



SWAZILAND

GOVERNMENT GAZETTE

VOL. XXVIII]

MBABANE, Friday, September 28th., 1990

[No. 750

CONTENTS

No. Page

GENERAL NOTICES

45.	Elected Members of Tinkhundla Committees	580
46.	Authorization of Change of Surname	580
47.	Authorization of Change of Surname	581
48.	Authorization of Change of Surname	581
49.	Authorization of Change of Surname	582
50.	Authorization of Change of Surname	582

ADVERTISEMENTS	583
----------------------	-----

CONTENTS OF SUPPLEMENT

PART A — BILLS

12.	The High Court (Amendment) Bill, 1990	S1
13.	The Motor Vehicle Accidents Bill, 1990	S2

PART C — LEGAL NOTICES

107.	The Regulation of Wages (Forestry and Forest Industry) Order, 1990	S13
108.	Appointment of Principal Secretary	S19

PUBLISHED BY AUTHORITY

GENERAL NOTICE NO. 45 OF 1990**THE ESTABLISHMENT OF PARLIAMENT ORDER**

(Order No. 23 of 1978)

ELECTED MEMBERS OF TINKHUNDLA COMMITTEES

(Under Section 10)

It is notified for general information that the person whose name is reflected, now has been elected as a member of Inkhundla Committee, in terms of Section 10, of the Establishment of Parliament Order of 1978.

Inkhundla	Appointed Member	Member Replaced	Region
Ngwempisi	Godongwane Elliot Mavimbela	Madevu Sibandze	Manzini

R.M. MDLULI
Principal Secretary

GENERAL NOTICE NO. 46 OF 1990**THE CHANGE OF NAME ACT, 1962**

(Act No. 67 of 1962)

AUTHORISATION OF CHANGE OF SURNAME

(Under Section 3)

In exercise of the powers conferred by Section 3 of the Change of Name Act 1962, the Minister for Justice having satisfied himself that the provisions of the said Act have been complied with hereby authorises:-

ROBERT SIMELANE

A follower of Chief Mhawu of Mhlatuze Area in the Lubombo Region to assume the Surname Dlamini.

P.S. MNGOMEZULU
Principal Secretary

MBABANE.
25th September, 1990.

GENERAL NOTICE NO. 47 OF 1990

THE CHANGE OF NAME ACT 1962

(Act No. 67 of 1962)

AUTHORISATION OF CHANGE OF SURNAME

(Under Section 3)

In exercise of the powers conferred by Section 3 of the Change of Name Act 1962, the Minister for Justice having satisfied himself that the provisions of the said Act have been complied with hereby authorises:-

SUSAN DLAMINI

A follower of Chief Mabhedla of KaLamgabhi Area in the Hhohho Region to assume the Surname Phiri.

P.S. MNGOMEZULU
Principal Secretary

MBABANE.
25th September, 1990.

GENERAL NOTICE NO. 48 OF 1990

THE CHANGE OF NAME ACT 1962

(Act No. 67 of 1962)

AUTHORISATION OF CHANGE OF SURNAME

(Under Section 3)

In exercise of the powers conferred by Section 3 of the Change of Name Act 1962, the Minister for Justice having satisfied himself that the provisions of the said Act have been complied with hereby authorises:-

PANELE ISAIAH MLOTSA

A follower of Chief Mtsakatsi of Nyakeni Area in the Manzini Region to assume the Surname Dlamini.

P.S. MNGOMEZULU
Principal Secretary

MBABANE.
25th September, 1990.

GENERAL NOTICE NO. 49 OF 1990

THE CHANGE OF NAME ACT 1962

(Act No. 67 of 1962)

AUTHORISATION OF CHANGE OF SURNAME

(Under Section 3)

In exercise of the powers conferred by Section 3 of the Change of Name Act 1962, the Minister for Justice having satisfied himself that the provisions of the said Act have been complied with hereby authorises:-

GERMAN MZUNGU MLOTSHWA

A follower of Chief Maloyi of Luve Area in the Manzini Region to assume the Surname Lukhele.

P.S. MNGOMEZULU

Principal Secretary

MBABANE.

25th September, 1990.

GENERAL NOTICE NO. 50 OF 1990

THE CHANGE OF NAME ACT 1962

(Act No. 67 of 1962)

AUTHORISATION OF CHANGE OF SURNAME

(Under Section 3)

In exercise of the powers conferred by Section 3 of the Change of Name Act 1962, the Minister for Justice having satisfied himself that the provisions of the said Act have been complied with hereby authorises:-

LOUIS MGCIBELO NKAMBULE

A follower of Chief Prince Mshoshi of Moneni Area in the Manzini Region to assume the Surname Hasseane.

P.S. MNGOMEZULU

Principal Secretary

MBABANE.

25th September, 1990.

NOTICE

Notice is hereby given that we intend applying for a Certified Copy of: No. 61/1961 dated 27th March, 1961 in favour of: CHARLES RUNCIMAN in respect of:

(i) CERTAIN: Lot No. 52, situate in Prince Arthur Street in the Town of Hlatikulu, SHISELWENI District,

MEASURING: 2855 (Two Thousand Eight Hundred and Fifty Five) square metres

(ii) CERTAIN: Lot No. 54 situate in Prince Arthur Street in the Town of Hlatikulu, District of SHISELWENI

MEASURING: 2855 (Two Thousand Eight Hundred and Fifty Five) square metres

Any person having objection to the issue of such copy is hereby requested to lodge it in writing with the Registrar of Deeds within Three (3) weeks of the last publication of this Notice.

DATED at MBABANE this 14th day of September, 1990.

ROBINSON, BERTRAM & CO,
Attorneys for / Applicant,
P.O. Box 24,
MBABANE

B790 2x28.9.90

NOTICE

Notice is hereby given that we intend to apply for a certified copy of Deed of Transfer No. 134/1982 dated the 18th May 1982 passed by Usuthu Citrus (Proprietary) Limited in favour of Albert Duma Dlamini (born on the 18th February 1942) and David Lusiba Ndzimandze (born on the 16th September 1922, now deceased) in respect of:

CERTAIN: Portion 27 of Farm No. 873 situate in the District of Manzini Swaziland.

MEASURING: 11, 8257 (eleven comma eight two five seven) hectares.

Any person having objection to the issue of such copy is hereby requested to lodge his writing with the Registrar of Deeds within three (3) weeks of the last publication of this notice.

DATED AT MBABANE this the 16th dy of MAY, 1990.

SHILUBANE, LITTLER & PARTNERS
2ND FLOOR ENGUNGWINI BUILDING
ALLISTER MILLER STREET MBABANE

B785 2x28.9.90

NOTICE

SALE OF BUSINESS

Notice is hereby given that the business of EASTERN DELIGHT (PROPRIETARY) LIMITED carried on at Manzini Town has been sold and any claims against this Company must be notified to the undersigned within twenty-one (21) days of the appearance of this advertisement.

CARLSTON AND COMPANY
P O BOX 143
MANZINI

B789 2x28.9.90

NOTICE

Notice is hereby given that I, Nhlanhla Obert Ndaba of Manzini Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Dlamini after the fourth publication of this Notice in each of four consecutive weeks in the Times of Swaziland, Observer and Gazette Newspapers, being two newspapers circulating in the region where I reside and designated for this purpose by the Regional Secretary for the Manzini Region and in the Government Gazette.

