

SCHEDULE B

REGULATIONS

1. In these regulations, unless the context otherwise indicates—

“Chairperson” means the Chairperson of the Commission;

“Commission” means the commission of inquiry appointed in Schedule A;

“document” includes—

(a) any paper or other object on which there is writing or images;

(b) any object from which writing, sounds or images can be reproduced or retrieved; or

(c) any electronically stored information that is transmittable;

“inquiry” means any inquiry conducted by the Commission; and

“the Act” means the Western Cape Provincial Commissions Act, 1998 (Act 10 of 1998).

2. The proceedings of the Commission must be recorded in a manner determined by the Commission.

3. Every person employed in the execution of the functions of the Commission, including any person appointed or designated to take down or record the proceedings of the Commission in writing or by mechanical means, or employed to transcribe the records so taken down, must preserve the confidentiality of any matter or information that may come to his or her

knowledge in the performance of his or her duties in connection with the said functions, except in so far as the publication of such matter or information is necessary or incidental to the report of the Commission.

4. Subject to section 2(2) of the Act, and unless the relevant document or material has become public record by virtue thereof, no person may communicate to any other person any matter or information which may have to come to his or her knowledge in connection with the inquiry of the Commission, or suffer or permit any other person to have access to any records of the Commission, except in so far as it is necessary in the performance of his or her duties in connection with the functions of the Commission or by order of a competent court.
5. The Chairperson may, subject to the prior written consent of the Premier, designate one or more knowledgeable persons to assist the Commission in the performance of some of its functions, in a capacity other than that of a member of the Commission.
6. Where, at the time of any person giving evidence before the Commission, members of the general public are excluded from the proceedings by virtue of section 2(2) of the Act, the Chairperson may direct that no person may disclose the name or address of such person or any information likely to reveal his or her identity.
7. No evidence regarding any fact or information that comes to light during the proceedings of the Commission is admissible in any civil or criminal proceedings, except in criminal proceedings where the person concerned has been charged with an offence in terms of section 4 of the Act.
8. Except insofar as is necessary for the workings of the Commission as envisaged in the Act, read with the terms of reference of the Commission, no person may publish or furnish any person with the report or any interim report of the Commission, or information regarding the consideration of evidence by the Commission before the publication of any such report has been approved by the Premier.

9. No person may insult, disparage or belittle the Chairperson or any member of the Commission or prejudice the proceedings or findings of the Commission.
10. Any person who contravenes or fails to comply with regulation 3, 4, 6, 8 or 9 is guilty of an offence and liable on conviction to a fine not exceeding six thousand rand or imprisonment for a period not exceeding six months or both.