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Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
PROCLAMATIONS • PROKLAMASIES			
8	Commissions Act (8/1947): Amendment of the Regulations of the Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State	41522	4
8	Kommissiewet (8/1947): Wysiging van die Regulasies van die Geregtelike Kommissie van Ondersoek na Bewerings van Staatskaping, Korrupsie en Bedrog in die Openbare Sektor, met inbegrip van Staatsorgane.....	41522	6

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. 8 OF 2018**by the****President of the Republic of South Africa****AMENDMENT OF THE REGULATIONS OF THE COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act No. 8 of 1947), I hereby, with effect from the date of publication of the Proclamation attached hereto, amend the Regulations of the Commission of Inquiry into allegations of state capture, corruption and fraud in the public sector including organs of State published in the Government Gazette No. 41436 of 9 February 2018 as indicated in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at PRETORIA on this 20 day of MARCH Two thousand and eighteen.


PRESIDENT

By Order of the President-in-Cabinet:


MINISTER OF THE CABINET

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing terms of reference.

_____ Words underlined with a solid line indicate insertions in existing terms of reference.

Definition

1. In this Proclamation "Regulations" means the regulations published in the Government Gazette No. 41436 of 9 February 2018.

Amendment of regulation 8 of the Regulations

2. Regulation 8 of the Regulations is hereby amended by the substitution for subregulation (2) for the following:

(2) **[No evidence regarding questions and answers contemplated in subregulation (1), and no evidence regarding any fact or information that comes to light in consequence of any such questions or answers, shall be admissible in any criminal proceedings, excepts in criminal proceedings where the person concerned is charged with an offence in terms of section 6 of the Commissions Act, 1947 (Act No. 8 of 1947), or regulation 12] A self-incriminating answer or a statement given by a witness before the Commission shall not be admissible as evidence against that person in any criminal proceedings brought against that person instituted in any court, except in criminal proceedings where the person concerned is charged with an offence in terms of section 6 of the Commissions Act, 1947 (Act No. 8 of 1947).**

3. The amendments to the Regulations shall come into effect on the date of publication in the Government Gazette.

PROKLAMASIE NO. 8 VAN 2018**deur die
PRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA****No. R , 2018****WYSIGING VAN DIE REGULASIES VAN DIE GEREGETELIKE KOMMISSIE
VAN ONDERSOEK NA BEWERINGS VAN STAATSKAPING, KORRUPSIE EN
BEDROG IN DIE OPENBARE SEKTOR, MET INBEGRIIP VAN
STAATSORGANE**

Kragtens die bevoegdheids by my opgelê ingevolge artikel 1 van die Kommissiewet (Wet No. 8 van 1947), wysig ek hierby, met ingang vanaf die datum van publikasie van die Proklamasie hierby aangeheg, die Regulasies van die Kommissie van Ondersoek na bewerings van staatskaping, korrupsie en bedrog in die openbare sektor, met inbegrip van Staatsorgane wat in *Staatskoerant* No. 41436 op 9 Februarie 2018, gepubliseer is, soos in die Bylae aangedui.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te
..... op hierdie dag van
Tweeuisend-en-Agtien.

PRESIDENT

By Las van die President-in-Kabinet:

MINISTER VAN DIE KABINET

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

- []** Woorde in vet druk in vierkantige hakies, dui skrappings uit bestaande opdrag aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande vopdrag aan.

Woordomskrywing

1. In hierdie Proklomasie beteken "Regulasies" die regulasies wat in *Staatskoerant* No. 41436 op 9 Februarie 2018, gepubliseer is.

Wysiging van regulasie 8 van die Regulasies

2. Regulasie 8 van die Regulasies word hierby gewysig deur die vervanging van subregulasie (2) deur die volgende:

- (2) **[Geen getuienis aangaande vrae en antwoorde beoog in subregulasie (1), en geen getuienis aangaande enige feit of inligting wat na vore kom na aanleiding van enige sodanige vrae of antwoorde, is in strafregtelike verrigtinge toelaatbaar nie, behalwe in strafregtelike verrigtinge waar die betrokke persoon van 'n misdryf ingeolge artikel 6 van die Kommissiewet, 1947 (Wet No. 8 van 1947), of regulasie 12 aangekla word.]** 'n Self-inkriminerende antwoord of verklaring deur 'n getuie voor die Kommissie is nie as getuienis teen daardie persoon in enige strafverrigtinge wat teen daardie persoon in enige hof gebring word, toelaatbaar nie, behalwe in strafverrigtinge waar die betrokke persoon van 'n misdryf ingeolge artikel 6 van die Kommissiewet, 1947 (Wet No. 8 van 1947), aangekla word.

3. Die wysigings tot die Regulasies tree op die datum van publikasie in die *Staatskoerant* in werking.

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