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SWAZILAND GOVERNMENT GAZETTE

VOL. XXXV]

MBABANE, Friday, September 19th., 1997

[No. 293

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PUBLISHED BY AUTHORITY

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NOTICE

Notice is hereby given that I, Musa Cyprian Shongwe of Manzini Region intend to apply to the Honourable Minister for Justice of the Kingdom of Swaziland for authorisation to assume the surname Khumalo after the fourth publication of this notice in each of the four consecutive weeks in the Observer and Times of Swaziland 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 is because Khumalo is my natural surname.

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

P.O. Box 4549
Manzini

J1367 4x19-09-97

NOTICE

ESTATE LATE: WILLIE SIFISO MBATHA ESTATE NO: H27/96

Notice is hereby given in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902 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.

JOHANNES S. NKAMBULE & ASSOCIATES
Executor's Attorneys
1st Floor Suite 4A Estel House
Ngwane Street
P.O. Box 300
Manzini

J1514 19-09-97

NOTICE

ESTATE LATE: SAMUEL MANDLENKOSI NDZABUKELWAKO ESTATE NO. EH124/96

Notice is hereby given that in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902, that the First and Final Liquidation and Distribution Account will lie open at the office of the Master of the High Court of Swaziland, Mbabane for a period of twenty one (21) days from date of appearance of this notice.

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

LINAH MASEKO
P.O. Box Mavela
Via Bhunya

J1546 19-09-97

759

NOTICE

Notice is hereby given that I, Petros Motweni Mbingo of Lubombo Region intend to apply to the Honourable Minister for Justice of the Kingdom of Swaziland for authorisation to assume the surname Gumbi after the fourth publication of this notice in each of the four consecutive weeks in the Observer and Times of Swaziland newspapers, being two newspapers circulating in the Region where I reside and designated for this purpose by the Regional Secretary for the Lubombo Region and in the Government Gazette.

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

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

P.O. Box 57
Big Bend

J1391 4x19-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 3033/96

In the matter between:

RAYMOND MAHHOVA NGWENYA

Plaintiff

and

JOSEPH MAYISELA

Defendant

NOTICE OF SALE

BE PLEASED TO TAKE NOTICE that the under mentioned property will be sold by public auction on Friday the 26th September 1997 at 2:30 p.m. at the entrance of the office of the Regional Administrator Manzini.

Opel Kadett TRR 512 T (as is)

Running condition.

RESERVE PRICE: E10,000.00

DUNCAN THRING
Acting Deputy Sheriff
Manzini

J1544 19-09-97

NOTICE

ESTATE LATE: MICHAEL KOMEDE NDZINISA ESTATE NO. EH158/97

Debtors and Creditors in the above Estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

MRS THULIE NDZINISA
P.O. Box 157
Mbabane

J1508 19-09-97

NOTICE

Notice is hereby given that I, Edwin Bonga Tala of Manzini Region intend to apply to the Honourable Minister for Justice of the Kingdom of Swaziland for authorisation to assume the surname Lukhele after the fourth publication of this notice in each of the four consecutive weeks in the Observer and Times of Swaziland 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 is because Lukhele is my natural surname.

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

P.O. Box 284
Bhunya

J1440 4x03-10-97

NOTICE

Notice is hereby given that I, Agreement Mfanyana Mavimbela of Manzini Region intend to apply to the Honourable Minister for Justice of the Kingdom of Swaziland for authorisation to assume the surname Mgabhi after the fourth publication of this notice in each of the four consecutive weeks in the Observer and Times of Swaziland 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 is because Mgabhi is my natural surname.

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

P.O. Box 477
Bhunya

J1493 4x03-10-97

NOTICE

Notice is hereby given that we intend to apply for certified copy of Deed of Transfer No. 400/1991 dated 24th June 1991 passed by the Town Council of Manzini in favour of ALIA SITHEMBILE SHABANGU, major spinster in respect of:

CERTAIN: Lot No. 901 situate in Ngwane Park Extension No. 1 Township, District of Manzini, Swaziland.

MEASURING: 1000 (One Zero Zero Zero) square metres.

Any person having objection to the issue of such copy is hereby requested to lodge in writing with the Registrar of Deeds for Swaziland within 21 (twenty one) days after the date of the last publication of this notice.

DATED AT MBABANE THIS THE 2ND SEPTEMBER 1997.

