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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF MINERAL RESOURCES AND ENERGY

NO. R. 407

7 May 2021

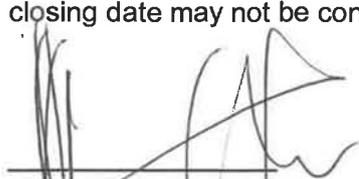
NUCLEAR ENERGY ACT, 1999 (ACT NO. 46 OF 1999)**DRAFT REGULATIONS REGARDING PHYSICAL PROTECTIVE MEASURES
FOR NUCLEAR MATERIAL**

I, Mr Samson Gwede Mantashe, Minister of Mineral Resources and Energy, in terms of section 54(1) read with section 33(3)(g) of the Nuclear Energy Act, 1999 (Act No. 46 of 1999), intend to make the Regulations in the Schedule.

Interested persons and organisations are hereby invited to submit written comments on the proposed Regulations, within **60** days of the date of publication of this Notice, to the Director-General: Department of Mineral Resources and Energy, (for attention: Deputy Director-General: Nuclear Energy) by –

- (a) post to: Department of Mineral Resources and Energy, Private Bag X 96, Pretoria, 0001;
- (b) hand to: Matimba Building, 192 Visagie Street, corner Paul Kruger and Visagie Streets, Pretoria, 0001; or
- (c) Email to: nonproliferation@dmre.gov.za.

Kindly provide the name, address, telephone number, fax number and email address of the person or organisation submitting the comments. Comments received after the closing date may not be considered.



S G MANTASHE, MP
MINISTER OF MINERAL RESEOURCES AND ENERGY

DATE: 24/03/2021

SCHEDULE

Arrangement of Regulations

- 1. Definitions**
- 2. Purpose of Regulations**
- 3. Scope of Regulations**
- 4. Responsibilities of authorisation holders**
- 5. Integration management system for protection of nuclear material**
- 6. Reporting of events**
- 7. Requirements for security officer**
- 8. Protection Arrangement with offsite nuclear response force**
- 9. Security Control Centre**
- 10. Contingency Plans**
- 11. Record keeping**
- 12. Nuclear security plan**
- 13. Site plan**
- 14. Requirements for Measures against unauthorised removal of nuclear material in processing, handling, use and possession**

Annex 1: Categorisation of nuclear material

Definitions

1. In these Regulations a word or expression to which a meaning has been assigned in the Act bears the meaning so assigned and, unless the context otherwise indicates –

“associated activity” means the possession, production, use, handling, storage, disposal or transport of nuclear material or other radioactive material;

“associated facility” means a facility in which nuclear material or other radioactive material is produced, processed, used, handled, stored or disposed of and for which an authorisation is required in terms section 34 of the Act;

“authorisation” means the granting of written permission by Minister of Mineral Resources and Energy to possess, use, handle or process nuclear material in terms of section 34 of the Act;

“authorisation holder” means a person who is granted an authorisation;

“contingency plan” means predefined sets of actions to respond and counter acts and attempts of unauthorised removal or sabotage, including threats;

“Department” means the Department of Mineral Resources and Energy;

“detection” means a process in a physical protection system that begins with sensing a potentially malicious or otherwise unauthorised act and that is completed with the assessment of the cause of the alarm;

“design basis threat” means attributes and characteristics of potential insider or external adversaries, who might attempt unauthorised removal or sabotage, against which the physical protection system is designed and evaluated;

“inner area” means an area with additional protection measures inside a protected area, where nuclear material categorised as Category I in Annex 1 is used or stored;

“limited access area” means a designated area containing a nuclear facility and nuclear material to which access is limited and controlled for physical protection purposes;

“malicious act” means an act or attempt of unauthorised removal or sabotage of nuclear material;

“nuclear facility” means a facility, including associated buildings and equipment, in which nuclear material is produced, processed, used, handled, stored or disposed of and for which an authorisation or licence is required;

“nuclear response force” means any persons, on-site or off-site, who are armed and appropriately equipped and trained to counter a malicious act;