The reason I want to assume the surname Dlamini is because Dlamini is my natural surname.

Any person or persons likely to object to my assuming the surname Dlamini should lodge their objections in writing with me at the address given below and with the Regional Secretary for Manzini Region.

Conco Company Limited
Box 2040
Manzini
c/o Francis V. Vilakazi

Regional Secretary,
Manzini Region.

B732 4x28.9.90

NOTICE

Notice is hereby given that an application has been made by J.C. COMMERCIAL (PTY) LTD of P.O. Box B.87, Sandla, Mbabane for the grant of an Import and Export Agency Trading Licence to operate business in Portion No. 4, Plot No. 131, Farm 2, Mbabane Industrial Sites. This application will be heard by the Licensing Officer in the Regional Administrator's Conference Room on the 23rd October, 1990 at 10.00 a.m. or so soon thereafter as the matter may be heard.

Objections thereto must be lodged in writing with the Applicant's Attorneys as well as with the Licensing Officer, Mbabane not later than 18th October, 1990.

SHILUBANE, LITTLER & PARTNERS
APPLICANT'S ATTORNEYS
SECOND FLOOR
ALLISTER MILLER STREET
P.O. BOX A93
SWAZI PLAZA
MBABANE

B808 28.9.90

NOTICE

Notice is hereby given that an application by SWAZA (PTY) LIMITED t/a SWAZA (PTY) LIMITED of P.O. Box 423, Mbabane for the grant of a General Dealer's Licence to operate at Certain Shop next to Galaxy, Jabula Inn Complex, Walker Street, Mbabane will be heard in the Regional Administrator's Conference Room, Mbabane on Tuesday the 16th day of October 1990, at 10.00 a.m.

Objections thereto must be lodged in writing with the Licensing Officer, Mbabane as well as with the undersigned by no later than 4.00 p.m. on Friday the 12th day of October 1990.

P.R. DUNSEITH
Attorney for the Applicant
Lansdowne House
Post Street
P.O. Box 423
MBABANE

B806 28.9.90

NOTICE

Notice is hereby given that I, Abel Aaron Dlamini of Manzini Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Mkhabela after the fourth publication of this Notice in each of four consecutive weeks in the Times of Swaziland and Swazi Observer Newspapers, being two newspapers circulating in the region where I reside and designated for this purpose by the Regional Secretary for the Manzini Region and in the Government Gazette.

The reason I want to assume the surname Mkhabela is because the surname Dlamini is my stepfather's surname where I was brought up from childhood.

Any person or persons likely to object to my assuming the surname Mkhabela should lodge their objections in writing with me at the address given below and with the Regional Secretary for Manzini Region.

P.O. Kwaluseni
Manzini

Regional Secretary
Manzini Region.

B807 4x19.10.90

NOTICE

Notice is hereby given that I, Jabulani Cornelius Gumede of Hhohho Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Tsabedze after the fourth publication of this Notice in each of four consecutive weeks in the Times of Swaziland and Swazi Observer Newspapers, being two newspapers circulating in the region where I reside and designated for this purpose by the Regional Secretary for the Hhohho Region and in the Government Gazette.

The reason I want to assume the surname Tsabedze is because Tsabedze is my natural surname.

Any person or persons likely to object to my assuming the surname Tsabedze should lodge their objections in writing with me at the address given below and with the Regional Secretary for Hhohho Region.

P.O. Box 244
Mbabane.

Regional Secretary,
Hhohho Region.

B810 4x19.10.90

NOTICE

ESTATE LATE: DENNIS GEORGE CROWIE

Debtors and Creditors of the above Estate are hereby called upon to pay their debts or submit their claims to the undersigned within 30 days of the date of publication of this Notice.

CARLSTON AND COMPANY
EXECUTOR'S/EXECUTRIX'S ATTORNEYS
P O BOX 143
MANZINI

B820 28.9.90

NOTICE

Notice is hereby given that an application by SWAZI COURIER (PTY) LTD for a grant of a General Dealer's licence to operate at 3rd Floor Mbabane House Mbabane will be heard in the Regional Secretary Conference Room on Tuesday 23rd October 1990 at 10.00 a.m.

Objections if any must be lodged in writing with the Licensing Officer Mbabane as well as the undersigned before 16th October 1990 not later than 4.00 p.m.

WILLIAM F. MTHEMBU & ASSOCIATES
APPLICANT'S ATTORNEYS
1st FLOOR ENTERPRISE BUILDING
NGWANE STREET
P.O. BOX 1301
MANZINI

B801 28.9.90

NOTICE

ESTATE LATE: VUSI EMMANUEL GININDZA ESTATE NO.: E.114/86

Notice is hereby given that the first and final Liquidation and Distribution Account will lie open for inspection at the office of the Master of the High Court of Swaziland at Mbabane for a period of Twenty One (21) days from the date of appearance of this Notice.

Any person objecting to the account may lodge his objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

WILLIAM F. MTHEMBU & ASSOCIATES
ATTORNEYS FOR THE EXECUTOR DATIVE
1st FLOOR ENTERPRISE BUILDING
NGWANE STREET
P.O. BOX 1301
MANZINI

B800 28.9.90

NOTICE

Notice is hereby given that an application has been made by GOLDEN CHINA (SWAZILAND) (PTY) LTD of c/o P.O. Box 24 Mbabane for a grant of a General Dealers Trading Licence, Wholesale trading licence and an IMPORT/EXPORT Trading Licence to operate at Shop No. 3 Ground Floor Provident Fund flats Mancishane Street Manzini.

This application will be heard by the Licensing Officer in the Regional Administrator's Conference Room on Tuesday the 9th day of October 1990 at 10.00 a.m. or so soon thereafter as the matter may be heard. Objections thereto if any must be lodged in writing with the undersigned and with the Applicant's Attorneys ROBINSON BERTRAM & COMPANY not later than Friday the 5th day of October 1990 at 4.00 p.m.

Licensing Officer
District of Manzini

B799 28.9.90

NOTICE

Notice is hereby given that we intend applying for a Certified Copy of: **CERTIFICATE OF REGISTERED TITLE** No. 162/1969 dated 8th July 1969 in favour of: **UMZIMNENE INVESTMENT COMPANY (PTY) LTD** in respect of:

CERTAIN: Portion 2 of Farm No. 785 situate in the Manzini District Swaziland;

MEASURING: 3674 square metres

Any person having objection to the issue of such copy is hereby requested to lodge it in writing with the Registrar of Deeds within Three (3) weeks of the last publication of this Notice.

DATED at MBABANE this 18th day of September 1990.

ROBINSON, BERTRAM & CO,
Attorneys for/Applicant,
P.O. Box 24,
MBABANE

B798 2x5.10.90

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE.: 569/89

In the matter between:

NTOMBITAKANGWANE NXUMALO

Plaintiff

and

EZEKIEL NGWENYA

Defendant

NOTICE OF SALE

Notice is hereby given that pursuant to a Writ of Execution issued in the above matter, the undermentioned property will be sold by Public Auction by the Deputy Sheriff for the District of Manzini outside the Regional Administrator's Offices at 2.30 p.m. on the 3rd November, 1990.

