



SWAZILAND
GOVERNMENT GAZETTE
EXTRAORDINARY

VOL. XXVIII]

MBABANE, Thursday, June 14th., 1990

[No. 730

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SUPPLEMENT TO
THE
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S1

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1990

(Bill No. 7 of 1990)

(To be presented by the Minister for Justice)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend the Legal Practitioners Act, 1964 to provide for a quorum for meetings of the Law Society and to reinstate section 7 of the Act.

J.M. DLAMINI
Acting Attorney-General

A BILL
entitled

An Act to amend the Legal Practitioners Act, 1964.

ENACTED by the King and the Parliament of Swaziland.

Short title.

1. This Act may be cited as the Legal Practitioners (Amendment) Act, 1990 and shall be read as one with the Legal Practitioners Act, 1964 (hereinafter referred to as the "principal Act").

Amendment of section 41.

2. Section 41 of the principal Act is amended by adding after the word "Society" the following words "resident in Swaziland".

Reinstatement of section 7.

3. Section 7 of the principal Act is hereby re-instated and it shall be deemed not to have been repealed by the Legal Practitioners (Amendment) Act, 1988.

THE SWAZILAND LAW REFORM AND DEVELOPMENT COMMISSION BILL, 1990

(Bill No. 8 of 1990)

(To be presented by the Minister for Justice)

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to establish a Law Reform and Development Commission and to make provision for matters relating thereto.

J.M. DLAMINI
Acting Attorney-General

A BILL
entitled

An Act to establish a Law Reform and Development Commission and to provide for other matters relating thereto.

ENACTED by the King and the Parliament of Swaziland.

Short title and commencement.

1. This Act may be cited as the Swaziland Law Reform and Development Commission Act, 1990 and shall come into operation on such date as the Minister may by notice in the Gazette, appoint.

Interpretation.

2. In this Act,

“Commission” means the Swaziland Law Reform and Development Commission established under section 3;

“Minister” means the Minister responsible for justice.

Establishment, composition and officers of the Commission.

3. (1) There is hereby established a body to be known as the Swaziland Law Reform and Development Commission.

(2) The Commission shall consist of the following members –

- (a) A person appointed by the Minister who has such legal qualifications and experience as the Minister may determine and who shall be the Chairman;
- (b) the Attorney-General or his representative;
- (c) the Director of Public Prosecutions;
- (d) the Judicial Commissioner;
- (e) a legally qualified person who is a member of the Law Society of Swaziland appointed by the Minister after consultation with the Society; and
- (f) not more than six other members appointed by the Minister, in consultation with the King.

- (3) A member of the Commission, other than an ex-officio member, shall –
 - (a) hold office for a period of three years which period may be renewed by the Minister; and
 - (b) receive such remuneration, fees and allowances as may be specified in his instrument of appointment by the Minister.
- (4) After consultation with the Commission, the Minister may appoint a Director who has such legal qualifications and experience as he may determine to assist the Commission in the performance of its functions.
- (5) There shall further be appointed at least two legal assistants and such other officers as may be necessary to assist the Commission in the performance of its functions.
- (6) The Director appointed under this section shall, subject to this Act and to the directions of the Chairman, be the chief executive of the Commission and shall be responsible for the day-to-day operations and management of the Commission.

Functions of the Commission.

- 4. (1) The functions of the Commission shall be to keep under review all the laws of the Kingdom of Swaziland with a view to its systematic and orderly reform, development, improvement and modernisation in accordance with the national needs of Swaziland.
- (2) In the performance of its functions but without prejudice to the generality of subsection (1), the Commission may, either at its own instance or upon a request or reference –
 - (a) review any law or part of a law and make proposals which it considers necessary for –
 - (i) bringing that law into conformity with the existing national requirements or circumstances in the Kingdom of Swaziland.
 - (ii) the proper consolidation, simplification or rationalisation of that law;
 - (iii) the elimination of anachronism, anomalies or other defects, repealing unnecessary or obsolete laws and consolidation separate enactments which are in pari materia;
 - (iv) the co-ordination and harmonisation of the concepts and institutions of the common law, statutory law and Swazi law and custom and the orderly reconciliation of differences in those concepts and institutions;
 - (b) make proposals for the adoption of new or more effective methods for the administration of the law, the dispensation of justice and to promote interest and ensure respect for the rule of law;
 - (c) do all such other things as are necessary for, incidental or conducive to the attainment of the objects set out in this section.
- (3) The Commission may –
 - (a) establish and maintain a system of consultation and co-operation with any other person or body of persons within or outside Swaziland engaged in law reform and may obtain any information relating to the legal systems of other countries likely to facilitate or promote its objects;
 - (b) publish or facilitate the publication of materials relating to law reform;

- (c) convene or facilitate the holding of seminars, workshops, public lectures and other meetings for the purpose of discussion or dissemination of information or matter relating to law reform in Swaziland and particularly with a view to gauging public opinion regarding its envisaged recommendations and assessing awareness and response to them.