“nuclear security event” means an event that has potential or actual implications for nuclear security that must be addressed;

“nuclear security plan” means a document prepared by the authorisation holder and reviewed by the Department that presents a detailed description of the security arrangements in place for nuclear material;

“physical protective measures” means the personnel, procedures, and equipment that constitute a physical protection system;

“physical protection system” means an integrated set of physical protective measures intended to prevent the completion of a malicious act;

“protected area” means area inside a limited access area containing nuclear material categorised as Category I or II in Annex 1 or sabotage targets surrounded by a physical barrier with additional physical protective measures;

“Security Control Centre” means an installation, which provides for the complete and continuous alarm monitoring, assessment and communication with guards, facility management and nuclear response forces;

“security officer” means a person who is entrusted with responsibility for patrolling, monitoring, assessing, escorting individuals or transport, controlling access and/or providing initial response;

“surveillance” means an activity performed directly by personnel performing physical protection, or through photo-electric, television, sound detecting, electronic, photographic or other means, targeted to detect and register unauthorised access into the protected areas;

“the Act” means the Nuclear Energy Act, 1999 (Act No. 46 of 1999);

“threat” means a person or group of persons with motivation, intention and capability to commit a malicious act;

“transport” means international or domestic carriage of nuclear material by any means of transportation, beginning with the departure from a nuclear facility of the shipper (consignor) and ending with the arrival at a facility of the receiver (consignee);

“unauthorised removal” means the theft or other unlawful taking of nuclear material; and

“vital area” means an area inside a protected area containing equipment, systems or devices, or nuclear material, the sabotage of which could directly or indirectly lead to high radiological consequences.

Purpose of Regulations

2. The purpose of these Regulations is to prescribe the physical protective measures to be implemented and maintained by an authorisation holder in respect of nuclear material in possession, use, handling or processing, to guard against unauthorised removal.

Scope of Regulations

3. These Regulations apply to –
- (a) authorisation holders as authorised by the Minister of Mineral Resources and Energy in terms of section 34 of the Act; and
 - (b) the management of all nuclear material categorised as Category I , II or III in Annex 1 within the Republic of South Africa.

Responsibilities of authorisation holders

4. (1) An authorisation holder is responsible for establishing and implementing the physical protective measures in these Regulations in respect of the nuclear material for which that authorisation holder has been granted an authorisation.

- (2) An authorisation holder must –
- (a) develop and implement the necessary physical protective measures against the design basis threat provided by the Department , including those relating to security systems, nuclear material control and emergency preparedness;
 - (b) on an annual basis conduct a threat and risk assessment at a facility to determine the adequacy of its physical protection system;
 - (c) make modifications to its physical protection system, as necessary, to counter any credible threat identified;
 - (d) notify the Department within 6 months of its intention to introduce any modification to an associated activity affecting the physical protection of nuclear material for which it holds an authorisation;
 - (e) keep records of each threat and risk assessment conducted for the period of 5 years;

- (f) submit a copy of the threat and risk assessment referred to in paragraph (b), together with a statement of actions taken as a result of that assessment, to the Department within 30 days upon completion thereof.

Integrated management system for protection of nuclear material

5. An authorisation holder must establish an integrated management system, corresponding with the authorisation, which must ensure that –

- (a) policies and procedures are established that identify physical protective measures of nuclear material as an important priority;
- (b) risks affecting physical protective measures for nuclear material are promptly identified and corrected in a manner commensurate with their importance;
- (c) the responsibilities of each individual for physical protective measures of nuclear material are clearly identified and each individual is suitably trained and qualified;
- (d) training programmes are periodically evaluated and updated as necessary;
- (e) clear lines of authority for decisions on physical protective measures of nuclear material are defined;
- (f) organisational arrangements and lines of communication are established that result in an appropriate flow of information on physical protective measures of nuclear material at and between the various levels in the entire organization of the authorisation holder; and
- (g) all personnel responsible for the physical protective measures for nuclear material holds a security clearance from the State Security Agency and have South African citizenship.