1. **CERTAIN:** Lot No. 93, situate in Ngwane Park Township, District of Manzini, Swaziland.
2. **MEASURING:** 1249 (One Two Four Nine) Square Metres;
HELD: By Defendant under Deed of Title No. 330/1972 dated 20th November, 1972 and subject to the terms and conditions contained thereunder.
3. **CERTAIN:** Lot No. 414, situate in Ngwane Park Township, District of MANZINI, Swaziland.
MEASURING: 557 (Five Five Seven) Square Metres;
HELD: By the Defendant under Deed of Title No. 449/1987 dated August, 6th, 1987, and subject to the terms and conditions contained thereunder.

The Conditions of Sale are available for inspection at the office of the Sheriff in the High Court Building in Mbabane and at the offices of the Regional Administrator, Manzini.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE THIS 19th DAY OF September, 1990.

M N FAKUDZE
SHERIFF OF SWAZILAND
c/o THE REGISTRAR OF
THE HIGH COURT

B811 28.9.90

NOTICE

RE: ESTATE LATE: MICHAEL SHONGWE — E.80/90

Debtors and Creditors in the above Estate are hereby called upon to lodge their claims and pay their debts to the undersigned within 30 (thirty) days from date of publication of this Notice.

SHILUBANE LITTLER & PARTNERS
ATTORNEYS FOR EXECUTRIX
P.O. BOX A93
SWAZI PLAZA
MBABANE

B805 28.9.90

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE.: 629/90

In the matter between:

SWAZILAND BUILDING SOCIETY

Plaintiff

and

HILDA DLAMINI

Defendant

NOTICE OF SALE

Notice is hereby given that pursuant to a Writ of Execution issued in the above matter, the undermentioned property will be sold by Public Auction by the Deputy Sheriff for the District of Hhohho outside the High Court Building, Mbabane at 11.00 a.m. on Wednesday the 7th day of November 1990.

CERTAIN: Lot No. 1182, Mbabane Extension No. 11, situate in the urban area of Mbabane, District of Hhohho, Swaziland;

MEASURING: 1,000 (ONE THOUSAND) square metres;

HELD: By the Mortgagor under Deed of Transfer No. 158/1981 dated this day.

The Conditions of Sale are available for inspection at the office of the Sheriff in the High Court Building in Mbabane and at the offices of the Regional Administrator, Mbabane.

A substantial bond will be granted to an approved buyer on application to the Swaziland Building Society.

Further particulars may be obtained from the undersigned.

DATED at MBABANE this 24th day of September 1990.

**M N FAKUDZE
SHERIFF OF SWAZILAND
c/o THE REGISTRAR
OF THE HIGH COURT
MBABANE**

B812 28.9.90

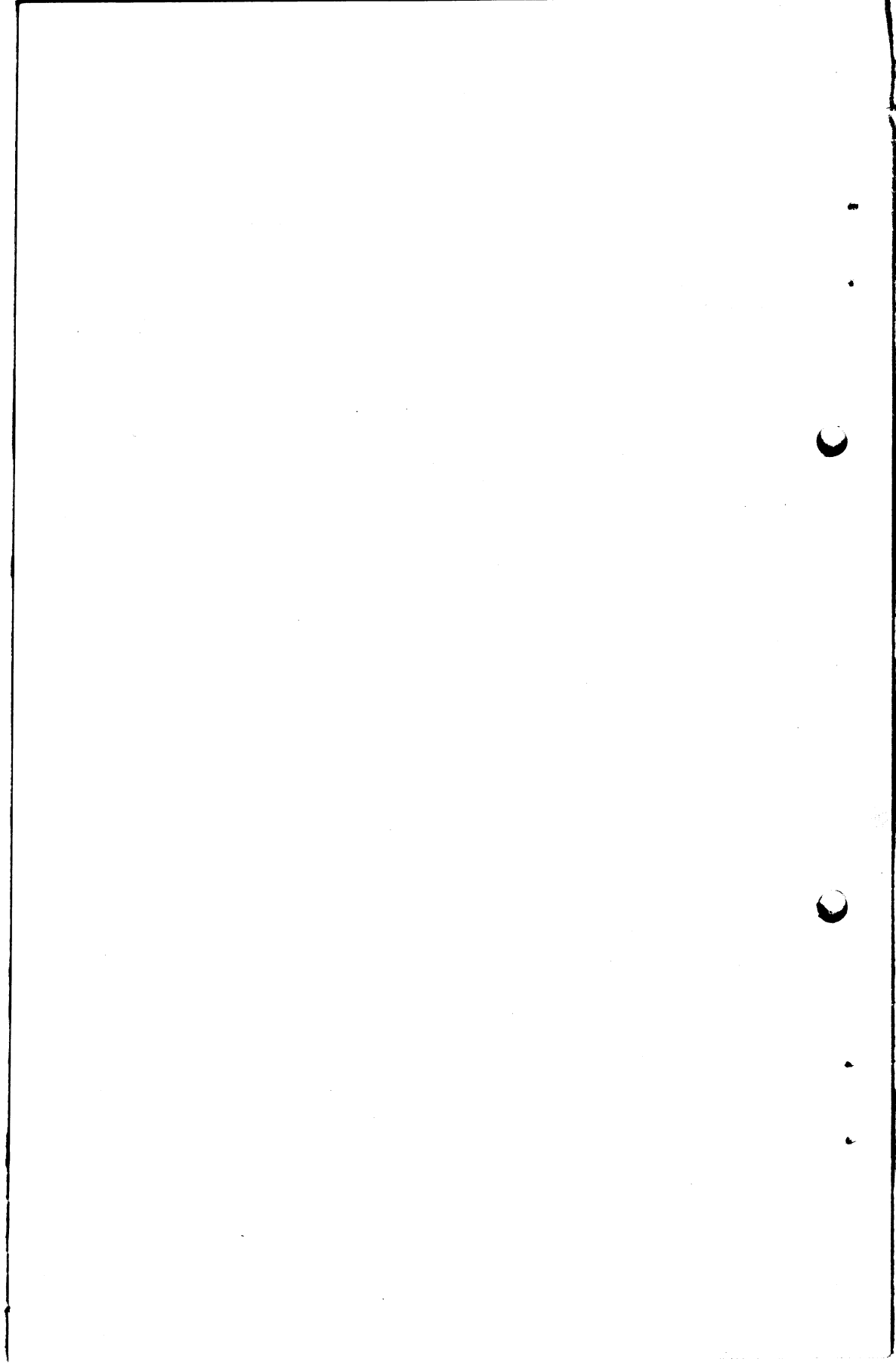
NOTICE

Notice is hereby given that an application by J.C. COMMERCIAL (PTY) LTD, of P.O. Box B.87, Sandla, Mbabane for a grant of a MOTOR GARAGE LICENCE to be operated at Portion No. 4, Plot No. 131, Farm 2, Mbabane Industrial Sites will be heard by the Licensing Officer in the Regional Administrator's Conference Room on the 23rd October, 1990 at 10.00 a.m.

Objections thereto must be lodged in writing with the Applicant's Attorneys as well as with the Licensing Officer, Mbabane not later than 18th October, 1990.