Mode of performance of Commission's functions

5. (1) The Chairman may, from time to time and after consultation with the Minister, refer to the Commission matters which the Commission shall examine and report upon and make recommendations with a view to reforming the law in relation to those matters either generally or in respect of any particular aspect.
- (2) The Minister may –
 - (a) modify the terms of any reference; or
 - (b) give directions to the Commission as to the order in which it shall deal with references;
- (3) The Commission may, after informing the Minister and at its own instance, undertake the examination of any matter without a reference to it by the Minister.
- (4) (a) In carrying out an examination of any matter whether or not in pursuance of a reference, the Commission may so arrange its work as to enable it to educate the public on the issues involved in that matter and to obtain the people concerned with the issues in question.
- (b) For the purposes of complying with the provisions of paragraph (a), the Commission may do all such acts as in its opinion are necessary to achieve participation by the public in the work of the Commission and may, in particular –
 - (i) organize and hold seminars for the discussion of matters of public concern relevant to the subject of reference;
 - (ii) arrange for public lectures to be given by the Commission;
 - (iii) call for and promote public debates at meetings called by, or for the purposes of, the Commission or through the mass media;
 - (iv) establish and publish a bulletin, periodical or other publication for the purposes of disseminating information on law reform;
 - (v) do any thing which, in the opinion of the Commission, is necessary or desirable for the purposes of publicising its tentative reform recommendations and to obtain awareness of and response to them, by the public.

General powers of the Commission.

6. (1) The Commission may appoint a committee or committees for the purpose of dealing with any particular matter or matters referred to the Commission or intended to be proposed by the Commission to the Minister.
- (2) For the purpose of dealing with any particular matter referred to it, the Commission may co-opt such number of persons to assist it in the collection and organization of material as it may deem necessary.
- (3) The Commission may call upon any person to furnish it with such information as it may specify.
- (4) The Minister may, from time to time make rules or give directions regarding –

- (a) the procedure to be complied with by the Commission in co-opting persons to assist the Commission, and the terms and conditions of service of those persons on the Commission;
- (b) the procedure for the submission to the Commission of any proposals relating to law reform;
- (c) the manner in which proposals for law reform, other than those which are included in references, may be brought to his attention;
- (d) the procedure to be adopted with regard to proposals for law reform made to the Commission by any member of the public and not connected to any reference, or any other matter, already before the Commission.

Submission of proposals and recommendations.

- 7. (1) Subject to subsection (2), where the Commission has concluded the examination of any matter under its consideration it shall draw up a report in suitable form, incorporating such proposals and recommendations as it thinks fit and submit it to the Minister.
- (2) Where the Minister has referred a matter to the Commission or where the Commission under section 5(3) is reviewing or has reviewed any law –
 - (a) the Commission may at any time before making its final report submit to the Minister an interim report on the matter under consideration; and
 - (b) the Minister may, at any time before the Commission has made its final report, direct the Commission to submit to him an interim report on the matter under consideration; or
 - (c) the Minister may refer the matter contained in a final or interim report back to the Commission for its reconsideration with a view to the modification thereof in the light of changed facts or circumstances and may require the Commission to produce a supplementary report.

Annual reports and presentation to Parliament.

- 8. Within twelve months after the end of each financial year or such longer or shorter period as the Minister may direct, the Chairman shall prepare an annual report and submit it to the Minister, who will as soon as practicable lay the report before Parliament.

Rules of procedure.

- 9. Subject to the provisions of this Act, the Commission may make rules governing its proceedings and other matters.

LEGAL NOTICE NO.80 OF 1990

LIQUOR LICENCES ACT, 1964

(Act No. 30 of 1964)

THE LIQUOR LICENCES (AMENDMENT) REGULATIONS, 1990

(Under Section 49)

In exercise of the powers conferred on me by Section 49 of the Liquor Licences Act, 1964 I hereby make the following Regulations –

Citation and Commencement.

1. These Regulations may be cited as The Liquor Licences (Amendment) Regulations, 1990 and shall be read as one with the Liquor Licences Regulations, 1964 (hereinafter referred to as “the principal Regulations”) and shall come into force on 1st July, 1990.

Amendment of regulation 3.