Reporting of events

6. (1) If an authorisation holder fails to comply with these Regulations, that authorisation holder must –

- (a) report such non-compliance to the Department within 24 hours of becoming aware thereof;

- (b) take appropriate remedial actions to prevent a recurrence thereof; and
- (c) provide the Department with a report on the nature and causes of the non-compliance, the consequences of the non-compliance, and corrective or preventive actions taken or to be taken.

(2) In case of a nuclear security event, the authorisation holder must –

- (a) inform the Department within 24 hours of the event;
- (b) take appropriate remedial action and further actions to prevent a recurrence of similar situations;
- (c) investigate the event and its causes, circumstances and consequences;
- (d) within 10 working days provide the Department with a report on the outcome of the investigation contemplated in (c) and on the corrective or preventive actions taken or to be taken.

Requirements for security officer

7. (1) An authorisation holder must at all times have available at a facility at which it carries on authorised activities, a sufficient number of security officers to enable the authorisation holder to -

- (a) control the movement of persons, materials and land vehicles;
- (b) conduct searches of persons, materials and land vehicles for contrabands and removal of unauthorised material;
- (c) detect security breaches and vulnerabilities, conduct foot and land vehicle patrols of the facility and the perimeter of the protected area;
- (d) respond to and assess alarm incidents;
- (e) apprehend and detain intruders;
- (f) observe and report on the movements of intruders; and
- (g) operate security equipment.

(2) An authorisation holder must at all times maintain an on-site nuclear response force that is capable of making an effective intervention in case of emergency situation.

(3) An authorisation holder must train each of its security officers in respect of the relevant and current security duties and responsibilities.

Protection Arrangement with off-site nuclear response force

8. (1) An authorisation holder must have a written arrangement with an off-site nuclear response force to provide for the protection of a facility at which it carries on authorised activities; and the off-site nuclear response force must -

- (a) have two way communication between itself and the Security Control Centre;
- (b) be trained to support the guards and on-site nuclear response force in responding to an event when required;
- (c) be acquainted with the site and nuclear material locations to conduct necessary response actions;
- (d) maintain interagency coordination with the authorisation holder to respond and support the authorisation holder during a nuclear security event or incident.

(2) An authorisation holder must, in cooperation with off-site nuclear response force, conduct at least one security exercise annually at an associated facility to test the effectiveness of the contingency plan and of the physical protection system.

Security Control Centre

9. (1) An authorisation holder must have a permanently staffed Security Control Center for monitoring and assessment of alarms, initiation of response, and communication with the guards, nuclear response forces, and facility management.

- (2) An authorisation holder must ensure that-
- (a) information acquired at the Security Control Centre is stored in a secure manner;
 - (b) the Security Control Centre is located in a protected area and must have an uninterrupted and tamper proof power supply, such that it will continue to function in the event of a threat;

- (c) access to the Security Control Centre is strictly controlled.

Nuclear Security Plan

10. (1) An authorisation holder must prepare and submit the security plan that describes nuclear security measures to prevent unauthorized removal or sabotage.

(2) The nuclear security plan must be aligned with threat assessment or security risk assessment addressing the nature, likelihood or acts or events, consequences of acts or events that may expose controlled or classified information to non-State actors or criminal elements.

Contingency Plans

11. (1) An authorisation holder must develop a contingency plan to describe the response to unauthorised acts indicative of attempted unauthorised removal or sabotage;

(2) An authorisation holder must submit a contingency plan to the Department for approval;

(3) An authorisation holder must conduct a security drill or exercises at least once in 60 days to test the effectiveness of the contingency plan and the readiness of its security officer or nuclear response force.

Record Keeping

12. An authorisation holder must in respect of an associated facility –

- (a) keep records of all persons with access to or possession of keys, key cards and other systems;
- (b) maintain records of all devices, including keys and locks, whether electronic or manual, used to control access to a protected area, inner area or vital area; and
- (c) keep records of the personnel authorised to enter a protected area or an inner area.

