



SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

VOL. XXIII]

MBABANE, Friday, June 7th., 1985

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PUBLISHED BY AUTHORITY

SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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THE CRIMES (AMENDMENT) BILL, 1985

(Bill No. 14 of 1985)

(To be presented by the Minister for Justice)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend the Crimes Act, 1889 so as to make it a criminal offence to be in unlawful possession of a human body or part thereof and to provide for other matters relating thereto.

D.P. MAKANZA
Attorney-General

A BILL
entitled

An Act to amend the Crimes Act, 1889.

ENACTED by the Regent and the Parliament of Swaziland.

Short title.

1. This Act may be cited as the Crimes (Amendment) Act, 1985 and shall be read as one with the Crimes Act, 1889.

Amendment of Chapter 4.

2. Chapter 4 of the Crimes Act, 1889 is amended by adding the following new section immediately after section 80 —

“Unlawful possession etc., of human body or part thereof

80 bis (1) Any person who —

- (a) is in unlawful possession of a human body or part thereof;
- (b) receives, retains or conveys a human body or part thereof which he knows to have been unlawfully obtained;

“unlawful possession etc., of human body or part thereof 80 bis.

(1) Any person who —

- (a) is in unlawful possession of a human body or part thereof;
- (b) receives, retains or conveys a human body or part thereof which he knows to have been unlawfully obtained;
- (c) with intent to remove, excise or extract any part of a human body or to do any similar act —

- (i) abducts, confines, kidnaps or assaults another person; or
- (ii) maims, mutilates, disfigures or dismembers a human body or does any similar act; or
- (d) counsels, procures, incites, persuades, recommends, directs or orders any other person to do any act which is an offence under this section

shall be guilty of an offence and shall on conviction be liable to a term of imprisonment not exceeding fifteen years without the option of a fine.

(2) Any person who knows of any other person who has unlawful possession of a human body or part thereof and, without reasonable cause, fails to report such other person to a police station or to a chief, indvuna or umgijimi within twenty-four hours of such knowledge shall be guilty of an offence and on conviction shall be liable to a term of imprisonment not exceeding five years without the option of a fine.

(3) In any proceedings under this section where the prosecution proves that the body or part of a body relating to the alleged offence is that of a human being —

- (a) the onus shall be on the accused to prove that the act, possession or intention relating to the offence was not unlawful;
- (b) the question as to whether the body or part of a body is that of a living person or a deceased person or of any particular person shall be immaterial.

(4) Where a person is charged with murder or culpable homicide and the evidence is sufficient to prove an offence under sub-section (1) but not to prove murder or culpable homicide, the Court may convict such person of an offence under that subsection as if he had been charged with that offence.

(5) Notwithstanding section 20 of the Criminal Procedure and Evidence Act, 1939, no prosecution under this section shall be barred by the lapse of time specified in that section.

(6) Nothing in this section shall be construed as prohibiting any lawful act —

- (a) in pursuance of a burial, interment or any other mode of disposal of a body or part thereof including its disposal in accordance with any law or Swazi law and customs; or
- (b) for the purpose of bona fide medical, dental, scientific or educational research, practice or study or any other similar purpose in accordance with a written authority issued by the Minister responsible for health.

LEGAL NOTICE NO. 63 OF 1985

THE CONTROL OF CEREALS ACT, 1959

(Act No. 28 of 1959)

CONTROL OF PRICES OF MAIZE AND MAIZE MEAL NOTICE, 1985

(Under section 4)

In exercise of the powers conferred by section 4 of the Control of Cereals Act, 1959 the Minister for Agriculture and Co-operatives hereby issues the following Notice —

Citation and commencement.

1. This Notice may be cited as the Control of Prices of Maize and Maize Meal Notice, 1985 and shall come into force on the 7th June, 1985.

Interpretation.

2. In this Notice —

“bag of maize” means a unit of 70kgs net weight of maize fit for human consumption and packed in a sound container;

“bag of maize meal” means a unit of 80kgs net weight of maize meal fit for human consumption and packed in a sound container;

“buyer” means a person who holds a licence to import maize or maize products;

“Grade I” means sifted granulated maize meal;

“Grade II” means unsifted granulated maize meal;

“Sound container” means a bag of not less than Grade I second hand quality.

Minimum price of maize produced in Swaziland.

3. (1) Subject to sub-paragraph (3), a buyer who purchases maize produced in Swaziland shall pay to the producer or seller not less than E21.60 per bag of 70kg together with a bag allowance of 16 cents per bag.

- (2) Sub-paragraph (1) shall apply only in the case of white maize —

- (a) In a sound container;

- (b) of a moisture content not exceeding 12½ per centum; and

- (c) in lots of not less than 30 bags where the producer requires the buyer to transport the maize.

- (3) Where the producer or seller delivers the maize to the buyer at Manzini or any other place authorised by the buyer, the price specified in sub-paragraph (1) shall be increased by the transport charges incurred by him according to the rates specified in the First Schedule.

Maximum retail selling prices of maize meal.

4. (1) The maximum retail selling prices of maize meal in quantities of one bag or more shall be as follows —

(a) Grade I — E39.12 per bag of 80kgs.