2. Regulation 3 of the principal Regulations is amended –

- (a) in subregulation (1) –
 - (i) in paragraph (a) by replacing the words “a fee of E67” with the words “an advertising fee of E200”.
 - (ii) in paragraph (b) by replacing the words “a fee of E34” with the words “an advertising fee of E100”.
- (b) in subregulation (1) after the words “amount of the” by adding the words “advertising”;
- (c) in subregulation (3) by replacing the words “shall be paid a fee of E15” with the words “shall be paid an advertising fee of E100”.

Amendment of regulation 5.

3. Regulation 5 of the principal Regulations is amended –

- (a) in subregulation (2) by replacing the words “the fee payable is three-fifths of” with the words “the fee payable is eighty per cent of”;
- (b) after subregulation (2) by adding the following new subregulation –

“(2a) Where the Chairman decides in his discretion to consider a late application under section 14(5) of the Act, that application shall be subject to the prior payment of a penalty fee of E40 for each day that it is late.”
- (c) in subregulation (3) –
 - (i) in the opening line by replacing the words “within one month” with the words “within fourteen days”;
 - (ii) in paragraph (a) by replacing the words “each month or part of a month” with the words “each day or part of a day”;

(d) in subregulation (5) –

- (i) in paragraph (a) by replacing the words “a fee equivalent to fifteen per cent” with the words “a fee equivalent to thirty per cent”;
- (ii) in paragraph (b) by replacing the words “a fee of E10” with the words “a fee of E40”.

Amendment of regulation 6.

4. Regulation 6 of the principal Regulations is amended in subregulation (2) after the words “section 17” by adding the words “and 18”.

Amendment of regulation 7.

5. Regulation 7 of the principal Regulation is amended in subregulation (5) –

- (a) in paragraph (a) by replacing the words “on payment of a fee of E100” with the words “on payment of a fee of E200”;
- (b) in paragraph (b) by replacing the words “on payment of a fee of E200” with the words “on payment of a fee of E400”.

Amendment of regulation 8.

6. Regulation 8 of the principal Regulations is amended –

- (a) in subregulation 1(b) in the proviso by replacing the words “a fee of one rand” with the words “a fee of E20”;
- (b) in subregulation (2) –
 - (i) in the opening line after the words “the issuance,” by adding the words “transfer, removal,”;
 - (ii) after paragraph (k) by adding the following paragraph –
 - “(l) a democratic constitution which does not discriminate on the grounds of the race, colour, creed or nationality of its members and is written in the English language exists in respect of the club.”

Amendment of regulation 11.

7. Regulation 11 of the principal Regulations is amended in subregulation (3) in the proviso thereto –

- (a) in paragraph (a) by replacing the words “on payment of a fee of E100” with the words “on payment of a fee of E200”;
- (b) in paragraph (b) by replacing the words “on payment of a fee of E200” with the words “on payment of a fee of E400”;

Amendment of regulation 12.

8. Regulation 12 of the principal Regulations is amended in subregulation (4) by replacing the words “a fee of twenty rand” with the words “a fee of E400”.

Amendment of regulation 13.

9. Regulation 13 of the principal Regulations is amended in subregulation (5) after the words “section 17” by adding the words “and 18”.

Replacement of Schedule.

10. The Schedule to the principal Regulations is replaced with the following –

“SCHEDULE
(Under regulation 3(1))

<i>No.</i>	<i>Type of Licence</i>	<i>Fee</i>
1.	Wholesale Liquor Licence.....	E1500 for 1 year
2.	Hotel Liquor Licence.....	E1000 for 1 year
3.	Club Liquor Licence.....	E 600 for 1 year
4.	Sport Club Liquor Licence.....	E 300 for 1 year
5.	Unfortified Wine and Malt.....	E 300 for 1 year
6.	Restaurant Liquor Licence.....	E 300 for 1 year and in the event of the licensee being authorised to sell liquor in terms of the proviso to regulation 11(1) E600 for 1 year.
7.	Bottle Stores Liquor Licence.....	E 800 for 1 year
8.	Restricted Bottle Store Liquor Licence.....	E 400 for 1 year
9.	Brewer's Licence.....	E2000 for 1 year
10.	African Beer Manufacturing and Wholesale Licence ...	E1000 for 1 year
11.	Canteen Licence.....	free
12.	Employer's Liquor Licence.....	E 200 for 1 year
13.	African Beer Licence.....	E 50 for 1 year
14.	Temporary liquor licence.....	E 50 for each day
15.	Late Extension (occasional) Liquor Licence.....	E 50 for each period of extension.”

E.R.S. TSHABALALA
Minister for Interior and Immigration

MBABANE
12th June, 1990