SHILUBANE, LITTLER & PARTNERS
APPLICANT'S ATTORNEYS
SECOND FLOOR
ENGUNGWINI BUILDING
ALLISTER MILLER STREET
P.O. BOX A93
SWAZI PLAZA
MBABANE

B809 28.9.90



SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE

VOL. XXVIII]

MBABANE, Friday, September 28th., 1990

[No. 750

CONTENTS

No.		Page
-----	--	------

PART A — BILLS

- | | | |
|-----|--|----|
| 12. | The High Court (Amendment) Bill, 1990 | S1 |
| 13. | The Motor Vehicle Accidents Bill, 1990 | S2 |

PART C — LEGAL NOTICES

- | | | |
|------|--|-----|
| 107. | The Regulation of Wages (Forestry and Forest Industry) Order, 1990 | S13 |
| 108. | Appointment of Principal Secretary | S19 |

PUBLISHED BY AUTHORITY

THE UNIVERSITY OF CHICAGO

1911

THE UNIVERSITY OF CHICAGO

1911

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

1911

THE UNIVERSITY OF CHICAGO

1911

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

S1

THE HIGH COURT (AMENDMENT) BILL, 1990

(Bill No. 12 of 1990)

(To be presented by the Minister for Justice)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend the High Court Act, 1954 so as to ensure that -

- (a) a High Court judge hearing a case that specifically concerns Swazi law and custom does so sitting with assessors chosen by the Ngwenyama;
- (b) such assessors have a right to advise the judge whether or not they are so requested by the judge,

and to provide for incidental matters.

J.M. DLAMINI
Acting Attorney-General

A BILL

entitled

AN ACT to amend the High Court Act, 1954 so as to ensure that a High Court judge hearing a case that specifically concerns Swazi law and custom does so sitting with assessors chosen by the Ngwenyama and such assessors are entitled to advise the judge whether or not they are so requested by the judge.

ENACTED by the King and the Parliament of Swaziland.

Short title and commencement.

1. This Act may be cited as the High Court (Amendment) Act, 1990 and shall be read as one with the High Court Act, 1954 (hereinafter called "the principal Act") and shall come into force upon publication.

Amendment of section 6.

2. Section 6 of the principal Act is amended after subsection (2) by adding the following new subsection -

- "(2A) (a) The High Court shall call to its assistance at any trial or appeal that specifically concerns Swazi law and custom not more than three persons chosen by the Ngwenyama in Council to serve as assessors;
- (b) In choosing a person under this subsection, the Ngwenyama in council shall ensure that the person is suitably qualified to aid the court;
- (c) An assessor chosen under this subsection shall either in open court or otherwise, give such assistance and advice to the judge as the assessor deems appropriate, but the eventual decision in the trial shall be vested exclusively in the judge.

THE MOTOR VEHICLE ACCIDENTS BILL, 1990

(Bill No. 13 of 1990)

(To be presented by the Minister for Finance)

MEMORANDUM OF OBJECTS AND REASONS

The objet of this Bill is:-

- (a) to establish as a corporate body a Motor Vehicle Accidents Fund (MVA Fund) which is capable of suing and being sued;
- (b) to provide for the imposition by the Minister for Finance in consultation with the Minister responsible for energy of a motor vehicle accidents levy on fuel intended for use in motor vehicles and the levies accruing to the MVA Fund shall be used for the purpose of compensating third parties which comprise the injured persons themselves, their dependents or relatives, as the case may be, for any loss or damage suffered by them as a result of bodily injuries or death caused by or arising out of the use of motor vehicles;
- (c) to provide for the conditions for payment of such compensation to such third parties and the procedure for making such claims for compensation;
- (d) to provide for the establishment of a Supervisory Board to supervise the operations and management of the Fund and to take decisions on matters affecting *inter alia* the financial position of the MVA Fund and the financing of the Fund subject any policy directives given by the Minister;
- (e) to empower the Minister for Finance to enter into any agreement or make arrangements with, the Swaziland Royal Insurance Corporation or any other person for the purposes of administering and managing monies of the Fund; and
- (f) to provide for other related matters.

2. The motor vehicle accidents levy is intended to replace the system of compulsory motor vehicle insurance against third party personal injuries or death. Consequently, no person will be required to pay motor vehicle insurance premium against third-party personal injury risks, except indirectly through the levy imposed on fuel under this Bill.

A.F.M. THWALA
Attorney-General

A BILL
entitled

AN ACT to establish a Motor Vehicle Accidents Fund and to impose a levy on fuel intended for use in motor vehicles for the purpose of paying compensation in respect of bodily injuries or death arising from the use of motor vehicles and to provide for other matters connected therewith.

ENACTED by the King and the Parliament of Swaziland.

Short title.

1. This Act may be cited as the Motor Vehicle Accidents Act, 1990.

Interpretation.

2. (1) In this Act, unless the context otherwise requires "business" does not include any unlawful business;

"conveyed", in relation to the conveyance of a person in a motor vehicle, includes entering or mounting the motor vehicle for the purpose of being so conveyed or alighting from the motor vehicle after having been so conveyed;

"fuel" means petrol or diesel intended for use in motor vehicles;

"Minister" means the Minister responsible for Finance;

"motor dealer" means a person who, as a business or trade, manufactures, assembles, repairs or deals in motor vehicles;

"motor vehicle" means any vehicle designed or adapted for propulsion or haulage on a road by means of any power (not being exclusively human or animal power) without the aid of rails, and includes any trailer of such a vehicle;

"MVA Fund" means the Motor Vehicle Accidents Fund established by section 3;

"owner", in relation to -

- (a) a motor vehicle which a motor dealer has in his possession during the course of his business and which may, in terms of any law relating to the licensing of motor vehicles, not be driven or used on a public road except under the authority of a motor dealer's licence of which the motor dealer concerned is the holder, means that motor dealer;
- (b) a motor vehicle which has been received for delivery by a motor dealer in the course of his business of delivering new vehicles and which has not yet been delivered by him, means that motor dealer;
- (c) a motor vehicle which is the subject of a hire-purchase agreement, means the purchaser under the hire-purchase agreement in question;
- (d) a motor vehicle leased under an agreement of lease for a period of at least 12 months, means the lessee concerned;

"repealed Act" means the Compulsory Motor Vehicle Insurance Order, 1973 and the Compulsory Motor Vehicle Insurance (Amendment) Act, 1987 repealed by section 21 of this Act;

"reward", with reference to the conveyance of any person in or on a motor vehicle, does not include any reward rendering such conveyance illegal in terms of any provision of the Road Traffic Act, 1965;

"special circumstances" does not include any neglect, omission or ignorance;

- (2) For the purposes of this Act a motor vehicle which is being propelled by any mechanical, animal or human power or by gravity or momentum shall be deemed to be driven by the person in control of the vehicle.

- (3) For the purposes of this Act a person who has placed or left a motor vehicle at any spot shall be deemed to be driving that motor vehicle while it moves from that spot as a result of gravity, or while it is stationary at that spot or at a spot to which it moved from the original spot as a result of gravity.

(4) Whenever any motor vehicle has been placed or left at any spot, it shall, for the purposes of this Act, be presumed, until the contrary is proved, that such vehicle was placed or left at such spot by the owner thereof.

Establishment of MVA Fund.

3. (1) There is hereby established a body corporate to be known as the Motor Vehicles Accidents Fund (referred to in this Act as the "MVA Fund") with perpetual succession and common seal and which may sue and be sued in its corporate name.

(2) The MVA Fund may acquire, hold and dispose of any movable or immovable property or enter into such contracts as may be necessary for the purposes of the Fund.

