998**KATEGORIEË VAN MISDRYWE TEN OPSIGTE VAN DIE SPESIALE
ONDERSOEKDIREKTORAAT: ERNSTIGE EKONOMIESE MISDRYWE**

AANGESIEN die Wet op die Onderzoek van Ernstige Ekonomiese Misdrywe, 1991 (Wet No. 117 van 1991), waarkragtens die Kantoor vir Ernstige Ekonomiese Misdrywe ingestel is en wat bepaal het dat sodanige Kantoor enige misdryf mag ondersoek wat na die mening van die Direkteur: Kantoor vir Ernstige Ekonomiese Misdrywe 'n ernstige en ingewikkelde ekonomiese misdryf is, herroep is deur die Wet op die Nasionale Vervolgingsgesag, 1998 (Wet No. 32 van 1998) (hierna "die Wet" genoem);

EN AANGESIEN artikel 43(7)(a) van die Wet bepaal dat die voormelde Kantoor die Onderzoekdirektoraat: Ernstige Ekonomiese Misdrywe word (hierna die "Onderzoekdirektoraat" genoem) wat geag word kragtens artikel 7 van die Wet ingestel te wees;

NOU, DERHALWE, spesifiseer ek verder kragtens artikel 43(7)(c) van die Wet, en op versoek van die Nasionale Direkteur van Openbare Vervolgings, die kategorieë van misdrywe in die Bylae ten opsigte waarvan die Onderzoekdirektoraat sy werksaamhede moet beoefen.

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

N. R. MANDELA
President

Op las van die President-in-Kabinet:

A. M. OMAR
Minister van die Kabinet

BYLAE**(a) Enige misdryf van -**

- (i) bedrog;
- (ii) diefstal;
- (iii) vervalsing en uitgifte; of
- (iv) korrupsie ingevolge die Wet op Korrupsie, 1992 (Wet No. 94 van 1992);
of

(b) enige ander -

- (i) ekonomiese gemeenregtelike misdryf; of
- (ii) ekonomiese misdryf in oortreding van 'n statutêre bepaling, wat vermoënsregtelike benadeling of potensiële vermoënsregtelike benadeling vir die Staat, enige regspersoon, trust, instelling of persoon inhou,

wat van 'n ernstige en ingewikkelde aard is.

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