PROCLAMATION NOTICE 344 OF 2026

PROCLAMATION
by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA

No. R. , 2026

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) (hereinafter referred to as "the Act"), have been made in respect of the affairs of the Eastern Cape Department of Public Works and Infrastructure (formerly known as the Eastern Cape Department of Roads and Public Works) (hereinafter referred to as "the Department");

AND WHEREAS the Department 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, and at the request of or in consultation with the Premier of the Eastern Cape, 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 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;

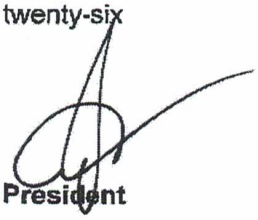
(e) intentional or negligent loss of public money or damage to public property;

(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 1 January 2011 and the date of publication of this Proclamation or which took place prior to 1 January 2011 or after the date of publication of this 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 this 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 .....Pretoria..... this .....21..... day of .....July..... Two thousand and twenty-six



President

By Order of the President-in-Cabinet:

Minister of the Cabinet

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Schedule

1. The procurement of, or contracting for goods, works or services in terms of:
   (a) SCMU5 - 10/11 – 0186 (Upgrading of Road DR08125 from the N2 to Sipetu Hospital (Phase 1) ±10km);
   (b) SCMU5 - 13/14 – 048 (Urgent Re-Gravelling of DR 18033 and DR08288);
   (c) SCMU5 - 13/14 - 052 (Emergency Preparation of Road, Platform and Parking for MEC Kolisile's Funeral);
   (d) Emergency Gravelling (DR08076: Flood damage repairs to gravel roads in the Elundini LMA – 08076); and
   (e) SCMU5 – 23/24 - 0048 (Appointment of a Service Provider(s) to Provide Security Services for Head Office Clusters for a Period of 36 Months),

   by or on behalf of the Department, and payments made in relation thereto in a manner that was–
   (aa) not fair, competitive, transparent, equitable or cost-effective; or
   (bb) contrary to applicable–
   (i) legislation;
   (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury;
   (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 by the Department or the State;
2. Any irregular, unlawful or improper conduct, including serious maladministration and the causes thereof, by–
   (a) officials or employees of the Department; or
   (b) the applicable suppliers or service providers of the Department; or
   (c) any other person or entity,

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

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