PROCLAMATION NOTICE 348 OF 2026

by the

PRESIDENT of the REPUBLIC of SOUTH AFRICA

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) ("the Act"), have been made in respect of the affairs of the Northwest Transport Investments (SOC) Limited ("the NTI"); Northwest Star (SOC) Limited ("the NSL"), a wholly owned subsidiary of the NTI; and Atteridgeville Bus Service (SOC) Limited ("the ABS"), a wholly owned subsidiary of the NSL ("the NTI", "the NSL" and "the ABS" are hereinafter collectively referred to as "the NTI");

AND WHEREAS the NTI 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 NTI, 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 NTI;

(b) improper or unlawful conduct by employees of the NTI;

(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 NTI; 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 21 July 2022 and the date of publication of this Proclamation or which took place prior to 21 July 2022 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 NTI 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 3 day of August Two thousand and twenty-six.

President

By Order of the President-in-Cabinet:

Minister of the Cabinet

Schedule

1. The procurement of or contracting for—
   1.1. fuel from Zentrafor Fuel (Pty) Limited trading as FuelU, with registration number 2015/153351/07;
   1.2. vehicle rental services in terms of a Vehicle Rental Agreement dated 28 July 2023;
   1.3. commuter bus services in terms of a Sub-Contractor Agreement dated 7 July 2023,

   by or on behalf of the NTI 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, where applicable, the relevant Provincial Treasury;
      (iii) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the NTI,

   and related unauthorised, irregular or fruitless and wasteful expenditure incurred by the NTI or the State.

2. Serious maladministration in the affairs of the NTI in relation to the receipt, processing, approval and payment of claims submitted by—
   2.1. Tansnat Coachlines (Pty) Limited, with registration number 2001/011994/07;
   2.2. Ziggy Investments CC with registration number 2009/188787/23; and
   2.3. Tansnat Coachlines (Pty) Limited Ziggy Investment CC Joint Venture;

   in a manner that was–
   (a) contrary to applicable—
      (i) legislation;
      (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or, where applicable, the relevant Provincial Treasury; and

(iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the NTI; and

(b) conducted by or facilitated through the unlawful or improper conduct of —

(i) the Business Rescue Practitioner appointed on 21 July 2022 or the Business Rescue Practitioner's agents;

(ii) employees or officials of the NTI; or

(iii) any other person or entity,

to unduly benefit themselves or others, including the causes of such serious maladministration and any losses, damages or prejudice actually or potentially suffered by the NTI or the State in relation thereto.

3. Any irregular, unlawful or improper conduct by—

3.1 the Business Rescue Practitioner appointed on 21 July 2022 or the Business Rescue Practitioner's agents;

3.2 employees or officials or agents of the NTI; or

3.3 any other person or entity,

in relation to the allegations as set out in paragraphs 1 and 2 of this Schedule.

PROKLAMASIE KENNISGEWING 348 VAN 2026

deur die

PRESIDENT van die REPUBLIEK van SUID-AFRIKA

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (die "Wet"), gemaak is ten opsigte van die sake van die "Northwest Transport Investments (SOC) Limited" (die "NTI"); "Northwest Star (SOC) Limited" (die "NSL"), 'n volle filiaal van die NTI; en "Atteridgeville Bus Service (SOC) Limited" (die "ABS"), 'n volle filiaal van die NSL (die "NTI", die "NSL" en die "ABS" word hierna gesamentlik na verwys as die "NTI");

EN AANGESIEN die NTI moontlik verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat die vermelde bewerings ondersoek moet word en siviele verrigtinge wat uit sodanige ondersoek voortspruit, bereg moet word;

DERHALWE verwys ek nou, kragtens 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die NTI, vir ondersoek na die Spesiale Ondersoekeenheid 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 Ondersoekeenheid is om ondersoek in te stel, soos in die Wet beoog, na enige beweerde—

(a) ernstige wanadministrasie in verband met die sake van die NTI;

(b) onbehoorlike of onregmatige optrede deur werknemers van die NTI;

(c) onregmatige bewilliging of besteding van publieke geld of eiendom;