Powers of the MVA Fund.

4. The MVA Fund -

- (a) shall have the power to investigate or settle claims referred to in section 10 arising from the driving of a motor vehicle or commence, conduct, defend or abandon legal proceedings in connection with such claims;
- (b) may invest any monies not immediately required for the conduct of its business in such manner as may from time to time be determined by the Minister, and may realize, alter or re-invest such investments in such manner as may from time to time be determined by the Minister;
- (c) may, subject to the approval of the Minister in every case, borrow money and secure the payment thereof in such manner as it may deem fit;
- (d) shall utilize its funds for any purpose connected with or resulting from the exercise of its powers or the performance of its duties;
- (e) may do all such other things as are incidental or conducive to the exercise of its powers or the performance of its duties.

Monies and audit of the MVA Fund.

5. (1) The monies of the MVA Fund shall consist of the motor vehicle accidents levy imposed on fuel under section 6 and any income derived from the investment of monies of the Fund.

(2) The monies of the MVA Fund shall be exempt from income tax.

(3) The MVA Fund shall keep proper records of all its assets and liabilities.

(4) The books of accounts and other related records of the Fund shall be audited annually by an Auditor appointed by the Supervisory Board.

(5) As soon as possible after each audit under subsection (4) but not later than three months after each such audit the Supervisory Board shall submit to the Minister the audited balance sheets and report of the auditor in respect of such audit together with a report on the activities of the MVA Fund during the year to which the audit relates.

Imposition of Motor Vehicle Accidents levy.

6. (1) The Minister, in consultation with the Minister responsible for energy, may impose a motor vehicle accidents levy on fuel and the levy shall be of such amount as the Minister may, by notice published in the Gazette, determine.

(2) Any person who imports fuel in bulk from any place outside Swaziland shall pay the levy imposed under subsection (1) at the time of such importation or at such other time, whether before or after such importation, as the Minister may prescribe and also the Minister may prescribe the manner of making payment and collection of such levy.

(3) Any person who fails to pay a levy under this Act or in accordance with Regulations made thereunder shall be guilty of an offence and on conviction be liable to a fine of E5,000 or to imprisonment of two years or to both such fine and imprisonment.

Purpose of the Motor Vehicle Accidents levy.

7. The levies collected under this Act shall become public monies and shall be used for the purpose specified in section 10 of this Act.

Administration and management of the MVA Fund.

8. The Minister may enter into an agreement or make such other arrangements with the Swaziland Royal Insurance Corporation established by the Swaziland Royal Insurance Corporation Order, 1973 or with any other person for the purposes of administering and managing the MVA Fund.

Supervisory Board.

9. (1) The Minister may establish a Supervisory Board which shall supervise the operations and management of the Fund and may, subject to any directive given by the Minister on matters of policy, decide on matters relating to -

- (a) the financial position of the MVA Fund;
- (b) the financing of the MVA Fund; and
- (c) any matter from time to time referred to it by the Minister.

(2) The members of the Supervisory Board shall be appointed by the Minister, and shall consist of such number but not exceeding seven as the Minister shall determine.

(3) A member of the Supervisory Board shall be appointed for such period and on such conditions including such allowances, if any, as the Minister may determine.

(4) The Supervisory Board may demand the production to it of statistics, books, accounts or other documents relating to the MVA Fund for the purpose of examination or making extracts therefrom or copies thereof.

Liability of MVA Fund.

10. (1) The MVA Fund shall, subject to the provisions of this Act and to such conditions as may be prescribed, be utilised for the purpose of compensating any injured person or, in the event of death, any dependent of the deceased or, where reasonable funeral expenses only is payable, the relatives of the deceased (in this Act called "the third party") for any loss or damage which the third party has suffered as a result of:

- (a) any bodily injury to himself;
- (b) the death of or any bodily injury to any person, which in either case is caused by or arises out of the driving of any motor vehicle by any person at any place in Swaziland of a motor vehicle and the injury or death is due to the negligence or other unlawful act of the person driving the motor vehicle (in this Act called "the driver") or of the owner of the motor vehicle or his servant in the execution of his duty.

(2) No interest shall be payable on the amount of any compensation which a court awards to any third party under subsection (1), unless 30 days have elapsed from the date of the court's order.

(3) In issuing any order as to costs on making such award, the court may take into consideration any written offer in settlement of the relevant claim made by the MVA Fund before the relevant summons was served on him.

- (4) A claim for compensation under subsection (1) -
- (a) includes a claim for the costs of the future accommodation of any injured person in a hospital or nursing home or the treatment of or provision of a service or goods to that person;
 - (b) includes a claim for future loss or income or support.
- (5) Where a third party entitled to compensation under this section,
- (a) has incurred costs in respect of accommodation of himself in a hospital or nursing home or the treatment of, or provision of any service or goods to himself; or
 - (b) on the recommendation of a medical practitioner and with the prior written approval of the MVA Fund, has incurred costs in respect of accommodation of any person in a hospital or nursing home or the treatment of, or provision of any service or goods to any such other person,
- the person who provided the accommodation, treatment, service or goods (in this case called the "supplier") may claim the amount from the MVA Fund on the prescribed form and such claim shall be subject *mutatis mutandis* to the provisions applicable to the claim of the third party concerned.

Liability limited in certain cases.

11. (1) The liability of the MVA Fund to compensate a third party in connection with any one occurrence for any loss or damage under section 10 resulting in any bodily injury to or the death of the third party who, at the time of the occurrence which caused that injury or death was being conveyed in or on the motor vehicle concerned, shall be limited -

- (a) to the sum of E25 000 in respect of any bodily injury to or death of any one such person or to the sum of E150 000 in all in respect of any bodily injury to, or the death of, any number of such persons, (but in either case exclusive of the cost of recovering such compensation) who at the time of the occurrence which caused that injury or death was being conveyed in the motor vehicle in question -
 - (i) for reward;
 - (ii) in the course of the business of the owner or the driver of that motor vehicle; or
 - (iii) in the case of an employee of the driver or owner of that motor vehicle, in respect of whom subsection (2) of this section does not apply, in the course of his employment; or
- (b) in the case of a person who was being conveyed in the motor vehicle concerned under circumstances other than those referred to in paragraph (a), to the sum of E12 000 in respect of loss of income or support and the cost of accommodation in a hospital or nursing home, treatment, provision of service or goods as a result of bodily injury to or the death of one such person, plus the cost of recovering such compensation but excluding the payment of compensation in respect of any other loss or damage:

Provided that the total liability under this paragraph in respect of any number of such persons shall be limited to E100 000.

(2) Where the loss or damage referred to in section 10 is suffered as a result of bodily injury to or death of an employee of the driver or owner of the motor vehicle concerned and the third party is entitled to compensation under the Workmen's Compensation Act, 1983 in respect of such injury or death -

- (a) the liability of the MVA Fund, in respect of the bodily injury to or death of any one such employee shall be limited in total to the sum representing the difference between the amount which that third party could, but for the provisions of this paragraph, have claimed from the MVA Fund or the amount of E12 000 (whichever is the lesser) and any lesser amount to which that third party is entitled by way of compensation under that Act;
- (b) the total liability of the MVA Fund, in connection with any one occurrence to pay compensation under paragraph (a) to third parties shall be limited to the sum of E60 000 irrespective of the number of such employees whose bodily injuries or deaths were caused by or arose out of that occurrence; and
- (c) the MVA Fund shall not be liable under the Workmen's Compensation Act, 1983 for the amount of the compensation to which any such third party is entitled to under that Act, but nothing contained in this submission shall relieve the MVA Fund from liability to pay costs awarded against it in any legal proceedings.

