

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION 114 OF 2023

by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): AMENDMENT OF PROCLAMATION NO. R. 36 OF 2019

Under section 2(4) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), I hereby amend Proclamation No. R. 36 of 2019, by—

- (a) in the Proclamation and the Schedule thereto, the inclusion of the word “former” immediately preceding the words “National Department of Agriculture, Forestry and Fisheries” and “DAFF”, wherever the aforementioned words appear in that Proclamation and Schedule;
- (b) the extension of the period referred to in the fourth paragraph of the Proclamation to the date of publication of this Proclamation;
- (c) the deletion of paragraph 3 of the Schedule; and
- (d) the addition of the following paragraphs in the Schedule:
 - “4. Maladministration in the affairs of the former DAFF, in relation to—
 - (a) the mismanagement of the Ilima/Letsema Support Programme (hereinafter referred to as the “ILSP”);
 - (b) the allocation and use of ILSP funds; and
 - (c) the monitoring of projects that were funded in terms of the ILSP, and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the former DAFF, or the State, including the causes of such maladministration.
 - 5. The use of ILSP funds to procure or contract for goods or services by or on behalf of the former DAFF, and payments which were made in respect thereof in a manner that was—

- (a) not fair, equitable, transparent, competitive or cost-effective; or
- (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury; or
 - (iii) manuals, codes, guidelines, policies, procedures, prescripts, instructions or practices of, or applicable to the former DAFF, and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the former DAFF or the State.

6. Any unlawful or improper conduct by the employees or officials of the former DAFF or applicable service providers, or any other person or entity in relation to the allegations set out in paragraphs 1 to 5 of this Schedule.”

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this 26 day of January Two thousand and twenty three.

President

By Order of the President-in-Cabinet:

Minister of the Cabinet

PROKLAMASIE 114 VAN 2023

VAN DIE
PRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKAWET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET
NO. 74 VAN 1996): WYSIGING VAN PROKLAMASIE NO. R. 36 VAN 2019

Kragtens artikel 2(4) van die Wet op Spesiale Ondersoekenehede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), wysig ek hierby Proklamasie No. R. 36 van 2019 deur—

- (a) in die Proklamasie en die Bylae daartoe, die woord "voormalige" direk voor die woorde "Departement van Landbou, Bosbou en Visserye" en "DLBV" in te voeg, waar die voormelde woorde in die Proklamasie en die Bylae daartoe verskyn;
- (b) die verlenging van die tydperk vermeld in die vierde paragraaf van die Proklamasie tot die datum van publikasie van hierdie Proklamasie;
- (c) die skraping paragraaf 3 van die Bylae; en
- (d) die byvoeging van die volgende paragrafe in die Bylae:

"4. Wanadministrasie in verband met die aangeleenthede van die voormalige DLBV in verband met—

- (a) die wanbestuur van die Ilima/Letsema Ondersteuningsprogram (hierna na verwys as die "ILSP");
- (b) die toewysing of gebruik van ILSP fondse;
- (c) die monitering van projekte wat befonds is ingevolge die ILSP,

en enige verbandhoudende ongemagtigde, onreëlmatige of vrugtelose en verspilte uitgawes wat deur die DLBV of Staat aangegaan is, insluitende die oorsake van sodanige wanadministrasie.

5. Die gebruik van ILSP fondse vir die aankoop van, of kontraktering vir goedere of dienste deur of namens die voormalige DLBV, en betalings wat in verband daarmee gemaak is op 'n wyse wat—

- (a) nie regverdig, mededingend, deursigtig, billik, of koste-effektief was nie; of
- (b) strydig was met toepaslike—

- (i) wetgewing;
- (ii) handleidings, riglyne, praktyknotas omsendskrywes of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
- (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die voormalige DLBV van toepassing is,

en enige verbandhoudende ongemagtigde, onreëlmatige of vrugtelose en verspilte uitgawes wat deur die voormalige DLBV of die Staat aangegaan is.

6. Enige onwettige of onbehoorlike optrede van die werknemers of beamptes van die voormalige DLBV of toepaslike diensverskaffers, of enige ander persoon of entiteit, ten opsigte van die bewerings uiteengesit in paragrawe 1 tot 5 van hierdie Bylae.”.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die 26 dag van Januarie Tweeduisend-drie-en-twintig.

President

Op las van die President-in-Kabinet:

Minister van die Kabinet