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**PROCLAMATION****by the****PRESIDENT of the REPUBLIC of SOUTH AFRICA****No. R. 56, 2001****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 provincial Department of Transport of the Province of KwaZulu-Natal (hereinafter referred to as "the Department");

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 Province of KwaZulu-Natal, 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. 118 of 31 July 2001 and determine that, for the purposes of the investigation of that matter, the terms of reference of the Special Investigating Unit, which has the powers, duties and functions assigned to or conferred upon it by the Act, are to investigate as contemplated in the said Act, any -

- (a) serious maladministration in connection with the affairs of the Department;
- (b) improper or unlawful conduct by employees of the Department;
- (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 Department; 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 January 1996 and the date of publication of this Proclamation.

Given under my Hand at Cape Town this Twenty-fourth day of October Two thousand and one.

**T. M. MBEKI**

**President**

By Order of the President-in-Cabinet:

**P. M. MADUNA**

**Minister of the Cabinet**

### **SCHEDULE**

The fraudulent and/or unauthorised changing of information in respect of the tare weight of motor vehicles on the National Traffic Information System by employees of the Department and the subsequent payment of lower motor vehicle licensing fees.

**ISIMEMEZELO****ESENGIWA NGUMOMGAMALI WEZWE LASENINGIZIMU AFRIKA****No. R. 56, 2001**

**UMTHETHO WAMATHIMBA OKUPHENYA AYISIPHESHELI NEZINKANTOLO EZIYISIPHESHELI (OKUNGUMTHETHO 74 KA 1996): UDABA OLUZOCUTSHUNGULWA YITHIMBA ELIYISIPHESHELI EBELIVELE LIKHONA NENKANTOLO EYISIPHESHELI**

NJENGALOKHU izinsolo okukhulunywa ngazo esigabeni 2(2) soMthetho waMathimba ayisiphesheli kanye neziNkantolo eziyisiphesheli seziye zabhekiswa ekuhanjiseni kwezindaba zoMnyango wezokuThutha esifundazweni saKwaZulu-Natali (osekuzothi emveni kwalokhu ubizwe ngo "Mnyango");

NANJENGOBA ngikubone kunesidingo ukuba izinsolo ezinjalo ziphenywe, bese kuthi ukungavumelani okungalandela lolophenyo kuhlulelwe ngokusemthethweni;

MANJE, NGALOKHO-KE, ngaphansi kwesigaba 2(1) soMthetho ochaziweyo, nangemuva kokubonisana noMongameli wesiFunda saKwaZulu-Natali, ngedlulisela loludaba



olukwisheduli ukuba luye kophenywa yiThimba eliyisiphesheli lokuphenya, bese kuthi ukungavumelani okungalandela lololuphenyo ngiludlulisele eNkantolo eyisiphesheli eyasungulwa ngokwesiMemezelo esingunombolo R.118 sika Julayi 31 2001, ngisho futhi nokuthi ngokwezinhloso zophenyo lwaloludaba iThimba eliyisiphesheli elinamandla, nezibopho elizinikezwe nguMthetho lizokwenza uphenyo ngaphansi kwalamaphuzu omthetho, noma ikuphi-

- (a) ukuphathwa budedengu kwezindaba eziqondene noMnyango;
- (b) ukuziphatha kabi nokuphambana nomthetho okwenziwa abasebenzi boMnyango;
- (c) ukukhwabanisa imali yomphakathi nokusebenzisa impahla yomphakathi ngokungekho emthethweni;
- (d) ukuphatha budedengu imali nokulimaza impahla yomphakathi ngenhloso noma ngokunganaki;
- (e) ukukhohlakala emsebenzini nasekuphathweni kwezindaba zoMnyango; noma
- (f) ukwenza okuphambana nomthetho nokungemukeleki okwenziwa yinoma imuphi umuntu okungakhubaza inhlalakahle yomphakathi kumbe ingxenye yawo,

okwenzeke phakathi kukaJanuary 1996 nesikhathi okushicilelwe ngaso lesiSaziso

Ikhishwe ngesandla sami lapha eKapa zingu 24 osukwini luka-October onyakeni ka 2001

**T. M. MBEKI**

**UMMONGAMELI**

Njengokulawula kukaMongameli wesiShayamthetho:

**P. M. MADUNA**

**Ongungqongqoshe wesiShayamthetho**

### **ISHEDULI**

Ukuguqulwa ngokungekho emthethweni nokungagunyaziwe kwemininingwane yesisindo sezimoto oHlelweni lukaZwelonke oloqukethe imidanti yezokuThutha, okwenziwa abasebenzi boMnyango okunomphumela wokuthi bese kukhokhwa intela engaphansi kwaleyo efanelekile yamalayisensi ezimoto.



**No. R. 57, 2001**

**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 Department of Transport of the Province of KwaZulu-Natal and/or its predecessor in law (hereinafter referred to as "the Department");

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 Province of KwaZulu-Natal, refer the matters mentioned 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. 118 of 31 July 2001 and determine that, for the purposes of the investigation of those matters, the terms of reference of the Special Investigating Unit, which has the powers, duties and functions assigned to or conferred upon it by the Act, are to investigate as contemplated in the said Act, any -

- (a) serious maladministration in connection with the affairs of the Department;
- (b) improper or unlawful conduct by employees of the Department;
- (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 Department; 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 1994 and the date of publication of this Proclamation.