Liability excluded in certain cases.

12. (1) The MVA Fund shall not compensate any third party under section 10 for any loss or damage -

- (a) for which neither the driver nor the owner of the motor vehicle concerned would have been liable if section 13 had not been enacted;
- (b) suffered as a result of bodily injury to or the death of any third party who, at the time of the occurrence which caused that injury or death -
 - (i) was being conveyed for reward on a motor vehicle which is a motor cycle; or
 - (ii) is a person referred to in section 11(1)(b) and a member of the household, or responsible in law for the maintenance of the driver of the motor vehicle concerned, and was being conveyed in or on the motor vehicle concerned; or
- (c) if the claim concerned has not been instituted and prosecuted by the claimant, or on behalf of the claimant by any person entitled to practice as an attorney within Swaziland.

Claim for compensation lies against MVA Fund only.

13. Where a third party is entitled under section 10 to claim from the MVA Fund any compensation in respect of any loss or damage as a result of any bodily injury or death caused by or arising out of the driving of a motor vehicle by the owner thereof or by another person with the consent of the owner, that third party shall not be entitled to claim -

- (a) compensation in respect of that loss or damage from the owner or from the person who so drove the vehicle; or
- (b) compensation in respect of that loss or damage from his employer, if that person drove the vehicle as a servant in the execution of his duty, unless the MVA Fund is unable or refuses to pay the compensation.

Submission of information.

14. (1) If, as the result of the driving of a motor vehicle, any person other than the driver of such motor vehicle is killed or injured, the owner and the driver, if he is not the owner, of the motor vehicle shall (if reasonable possible within 21 days after the occurrence) furnish the MVA Fund with -

- (a) particulars of the occurrence, the place and time of the occurrence, the name and address (if known) of any person who was killed or injured and of every person who was upon the vehicle in question at the time of the occurrence, a description of any other vehicle involved in the occurrence and the name and address (if known) of the driver of every such other vehicle who witnessed the occurrence;
- (b) any other information at his disposal which the MVA Fund may from time to time request him to furnish.

(2) Any person who fails to comply with any provision of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding E200, unless he proves that his inability or failure to comply with the relevant provision is not due to his own action or default.

(3) The MVA Fund shall within 21 days after the third party has complied with the provisions of section 16(2)(b), furnish the third party or his agent with a copy of the information referred to in subsection (1)(a) of this section.

(4) Any person who furnishes false information in respect of the particulars of registration and the licence relating to the motor vehicle at the time of an occurrence involving that vehicle out of which a claim has been made under section 10, shall be guilty of an offence and liable on conviction to a fine not exceeding E200.

Prescription.

15. (1) (a) Notwithstanding the provisions of any other law in Swaziland relating to prescription, and subject to the provisions of subsection (2) of this section, the right to claim compensation under section 10 shall become prescribed upon the expiration of a period of two years from the date on which the claim arose:

Provided that the period of prescription shall be suspended during the period of ninety days referred to in section 16(2)(a) of this Act.

- (2) Prescription of a claim for compensation under section 10 shall not run against -
 - (a) a minor
 - (b) any person detained as a patient under the Mental Health Order, 1978;
 - (c) a person under curatorship.

(3) If a third party's claim for compensation has become prescribed under subsection (1) and a court having jurisdiction in respect of such a claim is satisfied, upon application by the third party concerned -

- (a) in the case where the claim became prescribed before compliance by that third party with the provisions of section 16(1), that by reason of special circumstances he, or if he instructed another person to comply with those provisions on his behalf, such person could not reasonably have been expected to comply with those provisions before the date on which the claim became prescribed; or
- (b) in the case where the claim became prescribed after compliance by him with the provisions of section 16(1), that by reason of special circumstances he or, if he instructed any other person to act on his behalf in that regard, such person could not reasonably have been expected to serve on the MVA Fund before the date on which the claim became prescribed any process by which the running of the prescription could have been interrupted; and

- (c) that the MVA Fund is not prepared to waive its right to invoke the prescription, the court may grant leave to the third party to comply with the said provisions and serve process in any action for enforcement of the claim on the MVA Fund in accordance with the provisions of section 16(2) before a date determined by the court.
- (4) The court shall not grant an application referred to in subsection (3) unless -
 - (a) the application is made within a period of ninety days after the date on which the claim became prescribed under subsection (1); and
 - (b) the third party has given security to the satisfaction of the court for the costs of the MVA Fund in connection with the application.
- (5) A plea of prescription under subsection (1) shall not be upheld in any action in which the relevant process was served on the MVA Fund by virtue of leave granted under subsection (3) of this section.
- (6) Notwithstanding the provisions of the Workmen's Compensation Act, 1983, any right to recover an amount which under that Act is required to be paid to a third party in circumstances other than those mentioned in subsection 11(2) of this Act, shall for the purposes of subsection (1) (excluding the proviso) and subsection (3) of this section be deemed to be a right to claim compensation under section 10 of this Act arising from the same cause as the claim of such third party under that section.

Provided that if the recovery of any such amount has become debarred under this subsection, any compensation thereafter awarded to the third party under this Act shall be reduced by that amount.

Procedure.

- 16. (1) A claim for compensation under section 10 shall -
 - (a) be set out in the prescribed manner on a prescribed form and shall include provision of a medical report or reports completed by the prescribed person or persons, in regard to the cause of the death or the nature and treatment of the bodily injury in respect of which the claim is instituted and of the prescribed supporting proof and particulars;
 - (b) be sent by registered post or delivered by hand, at the registered office or local branch office, of the MVA Fund which shall, in the case of delivery by hand acknowledge receipt thereof and the date of such receipt in writing.
- (2) No such a claim shall be enforceable by legal proceedings commenced by a Summons served on the MVA Fund -
 - (a) before the expiration of a period of ninety days as from the date on which the claim was sent by registered post or delivered by hand to the MVA Fund in accordance with subsection (1); and
 - (b) before all the prescribed requirements of the MVA Fund have been complied with:

Provided that if the MVA Fund repudiates in writing liability for the claim before the expiration of the ninety days, the claimant may at any time after such repudiation serve Summons on the MVA Fund.

- (3) An action to enforce such a claim may be brought in any court of competent jurisdiction in Swaziland within whose area of jurisdiction the occurrence which caused the injury or death took place.

MVA Fund's right of recourse.

17. (1) Where any compensation has been paid under section 10 the MVA Fund may, subject to subsections (2) and (3) of this section, and without having obtained a formal cession of the right of action, recover from the owner of the motor vehicle concerned or from any person whose negligence or other unlawful act caused the loss or damage in question so much of the amount paid by way of compensation as the third party could, but for the provisions of section 12, have recovered from the owner or from the person whose negligence or other unlawful act caused the loss or damage if the MVA Fund had not paid any such compensation.