(b) Grade II — E36.77 per bag of 80kgs.

(2) Subject to sub-paragraph (3) the maximum retail selling prices specified in the Schedules shall apply to the sale of quantities of less than one bag of maize meal.

(3) If a customer does not supply his own container, the following amounts which shall not be exceeded may be added to the prices specified in the Schedules to cover the cost of containers when maize meal is sold in the following quantities —

Up to 2.3 kg — 1 cent

2.3 to 4.5 kg — 1½ cent

4.5 to 9.1 kg — 2 cents

9.1 to 13.6 kg — 2½ cents

Revocation of Legal Notice No. 72 of 1984.

5. The Control of Prices of Maize and Maize Meal Notice, 1984 is hereby revoked.

FIRST SCHEDULE

Maize Cartage Re-imbursement Rate as from 1st May 1985

Kilometres	Rate Per Ton	Kilometres	Rate Per Ton
1 — 5	E 5.50	81 — 85	E 16.30
6 — 10	6.10	86 — 90	17.00
11 — 15	6.70	91 — 95	17.70
16 — 20	7.25	96 — 100	18.40
21 — 25	7.80	101 — 105	18.90
26 — 30	8.40	106 — 110	19.10
31 — 35	9.00	111 — 115	19.70
36 — 40	9.55	116 — 120	20.25
41 — 45	10.10	121 — 125	20.70
46 — 50	10.70	126 — 130	21.30
51 — 55	12.40	131 — 135	22.00
56 — 60	13.05	136 — 140	22.75
61 — 65	14.00	141 — 145	23.10
66 — 70	14.70	146 — 150	23.60
71 — 75	15.10	151 — 155	24.50
76 — 80	15.60	156 — 160	24.95

SECOND SCHEDULE

(Under Paragraph 4)

MAXIMUM RETAIL PRICE OF SIFTED GRANULATED MAIZE MEAL
KNOWN AS GRADE I

The following prices are based on E39.12 per 80 kilos applicable for sales in quantities of less than whole (80 kilo) bags.

Kilo	Emalangen	Kilos	Emalangen	Kilos	Emalangen
1	0.49	27	13.20	55	26.90
2	0.98	28	13.69	56	27.38
2.5	1.22	29	14.18	57	27.87
3	1.47	30	14.67	58	28.36
4	1.96	31	15.16	59	28.85
5	2.45	32	15.65	60	29.34
6	2.93	33	16.14	61	29.83
7	3.42	34	16.63	62	30.32
8	3.91	35	17.12	63	30.81
9	4.40	36	17.60	64	31.30
10	4.89	37	18.09	65	31.79
11	5.38	38	18.58	66	32.27
12	5.87	39	19.07	67	32.76
12.5	6.11	40	19.56	68	33.25
13	6.36	41	20.05	69	33.74
14	6.85	42	20.54	70	34.23
15	7.34	43	21.03	71	34.72
16	7.82	44	21.52	72	35.21
17	8.31	45	22.01	73	35.70
18	8.80	46	22.49	74	36.19
19	9.29	47	22.98	75	36.68
20	9.78	48	23.47	76	37.16
21	10.27	49	23.96	77	37.65
22	10.76	50	24.45	78	38.14
23	11.25	51	24.94	79	38.63
24	11.74	52	25.43	80	39.12
25	12.23	53	25.92		
26	12.71	54	26.41		

NOTE: Above schedule is calculated on the basis of E0.489 per kilo.

THIRD SCHEDULE

(Under paragraph 4)

MAXIMUM RETAIL PRICE OF UNSIFTED GRANULATED MAIZE MEAL
KNOWN AS GRADE II

The following prices are based on E36.77 per 80 kilos, applicable for sales in quantities of less than whole (80 kilo) bags.

Kilos	Emalangen	Kilos	Emalangen	Kilos	Emalangen
1	0.46	27	12.41	55	25.28
2	0.92	28	12.87	56	25.74
2.5	1.15	29	13.33	57	26.20
3	1.38	30	13.79	58	26.66
4	1.84	31	14.25	59	27.12
5	2.30	32	14.71	60	27.58
6	2.76	33	15.17	61	28.04
7	3.22	34	15.63	62	28.50
8	3.68	35	16.09	63	28.96
9	4.14	36	16.55	64	29.42
10	4.60	37	17.01	65	29.88
11	5.06	38	17.47	66	30.34
12	5.52	39	17.93	67	30.79
12.5	5.75	40	18.39	68	31.25
13	5.98	41	18.84	69	31.71
14	6.43	42	19.30	70	32.17
15	6.89	43	19.76	71	32.63
16	7.35	44	20.22	72	33.09
17	7.81	45	20.68	73	33.55
18	8.27	46	21.14	74	34.01
19	8.73	47	21.60	75	34.47
20	9.19	48	22.06	76	34.93
21	9.65	49	22.52	77	35.39
22	10.11	50	22.98	78	35.85
23	10.57	51	23.44	79	36.31
24	11.03	52	23.90	80	36.77
25	11.49	53	24.36		
26	11.95	54	24.82		

NOTE: Above schedule is calculated on the basis of E0.459625 per kilo.

A.V. KUNENE
Principal Secretary