Given under my Hand at Cape Town this Twenty-fourth day of October Two thousand and one.

**T. M MBEKI**

**President**

By Order of the President-in-Cabinet:

**P. M. MADUNA**

**Minister of the Cabinet**

#### **SCHEDULE**

1. The unlawful, unauthorised and/or irregular payments made by the Department to business institutions in respect of repairs, services, towage and/or storage of motor vehicles which belong to and/or vest in the Department.
2. The failure by the Department to comply with the prescribed tender procedures in respect of repairs, services, towage and/or storage of motor vehicles which belong to and/or vest in the Department.
3. The failure by the Department to ensure that First Auto complied with the provisions of a contract which was concluded between the Department and First Auto and/or the failure by First Auto to comply with the said provisions.

**No. R. 57, 2001**

**UMTHETHO WOPHIKO LOKUPHENYA OLUYISIPESEHILI NEZINKUNDLA EZIYISIPESEHILI ZOKUTHETHA AMACALA KA 1996, (ACT NO. 74 OF 1996): UKWEDLULISWA KWEZINDABA ZIYA OPHIKWENI OLUYISIPESEHILI LOKUPHENYA NEZINKUNDLA EZIYISIPESEHILI ZOKUTHETHA AMACALA.**

Njengoba kunezinsolo ezihlongozwe ngaphansi kwesigaba 2 (2) soMthetho Wophiko lokuphenya oluyisipesheli neziNkundla eziyisipesheli zokuthetha amacala ka 1996 (Act No. 74 of 1996), maqondana nezindaba zoMnyango weZokuthutha eSifundazweni saKwaZulu-Natal neminye/noma iminyango engaphambi kwale (Umnyango weZokuthutha esiFundazweni saKwaZulu-Natal – uzobizwa “Umnyango” kulombhalo);

NGAKHO KE, ngikubona kufanele ukuthi lezinsolo ezishiwoyo kumele ziphenywe kuthi namacala anobuqiniso angavela ngenxa yempikiswano ehlulelwe;

NGAKHO, MANJE, ngaphansi kwesigaba 2(1) soMthetho oshiwo, nangemuva kokubonisana noNdunankulu wesiFundazwe saKwaZulu-Natal ngedlulisa loludaba oluphawulwe kuSheduli ukuba luphenywe wuPhiko Lokuphenya oluyiSipesheli olubunjwe yiSaziso (Proclamation) No.R 118 somhlaka/of 31 July 2001. Umsebenzi wokuphenya nokwehlulela ngomphumela kulokho okunobuqiniso nezinkomba zecala kulempikiswano ngiwunika uphenyo oluyiSipesheli nolubunjwe yiSaziso No.R 118 somhlaka 31 July 2001 kanti ngingquma ukuthi ngenhloso yophenyo lwalezondaba, Uphiko Oluyisipesheli Lokuphenya luyosebenzisa amandla nokusebenza ngaphansi kwegunya elingaphansi kwaloMthetho, uphenyo luyohambisana nokulawulwa wuMthetho lwenabele ezintweni ezifana nalezi:-

- (a) ukuphathwa kabi nangobudedengu kwezindaba eziphathelene noMnyango;
- (b) ukuziphatha okungemukeleki noma okungekho emthethweni kwabasebenzi boMnyango;
- (c) ukusetshenziswa ngokungekho emthethweni kwemali nempahla kahulumeni nokusetshenziswa kwemali ngaphandle kwemvume;
- (d) ukwephula umthetho, izenzo ezingavunyelwe, imigomo nanoma yisiphi isenzo esixubene nokukhwabanisa ngempahla kahulumeni;
- (e) ukulahlwa ngenhloso noma ngobudedengu kwemali noma ukulinyazwa kwempahla kahulumeni;
- (f) inkohlakalo eqondene nezindaba zoMnyango noma;
- (g) ukuziphatha okungekho emthethweni noma okungemukelekile komuntu okudala umonakalo noma okungaholela ekulimaleni kwentshisekelo

nezidingo zomphakathi kunoma yimuphi umkhakha,

okwenzeke phakathi kuka1 January 1994 nosuku okushicilelwe ngalo leSaziso.

Ikhishwe ngesandla sami lapha eKapa zingu 24 osukwini luka-October onyakeni ka 2001.

**T. M. MBEKI**

**Umongameli**

Ngegunya likaMongameli - kwiKhabhinethe:

**P. M. MADUNA**

**Umongameli weKhabhinethe**



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## ISHEDULI

1. Inkokhelo engekho emthethweni, engagunyaziwe noma enobugebengu eyenziwe nekhokhwe nguMnyango ezikhungweni zamabhizinisi ngesizathu sezindleko zokukhanda, imisebenzi yokusiza, ukudonsa nokugcina izimoto zoMnyango, nalezo ezigadwe wuMnyango.
  2. Ukwehluleka koMnyango ukulandela imigomo emisiwe yamathenda mayelana nezindleko zokukhanda, imisebenzi yokusiza, ukudonsa nokugcina izimoto zoMnyango, nalezo ezigadwe yiwo.
  3. Ukwehluleka koMnyango ukuqinisekisa ukuthi inkampani yakwa First Auto ilandela imibandela yenkontileka yayo eyayisayina noMnyango noma ukwehluleka kuka First Auto ukulandela lembandela.
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