(2) The MVA Fund shall not have any such right of recourse against the owner of the motor vehicle -

- (a) in any case if, at the time of the occurrence which gave rise to the payment of the compensation the motor vehicle was being driven by a person other than the owner unless -
 - (i) such a person was under the influence of intoxicating liquor or of a drug to a degree that his condition was the sole cause of such occurrence and the owner allowed him to drive the motor vehicle when the owner knew or ought to have known that such driver was under the influence of intoxicating liquor or of a drug;
 - (ii) such a person was driving the motor vehicle without holding a licence issued under the law relating to the licensing of drivers of motor vehicles which he was required to hold, or that person being the holder of a learner's or other restricted licence issued under such law, failed, while he was driving the motor vehicle to comply with the requirements or conditions of such learner's or restricted licence, and the owner allowed him to drive the motor vehicle when he knew or ought to have known that such driver did not hold such licence or that he failed to comply with the requirements or conditions of such learner's or restricted licence, as the case may be; or
- (b) in any case where, at the time of that occurrence, such motor vehicle was being driven by the owner, unless -
 - (i) he was under the influence of intoxicating liquor or of a drug to such a degree that his condition was the sole cause of such occurrence; or
 - (ii) he was driving the motor vehicle without holding a licence issued under the law relating to the licensing of drivers of motor vehicles or being the holder of a learner's or other restricted licence issued under such law, failed, while he was driving the motor vehicle, to comply with the requirements or conditions of such learner's or restricted licence;
- (c) in any case where neither paragraph (a) nor paragraph (b) applies unless the owner has failed to comply with any requirements of section 14 with respect to such occurrence (the onus of proving that the MVA Fund could not reasonably within 21 days after the occurrence have been informed of the occurrence and of the place and time thereof shall be on the owner concerned) or has knowingly furnished the MVA Fund with false information relating to that occurrence or knew or ought to have known at the time of such occurrence that the motor vehicle was unroadworthy and that the unroadworthiness of the motor vehicle was the sole cause of such occurrence.

(3) The provisions of subsection (3)(b)(i) and (ii) and (c) shall apply *mutatis mutandis* in respect of any right of recourse by the MVA Fund under subsection (1) against any person who, at the time of the occurrence which gave rise to the payment of the compensation, was driving the motor vehicle in question with the consent of its owner.

Regulations.

18. (1) The Minister may make regulations for the better carrying out of the purposes and provisions of this Act, and, in particular may make regulations with respect to any of the following matters -

- (a) prescribing anything required by this Act to be prescribed, and the manner in which any form so prescribed shall be completed or rendered;
- (b) prescribing the powers and duties in connection with the administration of this Act which may be exercised or performed by such persons as the Minister may designate;
- (c) after consultation with the Minister for the time being responsible for health, prescribing the tariff of fees in respect of the accommodation of any person in hospital or nursing home or of any treatment, services or goods supplied to any person which may be claimed under section 10 (6) for the cost of such accommodation, treatment, services or goods;
- (d) matters in respect of which statistics are to be kept by the MVA Fund, the manner in which such statistics shall be compiled and the furnishing of information in connection therewith.

or prescribing or otherwise dealing with any matter which may under this Act be prescribed or otherwise dealt with by regulations.

(2) Regulations made under subsection (1) may provide for penalties not exceeding a fine of E500 for contravention thereof or failure to comply therewith or with any order or direction given thereunder.

Application of Public Enterprises (Control and Monitoring) Act.

19. Without prejudice to the provisions of this Act the provisions of sections 7, 10 and 11 of the Public Enterprises (Control and Monitoring) Act, 1989 shall apply to the MVA Fund.

Act to bind the Government.

20. This Act shall bind the Government.

Repeal of Compulsory Motor Vehicle Insurance Order, etc.

21. The Compulsory Motor Vehicle Insurance Order, 1973 and the Compulsory Motor Vehicle Insurance (Amendment) Act, 1987 are hereby repealed.

Savings.

22. (1) On the commencement of this Act the Fund established under the repealed Act shall cease to exist and all amount credited to that Fund immediately before such commencement shall vest in the MVA Fund and all existing liabilities and rights of that Fund hereby transferred to the MVA Fund.

(2) Notwithstanding section 21 of this Act all claims for compensation filed with the authorised insurer under the repealed Act before the commencement of this Act and which have not been settled on the commencement of this Act by the authorised insurer shall be settled by the MVA Fund in accordance with the provisions of the repealed Act.

(3) Notwithstanding section 21 of this Act any agreement or arrangement entered into or made by the Minister with the Swaziland Royal Insurance Corporation or with any other person under the repealed Act for the purposes of administering and managing the levy under that Act and which is in force immediately before the commencement of this Act shall continue in force as if such agreement or arrangement has been entered into or made under this Act.

LEGAL NOTICE NO. 107 OF 1990

THE WAGES ACT, 1964

(Act No. 16 of 1964)

**THE REGULATION OF WAGES (FORESTRY AND FOREST INDUSTRY)
ORDER 1990**

(Under Section 11)

In exercise of the powers conferred on him by section 11 of the Wages Act, 1964 the Minister for Labour & Public Service hereby makes the following Order:-

Citation and commencement.

1. This order may be cited as the Regulation of Wages (Forestry & Forest Industry) Order, 1990 and shall come into force on 1st September, 1990.

Interpretation.

2. In this order unless the context otherwise requires:

“Artisan’s Assistant” means an employee who assists an Artisan in a workshop or in carrying out work allocated to an Artisan;

“Blaster” means an employee who is the Holder of a Recognised Blasting certificate and carries out Blasting operations;

“Bulldozer Operator” means an employee who operates a Bulldozer and carries out simple maintenance on it;

“Chainsaw Operator” means an employee who operates a Chainsaw and carries out simple Maintenance work on it;

“Clerk” means an employee who is engaged in General Clerical duties other than a tally clerk;

“Cook means an employee who is engaged in the cooking and issuing of food to other employees;

“Cross-cut saw operator” means an employee who operates a crosscut saw and carries out simple maintenance work on it;

“Driver (L.D.V.)” means an employee who drives a vehicle of less than 5 tons tare weight, whose duties include the handling to and from the Tailboard and the daily maintenance and cleaning of the vehicle;

“Driver (Logging)” means an employee who drives a log carrying Truck of over 10 tons tare weight and who is responsible for the daily maintenance and cleaning of the vehicle;

“Driver (H.D.V.)” means an employee who drives a vehicle of 5 to 10 tons Tare weight and whose duties include handling to and from the Tailboard and the daily maintenance and cleaning of the vehicle;

“Driving Instructor” means an employee who trains other employees to drive a vehicle;

“Fire Tower Watchman” means an employee, who by means of a fire tower, oversees, Locates fire on or near the property of his employer and reports the fire to his employer;

"Fork-Lift Driver" means an employee who drives a Fork Lift and carries out simple maintenance work on it;

"General Labourer" means an employee who carries out unskilled work and includes field labourers, cleaners, sweepers, loaders and tea serves;

"Grader Operator" means an employee who operates a grader and carries out simple maintenance on it;

"Juvenile" means a person between fifteen and eighteen years of age;

"Indvuna" means an employee who supervises other employees under his control.