(d) onwettige, onreëlmatige of niegoedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;

(e) opsetlike of nalatige verlies van 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 in verband met die sake van die NTI; of

(g) onregmatige 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 21 Julie 2022 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 21 Julie 2022 of na die datum van publikasie van hierdie Proklamasie, maar betrekking het op, verband hou met, insidenteel of aanvullend is tot die aangeleenthede in die Bylae is of dieselfde persone, entiteite of kontrakte betrek wat onder die gesag van hierdie Proklamasie ondersoek word, en om al die werksaamhede en bevoegdhede deur die Wet aan die vermelde Spesiale Ondersoekeenheid verleen word, uit te voer of te verrig, met inbegrip van om enige verliese wat die Munisipaliteit of die Staat met betrekking tot die in die Bylae vermelde sake, gely het, te verhaal.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te ...Pretoria..... op hede die ...3... dag van ...August... Tweeduisend-ses-en-twintig.

President

Op las van die President- in- Kabinet:

Minister van die Kabinet

Bylae

1. Die verkryging of kontraktering van—
   1.1. brandstof vanaf "Zentrafor Fuel (Pty) Limited" wat handel as "FuelIU", met registrasie nommer 2015/153351/07;
   1.2. voertuigverhuurdienste ingevolge 'n voertuigverhuur ooreenkoms gedateer 28 Julie 2023;
   1.3. passasierbusdienste ingevolge 'n sub-kontrakteur ooreenkoms gedateer 7 Julie 2023,

   deur of namens die NTI en betalings wat ten opsigte darvan gemaak is op 'n wyse wat—
   (a) nie billik, mededingend, deursigtig, gelyk of koste-effektief was nie;
   (b) strydig was met toepaslike—
      (i) wetgewing;
      (ii) handleidings, riglyne, praktyknotas, omsendbriewe of instruksies wat deur die Nasionale Tesourie, of waar toepaslik, die tersaaklike Provinsiale Tesourie, uitgevaardig is;
      (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van of van toepassing op die NTI,

   en verwante ongemagtigde, onreëlmatige of vrugtelose en verkwistende uitgawes deur die NTI of die Staat aangegaan.

2. Ernstige wanadministrasie in verband met die sake van NTI betreffende die ontvangs, vaslegging, verwerking, verifiëring, assessering, magtiging en betaling van eise ingedien deur—
   2.1. "Transnat Coachlines (Pty) Limited", met registrasie nommer 2001/011994/07;
   2.2. "Ziggy Investments CC" met registrasie nommer 2009/188787/23; en
   2.3. "Transnat Coahlines (Pty) Limited Ziggy Investment CC" gesamentlike onderneming;

   op 'n wyse wat—
   (a) strydig was met toepaslike—
      (i) wetgewing;

(ii) handleidings, riglyne, praktyknotas, omsendbriewe of instruksies wat deur die Nasionale Tesourie, of waar toepaslik, die tersaaklike Provinsiale Tesourie, uitgevaardig is; en

(iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van of van toepassing op die NTI, en

(b) gevoer is of vergemaklik is deur die onregmatige of onbehoorlike gedrag van—

(i) die besigheidsreddingspraktisyn wat aangestel is op 21 Julie 2022 of die besigheidsreddingspraktisyn se agente;

(ii) werknemers of amptenare van die NTI; of

(iii) enige ander persoon of entiteit,

wat hulself of ander onbehoorlik bevoordeel, met inbegrip van die oorsake van sodanige ernstige wanadministrasie en enige verliesse, skade, of nadeel wat werklik of moontlik deur die NTI of die Staat in verband daarmee gely is.

3. Enige onreëlmatige, onregmatige of onbehoorlike optrede deur—

3.1 die besigheidsreddingspraktisyn wat aangestel is op 21 Julie 2022 of die besigheidsreddingspraktisyn se agente;

3.2 werknemer of beamptes of agente van die NTI; of

3.3 enige ander persoon of entiteit,

in verband met die bewerings in paragraaf 1 en 2 van hierdie Bylae uiteengesit.