Site Plan

13. An authorisation holder must maintain a site plan that indicates the location of the facility and includes a description of the following:

- (a) the perimeters and physical barriers of the facility;
- (b) the protected areas; and
- (c) the structure of the barrier enclosing every inner area.

Additional protective measures to prevent unauthorised removal of nuclear material categorised in Annex 1

14. (1) The nuclear material listed in column 1 in Annex 1 has been categorised based on its form, characteristics and risk, as Categories I, II or III.

(2) An authorisation holder who holds an authorisation for nuclear material in the form categorised in Annex 1 as Categories I, II and III must comply with the following additional measures:

- (a) Nuclear material must at least be possessed, used, handled or processed within a limited access area;
- (b) provision must be made for detecting unauthorised intrusion and for appropriate action by sufficient security officers/ or response forces to address nuclear security event;
- (c) technical means and procedures for access control such as keys and computerised access lists should be protected against compromise;
- (d) contingency plans must be prepared to counter malicious acts effectively and to provide for appropriate response by security officer or nuclear response force;
- (e) persons authorised unescorted access to the protected area and inner area should be limited to persons whose trustworthiness has been determined;
- (f) temporary workers and visitors should be escorted by a person with authorised access; and
- (g) the identity of all persons entering protected areas should be verified and they should be issued with appropriately registered passes or badges.

(3) An authorisation holder who holds an authorisation for nuclear material in the form categorised in Annex 1 as Category III, must comply with the following additional measures:

- (a) For movements of Category III nuclear material within a limited access area, the authorisation holder should apply prudent and necessary physical protective measures;
- (b) If the nuclear material is processed, used and stored in an area referred to in sub-regulation (2)(a), an authorisation holder shall ensure that the area is equipped with devices that –
 - (i) detect any intrusion into that area;
 - (ii) detect any unauthorised removal such nuclear material;
 - (iii) detect any tampering that may cause any of the devices to malfunction or cease to function; and
- (c) Provision must be made for appropriate action by security officers or response forces to attempted intrusions.

(4) An authorisation holder who holds an authorisation for nuclear material in the form categorised in Annex 1 as Category II, must comply with the following additional measures:

- (a) Nuclear material must at least be possessed, used, handled or processed within a protected area;
- (b) vehicles, persons and packages entering or leaving the protected areas must be subject to search;
- (c) entry of private vehicles into the protected area must be minimized and limited to designated parking areas;
- (d) a record must be kept of all persons having access to or possession of keys or key-cards concerned with the containment or storage of nuclear material;
- (e) all prudent and necessary protective measures must be applied in the protected area; and

(5) An authorisation holder who holds an authorisation for nuclear material in the form categorised in Annex 1 as Category I must comply with the following additional measures:

- (a) Nuclear material must at least be used or stored within an inner area;
- (b) all persons and packages entering or leaving the inner area should be searched to prevent unauthorised removal of nuclear material, and

equipment for the detection of nuclear material and metals may be used for such searches;

- (c) whenever persons are present in the inner area, that area should be under constant surveillance;
- (d) a record should be kept of all persons having access to or possession of keys or key-cards concerned with the containment or storage of nuclear material; and
- (e) all prudent and necessary physical protective measures must be applied to the movements of nuclear material within the inner area and protected area all.

Annex 1: Categorisation of nuclear material

NUCLEAR MATERIAL	FORM	CATEGORY		
1. Plutonium^a	Unirradiated ^b	2kg or more	Less than 2kg but more than 500 g	500 g or less but more than 15 g
2. Uranium-235	Unirradiated ^b	5 kg or more	Less than 5 kg but more than 1 kg	1 kg or less but more than 15 g
	-uranium enriched to 20% ²³⁵ U or more			
	-uranium enriched to 10% but less than 20% ²³⁵ U			
	-uranium enriched above natural, but less than 10% ²³⁵ U			10 kg or more
3. Uranium-233	Unirradiated ^b	2 kg or more	Less than 2 kg but more than 500 g	500 g or less but more than 15 g
4. Irradiated Fuel			Low enriched fuel (less than 10 % fissile content)	Uranium oxide (U ₃ O ₈) Depleted uranium, natural uranium or thorium oxide (ThO ₂)

a. All plutonium except that with isotopic concentration exceeding 80% in plutonium-238

b. Material not irradiated in a reactor or material irradiated in a reactor with a radiation level equal to or less than 1 Gy/hr

