

# SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

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## PART C

S1

LEGAL NOTICE NO. 114 OF 1982

### THE MAGISTRATE'S COURT ACT, 1938

(Act No. 66 of 1938)

#### THE TARIFF OF FEES OF MESSENGERS (AMENDMENT) NOTICE, 1982

(Under section 95)

In exercise of the powers conferred by section 95 of the Magistrate's Court Act, 1938, I hereby issue the following Notice —

##### *Citation.*

1. This Notice may be cited as the Tariff of Fees of Messengers (Amendment) Notice, 1982.

##### *Replacement of Table B.*

2. Table B of the Second Annexure to the Magistrate's Court Rules, 1938 is replaced with the following—

#### "TABLE B TARIFF OF FEES OF MESSENGERS

- |    |  |        |
|----|--|--------|
| 1. | (a) Service or attempted service   | E 2—00 |
|    | (b) Making out a Return of Service, or non-service in terms of Order II, Rules 4 & 5   | E 1—00 |
|    | (c) Flat rate on all processes   | E 6—00 |
| 2. | (a) In addition to travelling allowance, subsistence may be charged at   | E 3—00 |
|    | (b) Travelling allowance for service or attempted service of any process, travelling from the Court House and returning thereto, per km or part thereof  | E—25   |
|    | (c) Travelling allowance shall be payable on each separate service:  |        |
|    | Provided that if the same process is to be served on more than one person at the same address only one charge travelling shall be made.  |        |
|    | (d) If it is necessary for a Messenger to convey any person under arrest from any distance, the travelling allowance payable to the Messenger from the place of arrest to the place of custody shall be doubled. |        |
| 3. | (a) Inventory per 100 words or part thereof  | E 1—50 |
|    | (b) Each necessary copy thereof (if actually made)   | E —50  |
| 4. | (a) Notice of attachment   | E 1—50 |
|    | (b) Each necessary copy thereof (if actually made)   | E —50  |
| 5. | (a) Drawing advertisement for sale of goods attached   | E 3—00 |
|    | (b) Costs of advertisement shall be charged as per amount reflected on a receipt produced by the Messenger   |        |
|    | (c) Any notice of sale published at the Court House and any other public places  | E 2—00 |

6. (a) If a Writ is paid in full or part on presentation of 4% of the amount paid
- (b) If the Writ is stayed or withdrawn by the Judgment creditor or the judgment debtor's estate is sequestrated before attachment of any movable property, 3% of the amount of the Writ.
- (c) If a Writ is stayed, withdrawn by the judgment creditor or the Judgment debtor's estate is sequestrated after attachment of any movable property but before the sale of the property, 4% of the amount of the Writ:
 

Provided that if a sale subsequently takes place in consequence of such attachment the amount so paid shall be deducted from the commission payable under paragraph 7.
- (d) If the Writ is paid by the Judgment debtor to the Messenger or the party issuing it after attachment of any movable property but before the sale of the property, 5% of the amount of the Writ.
7. Commission on the sale of movable property attached, 5% on the amount realised.
8. If immovable property has been attached but the Writ is stayed, withdrawn by the Judgment creditor or the Judgment debtor's estate is sequestrated before sale, 4% of the amount of the Writ plus proved expenses in connection with attempted sale.
9. Commission on immovable property which has been sold in execution, 5% of the amount realised.
10. Fee for ascertaining whether or not an immovable property is subject to a claim ranking in priority E 3—00
11. Notice requiring a Judgment debtor to deliver all documents in his possession or under his control relating to his title of an attached immovable property E 3—00
12. Notice to a Judgment creditor of a claim against any attached property, movable or immovable, by a third party E 1—50
13. Preparing and issuing interpleader summons E 7—00
14. Vendu Roll E 7—00
15. Costs of transfer of immovable property, as per scale applicable to conveyancers.
16. Fees payable to a custodian (other than the debtor), or the Messenger for keeping possession of or storing property attached per day E 1—50
17. For vehicle, proceeding to collect, and remove, attached goods, including standing time, if delayed, tariff as per current transport charges.
18. Driving livestock from place of attachment to place of custody or sale (herd boys at E4—00 per day).
19. Herding and preserving attached livestock as per fees charged by the Ministry of Agriculture at cattle holdings.
20. Insuring attached movable property if necessary, and/or, on instructions of the party issuing at writ.
21. Effecting arrest E10—00
22. Conveying an arrested person from the place of custody to Court, 40c per km travelled between the Court House and the place of custody.
23. Drawing a Bail Bond, Deed of Security or Indemnity E 7—00
24. Executing a writ of attachment of movable property E 5—00

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|-----|---|--------|
| 25. | Executing a Writ of Ejectment   | E10—00 |
| 26. | Executing a Writ of attachment of immovable property or attachment suspectus de fuga, including notices incidental thereto  | E 5—00 |
| 27. | Executing Writ of attachment of pension, salary, wages and inheritance of rights of similar character and each notice to the parties concerned  | E 5—00 |
| 28. | Notice of the Registrar of Deeds withdrawing an attachment on immovable property  | E 5—00 |
| 29. | (a) In addition to the above fees Messengers shall be entitled to postage and telephone call paid by them.  |        |
|     | (b) For all necessary letters and memos etc., to attorneys, per letter.   | E 2—00 |
|     | (c) per copy thereof  | E 1—00 |
|     | (d) For time enquiring or obtaining stock removal permits   | E 5—00 |
| 30. | For any delay caused to a Messenger engaged in serving any process (including travelling by foot, where no other means practicable, per hour or part thereof  | E 4—00 |
| 31. | The fees and charges for all work reasonably and necessarily done in the service or execution of processes for which no provision may be made in this tariff, shall be assessed and every question arising under or relative to such tariff shall be determined by the Taxing officer." |        |

C.J.M. NATHAN  
*Chief Justice*

MBABANE,  
 11th November, 1982.

S4

LEGAL NOTICE NO. 115 OF 1982

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THE MAGISTRATE'S COURT ACT, 1938

(Act No. 66 of 1938)

APPOINTMENT OF MAGISTRATE

(Under section 4)

In exercise of the powers conferred by section 4 of the Magistrate's Court Act, 1938, the Minister for Justice, with the concurrence of the Prime Minister hereby appoints:

LAWRENCE LUSENDVO THWALA

as a magistrate to preside over Magistrate's Courts of 1st Class with effect from 1st October, 1981.

R.M. MABILA

*Permanent Secretary*

MBABANE,  
15th November, 1982.