"Jackhammer Operator" means an employee who operates a Jackhammer and carries out simple maintenance work on it;

"Saw Sharpener" means an employee who sharpens saws and carries out simple maintenance work on them;

"Medical Orderly" means an employee who provides medical assistance to out patients in the clinic;

"Security Guard" means an employee who is engaged to safeguard the property of his employer;

"Skidded Operator" means an employee who operates a Skidder and carries out simple maintenance on it;

"Tally Clerk" means a person who collects and records information for further processing;

"Telephone Linesman" means an employee who checks and carries out repair work for his employer on a telephone communication system;

"Timbergrader" means an employee who grades timber to the required specifications;

"Tractor Driver" means an employee who drives a tractor and carries out simple maintenance work on it.

Application.

3. This order shall apply to a person employed:-

- (a) In any undertaking having at least 70% of its productive holding under tree development and engaged in the occupation specified in First Schedule; and
- (b) By a person engaged in the clearing, felling or stripping of trees in a forest area.

Basic Minimum Wage.

4. (1) Subject to sub-regulation (3) the basic minimum wage to be paid to employees to whom the order applies shall be calculated at a rate not less favourable than that specified in the First Schedule.

(2) For purposes of calculating hourly, daily, weekly or monthly rates, the following conversion table shall be used -

- (a) Hourly rate, divide basic minimum wage by weekly hours;
- (b) Daily rate, divide basic minimum wage by days to be worked in a week;
- (c) Weekly rate, divide monthly wage by four and one third;
- (d) Monthly rate, multiply weekly wage by four and one third.

(3) A Juvenile General labourer shall receive not less than two-thirds of the rate of pay applicable to an adult general labourer.

Ration.

5. (1) As a condition of employment, an employer shall supply to each employee receiving less than E1080 per annum, rations, in quantities not less than those specified in the second Schedule.

(2) With the employee's consent, the employer may pay the employee a cash sum in lieu of rations.

Hours of work.

6. (1) The normal weekly hours shall consist of forty-eight hours of not less than five days.

(2) In the case of an employee engaged on shift work his normal weekly hours shall be forty-eight hours over a six day week.

(3) In the case of a Watchman or Security Guard the normal weekly hours shall be seventy-two hours over a six day week.

(4) An employee required to work on a continuous shift system shall have not less than one rest day in each seven day period.

Overtime.

7. (1) An employee who is engaged otherwise than on shift work as a Security Guard or Watchman and is required to work in excess of the hours specified under regulation 6(1) shall be paid overtime as follows:

(a) For time worked in excess of the normal hours in any one day, he shall be paid at one and half times his hourly rate;

(b) For time worked on a rest day, Sunday or public holiday specified in the third Schedule, he shall be paid at twice his hourly rate.

(2) Any employee on shift work, or a Security Guard who is required to work on a rest day or on a public holiday specified in the third Schedule, may be paid for such overtime or be given an equivalent amount of time off in lieu of overtime payment.

Annual Leave.

8. On completion of each period of twelve months' continuous service with an employer, an employee shall be entitled to an annual leave of not less than ten working days for a five day week and not less than twelve working days for a six day week with full pay.

Sick leave.

9. After three months' continuous employment with the same employer, an employee shall be eligible, in each year of employment with that employer, for a maximum of fourteen days sick leave on full pay and a maximum of fourteen days sick leave on half pay:

Provided that no employee shall be eligible for sick leave in respect of any incapacity due to his own neglect or misconduct.

Public Holiday.

10. (1) Subject to subsection (3) the public holidays specified in the third Schedule shall be holiday with full pay.

(2) Subject to the provisions of section 7(1) (b) subsection (1) this section shall only apply when the employee presents himself for work on the working day immediately before the public holiday and working day immediately following the public holiday, except where the employer has authorised the Employee's absence on such working day.

(3) Where an agreement has been reached between an employer and any of his employees any of the public holidays specified in the third schedule may be exchanged for any other day in lieu thereof.

Savings.

11. (1) No employer shall reduce the wages, ration allowance, annual leave or sick leave to which an employee was entitled prior to the commencement of this order.

(2) Any employer who contravenes subsection (1) shall be guilty of an offence and liable on conviction to a maximum fine of fifty Emalangenis or three months imprisonment or both.

Revocation of Legal Notice 75 of 1989.

12. The Regulation of Wages (Forestry and Forest Industry) Order, 1989 hereby is revoked.

FIRST SCHEDULE
(Emalangenis Per Week)

Grade A1	Cleaner)	E24.24
	General Labourer)	
	Loader)	
Grade A2	Artisan's Assistant Cook)	E26.69
	Firetower Watchman)	
	Forest Guard)	
	Forklift Driver)	
	Security Guard)	
	Tally Clerk)	
Grade B1	Chainsaw Operator)	E30.35
	Clerk)	
	Driver (L.D.V.))	
	Induna (Nursery))	
	Jackhammer Operator)	
	Switchboard Operator)	
Grade B2	Tractor Driver)	E34.01
	Cross-cut Saw Operator)	
	Driver (H.D.V.))	
	Induna (Forest))	
	Saw Sharperner)	
	Skidder Operator)	
	Timber Grader)	

Grade B3

Blaster)
 Bulldozer Operator)
 Driver (Logging))
 Driver Instructor)
 Grader Operator)
 Telephone Linesman)

E50.12

SECOND SCHEDULE

(Section 5)

MINIMUM WEEKLY RATION SCALE

Mealie Meal	6.35 Kg.
Meat	1.36 Kg.
Sugar45 Kg.
Dry Beans, Peas or Groundnuts68 Kg.
Fresh Vegetables9 Kg.
Salt113 Kg.

Alternatives.

The following rations may be supplied in lieu of the Items of Food mentioned in paragraph 1 :

(a) Mealie Meal:

For every .9 kg of Mealie Meal - .45 Kg. of Bread, .34 Kg. of Rice or .23 Kg. of ordinary or Sweet Potatoes.

(i) For the first .23 Kg. of Meat - .23 Kg. of Offal;

or

(ii) For the first .45 Kg. of Fish -.23 Kg. of Cheese

(b) For every .45 Kg. of Fresh Vegetables, .45 Kg. of Fresh Fruit or a proportionate ration of Dehydrated Vegetables.

Permitted Variations.

3. The rations of Mealie Meal shown in paragraph 2(a) may be reduced by an amount not exceeding 2.72 Kg. equivalent to the amount of Mealie Meal used in the preparation of :

(a) The Drink known as "Mahewu" or

(b) A proprietary Vitaminized Drink, if either Drink is issued in a week to the employee by the employer.

S18

THIRD SCHEDULE
(Section 10)

Good Friday
King's Birthday
Incwala Day
Somhlolo Day
Christmas Day
Boxing Day

H.F. KUHLASE (MRS)
Acting Principal Secretary Ministry of Labour & Public Service

S19

LEGAL NOTICE NO. 108 OF 1990

THE CIVIL SERVICE ORDER, 1973

APPOINTMENT OF PRINCIPAL SECRETARY

In exercise of the powers conferred upon me by Section 8 of the Civil Service Order, 1973, I, MSWATI III, King of Swaziland hereby appoint -

ELLIOT BHEMBE

to be Principal Secretary in the Department of Economic Planning and Statistics with effect from 1st July, 1990.

DONE AT LOZITHEHLEZI THIS DAY OF JULY, 1990.

MSWATI III
KING OF SWAZILAND

1

2

3

4

5

6

4

2

1

3

5

6

111

C

C

111