



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 646

4 April
April 2019

No. 42383

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ISSN 1682-5843



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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. 20 OF 2019

**by the
President of the Republic of South Africa**

**Establishment of an Investigating Directorate in the Office of the National
Director of Public Prosecutions**

I hereby, in terms of section 7(1) of the National Prosecuting Authority Act, 1998 (Act No.32 of 1998) ("the NPA Act"), on the recommendation of the Minister of Justice and Correctional Services, the Minister of Police and the National Director of Public Prosecutions, proclaim the establishment of an Investigating Directorate in respect of the following criminal offences:

1. Common law offences of:
 - (a) Fraud,
 - (b) Forgery,
 - (c) Uttering
 - (d) Theft; and
 - (e) Any offence involving dishonesty;and

2. Statutory offences including but not limited to contraventions of:
 - (a) The Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004);
 - (b) The Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998);
 - (c) The Protection of Constitutional Democracy against Terrorist and Related Activities, 2004 (Act No. 33 of 2004);
 - (d) The Public Finance Management Act, 1999 (Act No.1 of 1999);
 - (e) The Local Government: Municipal Finance Management , 2003(Act No.56 of 2003:

- (f) The Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001); and
- (g) Any other statutory offence involving dishonesty.

3. In addition, any unlawful activities relating to serious, high profile or complex corruption cases including but not limited to offences or criminal or unlawful activities arising from the following commissions and inquiry:

- (a) The Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State promulgated under Presidential Proclamation No. 3 of 2018 published in Government Gazette No. 41403, 25 January 2018;
- (b) The Commission of Inquiry into Tax Administration and Governance by the South African Revenue Service (SARS) established by Presidential Proclamation No. 17 of 2018 published in Government Gazette No. 41562 of 24 May 2018;
- (c) The Commission of Inquiry into Allegations for Impropriety regarding the Public Investment Corporation established under Presidential Proclamation No. 30 of 2018. Published in the Government Gazette No.41979 of 17 October 2018; and
- (d) Any other serious, high profile or complex cases of corruption referred to the Directorate by the National Director in accordance with Section 28(1)(b) of the NPA Act.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg on this the 25th day of March Two Thousand and Nineteen.



PRESIDENT



MINISTER OF THE CABINET

PROKLAMASIE NO. 20 VAN 2019

deur die

President van die Republiek van Suid-Afrika**Instelling van 'n Ondersoekdirekoraat in die Kantoor van die Nasionale
Direkteur van Openbare Vervolgings**

Kragtens artikel 7(1) van die Wet op die Nasionale Vervolgingsgesag, 1998 (Wet No. 32 of 1998) ("die NVG Wet"), op die aanbeveling van die Minister van Justisie en Korrektiewe Dienste, die Minister van Polisie en die Nasionale Direkteur van Openbare Vervolgings, proklameer ek hierby die instelling van 'n Ondersoekdirekoraat ten opsigte van die volgende strafregtelike misdrywe:

1. Gemeenregtelike misdrywe van:
 - (a) Bedrog;
 - (b) Vervalsing;
 - (c) Uitgifte;
 - (d) Diefstal; en
 - (e) Enige misdryf waarby oneerlikheid betrokke is.

2. Statutêre misdrywe, met inbegrip van, maar nie beperk nie, tot, oortredings van:
 - (a) Die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004);
 - (b) Die Wet op die Voorkoming van Georganiseerde Misdaad, 1998 (Wet No. 121 van 1998);
 - (c) Die Wet op Beskerming van Konstitusionele Demokrasie Teen Terroriste-en Verwante Aktiwiteite, 2004 (Wet No. 33 van 2004);

- (d) Die Wet op Openbare Finansiële Bestuur, 1999 (Wet No.1 van 1999);
 - (e) Die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet No. 56 van 2003);
 - (f) Die Wet op die Finansiële Intelligensiesentrum, 2001 (Wet No.38 van 2001);
en
 - (g) Enige ander statutêre misdryf waarby oneerlikheid betrokke is.
3. Bykomend, enige onregmatige aktiwiteite betreffende *ernstige, hoë profiel of komplekse korrupsie* met inbegrip van, maar nie beperk nie, tot, misdrywe of kriminele of onregmatige aktiwiteite voortspruitend uit die volgende kommissies van ondersoek:
- (a) Die Kommissie van Ondersoek Na Bewerings van Staatskaping, Korrupsie en Bedrog in die Openbare Sektor Met Inbegrip Van Staatsorgane, afgekondig kragtens Presidensiële Proklamasie No. 3 van 2018, gepubliseer in Staatskoerant No. 41403 van 25 Januarie 2018;
 - (b) Die Kommissie van Ondersoek Na Belasting Administrasie en Bestuur deur die Suid-Afrikaanse Inkomstediens (SAID), aangestel kragtens Presidensiële Proklamasie No. 17 van 2018, gepubliseer in Staatskoerant No. 41562 van 24 Mei 2018;
 - (c) Die Kommissie van Ondersoek Na Bewerings Van Onbehoorlikheid Rakende die "Public Investment Corporation", aangestel kragtens Presidensiële Proklamasie No. 30 van 2018, gepubliseer in Staatskoerant No. 41979 van 17 Oktober 2018; en
 - (d) Enige ander ernstige, hoë profiel of komplekse sake van korrupsie deur die Nasionale Direkteur na die Direktoraat verwys ingevolge artikel 28(1)(b) van die NVG Wet.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te _____
op hede die _____ dag van _____ Tweeduisend-en-Negentien.

President

Minister van die Kabinet

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065