SOUTH AFRICAN REVENUE SERVICE

NO. R. 408

7 May 2021

GENERAL EXPLANATORY NOTE:

[] Words that are between square brackets and in bold typeface, indicate deletions from the existing rules

_____ Words that are underlined with a solid line, indicate insertions in the existing rules

CUSTOMS AND EXCISE ACT, 1964**AMENDMENT OF RULES**

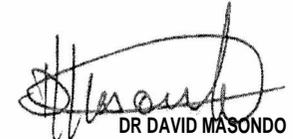
Under sections 76 and 120 of the Customs and Excise Act, 1964 (Act No. 91 of 1964), the rules published in Government Notice R.1874 of 8 December 1995, are herewith amended to the extent set out in the Schedule hereto.

**EDWARD CHRISTIAN KIESWETTER****COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE****SCHEDULE****Deletion of rule 76.02**

The Rules for section 76 is hereby amended by the deletion of rule 76.02.

CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1666)

In terms of section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.


DR DAVID MASONDO
DEPUTY MINISTER OF FINANCE

SCHEDULE

By the insertion of the following:

Heading / Subheading	CD	Article Description	Statistical Unit	Rate of Duty					
				General	EU	EFTA	SADC	MERCOSUR	AfCFTA
6506.10.20	9	-- Other helmets for motorcyclist or other motorsports (including motorboat activities)	u	free	free	free	free	free	free

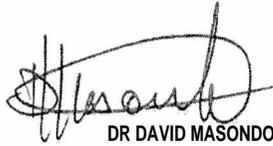
NO. R. 409

SOUTH AFRICAN REVENUE SERVICE

7 May 2021

DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 1 (NO. 1/1/1666)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.


DR DAVID MASONDO
ADJUNKMINISTER VAN FINANSIES

BYLAE

Deur die invoeging van die volgende:

Pos / Subpos	TS	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg					
				Algemeen	EU	EFTA	SAOG	MERCOSUR	AfCFTA
6506.10.20	9	-- Ander helms vir motorfietsryers of ander motorsport (motorbootaktiwiteite ingesluit)	u	vry	vry	vry	vry	vry	vry

NO. R. 409

SUID-AFRIKAANSE INKOMSTEDIENS

7 May 2021

DEPARTMENT OF TRANSPORT

NO. R. 410

7 May 2021

CIVIL AVIATION ACT, 2009 (ACT NO. 13 OF 2009)

CIVIL AVIATION REGULATIONS, 2011

The Minister of Transport intends, in terms of section 155(1) of the Civil Aviation Act, 2009 (Act No. 13 of 2009) and on the recommendation of the Civil Aviation Regulations Committee (CARCom), to amend the Civil Aviation Regulations, 2011, by the amendment of the following Parts set out in Schedules below:

Schedule 1:	Part	1	Abbreviations Definitions
Schedule 2:	Part	61	Pilot Licensing
Schedule 3:	Part	63	Flight Engineer Licensing
Schedule 4:	Part	65	ATS Personnel Licensing
Schedule 5:	Part	66	Aircraft Maintenance Engineer Licensing
Schedule 6:	Part	91	General Aviation and Operation Flight Rules
Schedule 7:	Part	172	Air Traffic Services

The Director of Civil Aviation intends, in terms of section 163 of the Civil Aviation Act and on Recommendation of CARCom, to amend the Technical Standards by the amendment of the Following parts set out in the Schedules below:

Schedule 8:	SA CATS	21	Certification Procedures for Products and Parts
Schedule 9:	SA CATS	61	Pilot Licensing
Schedule 10:	SA CATS	62	National Pilot Licensing
Schedule 11:	SA CATS	91	General Aviation and Operation Flight Rules
Schedule 12:	SA CATS	171	Aeronautical Telecommunication Service Providers

Electronic copies of the draft Amendments are available in the South African Civil Aviation Authority website at www.caa.co.za and may also be requested from Zama Madonsela at MadonselaZ@caa.co.za

Interested persons are hereby invited to submit written comments on these draft amendments on or before the **7 June 2021** to the Chairperson: CARCom, for the attention of.

Sipho Skosana
 Private Bag X73
 Halfway house
 1685
 Email: skosanas@caa.co.za
 Tel: 011 545 - 1095

PROCLAMATIONS • PROKLAMASIES

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**NO. R. 16****7 May 2021****by the****PRESIDENT of the REPUBLIC of SOUTH AFRICA****SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996:
REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as “the Act”), have been made in respect of the affairs of the KwaZulu-Natal Department of Transport (hereinafter referred to as “the Department”);

AND WHEREAS the Department or the State may have suffered losses that may be recovered;

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

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Department, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Department;
- (b) improper or unlawful conduct by officials or 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) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed 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 took place between 13 July 2016 and the date of publication of the Proclamation or which took place prior to 13 July 2016 or after the date of publication of the Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of the Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Department or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this 22nd day of July Two thousand and twenty one.

CM Ramaphosa
President

By Order of the President-in-Cabinet:

RO Lamola
Minister of the Cabinet

SCHEDULE

1. The procurement of and contracting for the construction of a concrete barrier wall in terms of tender number ZNT4128/16T: construction of a concrete barrier wall between uMkhanyakude and Mozambique Border Phase 1: KM0, 0 to KM8 (labour intensive construction) and payments made in respect thereof in a manner that was—

- (a) not fair, competitive, transparent, equitable or cost-effective;
- (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the Department,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred or lost suffered by the Department or the State.

2. Any unlawful or improper conduct by—

- (a) officials or employees of the Department; or
- (b) any other person or entity,

in relation to the allegations set out in paragraph 1 of this Schedule.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 16

7 May 2021

van die
PRESIDENT van die REPUBLIEK van SUID AFRIKA

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996:
VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE
ONDERSOEKEENHEID**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as “die Wet”), gemaak is in verband met die aangeleenthede van die KwaZulu-Natal Departement van Vervoer (hierna na verwys as “die Departement”);

EN AANGESIEN die Departement of die Staat verliese gely het wat verhaal kan word;

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

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld ten opsigte van die Departement vir ondersoek na die Spesiale Ondersoekeenhede ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenhede is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die

Departement;

- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Departement; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 13 Julie 2016 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 13 Julie 2016 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Departement of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die 22ste dag van Julie Tweeduisend-en-een-en-twintig.

CM Ramaphosa
President

Op las van die President-in-Kabinet

RO Lamola
Minister van die Kabinet

BYLAE

1. Die verkryging van, en kontraktering vir, die bou van 'n beton versperringsmuur ingevolge tendernommer ZNT4128/16T: konstruksie van 'n beton versperringsmuur tussen uMkhanyakude en Mosambiek Grens Fase 1: KM0, 0 tot KM8 (arbeidsintensiewe konstruksie) en betalings wat ten opsigte daarvan gemaak is op 'n wyse wat—

- (a) nie regverdig, mededingend, deursigtig, billik of koste-effektief is nie;
- (b) strydig was met—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of die betrokke Provinsiale Tesourie uitgevaardig is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Departement van toepassing is,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat aangegaan is, of verliese wat gely is deur die Departement of die Staat.

2. Enige onbehoorlike of onwettige optrede deur—

- (a) beamptes of werknemers van die Departement; of
- (b) enige ander persoon of entiteit,

ten opsigte van die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.