BHEKIG. SIMELANE & CO.
Attorneys for the Applicant
1st Floor Sokhamlilo Building
Cnr. Johnston & Walker Street
P.O. Box 4505
Mbabane

J1486 2x19-09-97

761

NOTICE

Notice is hereby given that we intend applying for a certified copy of deed of Transfer No. 266/1976 dated October 1976 in favour of Micah Paschal Dinabantu Mkhonza in respect of:-

CERTAIN: Portion 27 of the Farm Trelawny Park No. 868 situate in the urban area of Manzini district of Manzini, Swaziland.

MEASURING: One Thousand Four Hundred and Fifty Six (1456) square metres.

Any person having objection to the issue of such copy is hereby requested to lodge in writing with the registrar of Deed within three weeks of the last publication of this notice.

Q.M. MABUZA ATTORNEYS
Soshangane Place
199 Kelly Street
P.O. Box 202
Manzini

J1507 3x03-10-97

NOTICE

SWAZILAND COMPANIES ACT NO. 7 OF 1912

Notice is hereby given that pursuant to the Order of the High Court of Swaziland of the Company known as:

WARRIOR STATIONERS (SWAZILAND) (PROPRIETARY) LIMITED

has been reinstatement to the Swaziland Register of Companies.

I therefore publish this notice to revoke the strike off notice published in the Times of Swaziland and Swazi Observer on the 16th September, 1996 and in the Swaziland Government Gazette number 190 dated 20th September, 1996.

G.D. NDLOVU
Registrar of Companies

J1517 19-09-97

NOTICE

ESTATE LATE: SARAH SHONGWE ESTATE NO. E569/95

Notice is hereby given that in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902, that the First and Final Liquidation and Distribution Account will lie open at the office of the Master of the High Court of Swaziland, Mbabane for a period of twenty one (21) days from date of appearance of this notice.

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

JACOB BHOLI SHONGWE
P.O. Box 200
Nsoko

J1545 19-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: JEMINAH FAKUBI MAGONGO ESTATE NO. H168/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Master of the High Court on 24th September 1997 at 12:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1529 19-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: SIMON MADLOTI MALINDZISA ESTATE NO. H178/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Master of the High Court on 1st October 1997 at 10:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1530 19-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: DAVID SNAYE THWALA ESTATE NO. H179/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Master of the High Court on 1st October 1997 at 10:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1531 19-09-97

763

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: SENZENI ALBERTINAH RADEBE ESTATE NO. H174/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Master of the High Court on 1st October 1997 at 12:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1532 19-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: BHEKINKOSI MBUSO DLAMINI ESTATE NO. H173/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Master of the High Court on 1st October 1997 at 11:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1533 19-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: ESTHER THULI MALINGA ESTATE NO. H172/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Master of the High Court on 1st October 1997 at 11:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1534 19-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: MAXWELL MCOSHOWA MHLONGO
ESTATE NO. H181/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Master of the High Court on 1st October 1997 at 09:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1535 19-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: ZENZILE QALISILE BHEMBE ESTATE NO. H182/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Manzini Regional Office on 29th September 1997 at 10:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1536 19-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: ZOMBODZE ENOCK GADLELA ESTATE NO. H184/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Manzini Regional Office on 29th September 1997 at 11:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1537 19-09-97

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NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: BERNARD SIGAGA BHEMBE ESTATE NO. H185/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Manzini Regional Office on 29th September, 1997 at 12:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1538 19-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

**IN THE ESTATE OF THE LATE: ABEL THEMBA NTSHALINTSHALI
ESTATE NO. M187/97**

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Manzini Regional Office on 29th September, 1997 at 12:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1539 19-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: THOKO NTOMBI DLAMINI ESTATE NO. M81/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Manzini Regional Office on 29th September, 1997 at 10:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1540 19-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

**IN THE ESTATE OF THE LATE: WALKER HURBERT REEKERMANN
ESTATE NO. M190/97**

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Manzini Regional Offices on 29th September, 1997 at 09:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1541 19-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: OBERT KUFA MOTSA ESTATE NO. EM234/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Manzini Regional Office, on 29th September 1997 at 09:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1542 19-09-97

NOTICE

ESTATE LATE: SAMUEL NDIYA MHLANGA ESTATE NO. ES107/96

Notice is hereby given that in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902, that the First and Final Liquidation and Distribution Account will lie open at the office of the Master of the High Court of Swaziland, Mbabane for a period of twenty one (21) days from date of appearance of this notice.

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

KHANYISILE MHLANGA
P.O. Box 1195
Manzini

J1527 19-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 1420/96

In the matter between:

FIRST NATIONAL BANK OF S.A. LIMITED
(FIRST CARD DIVISION)

Plaintiff

and

SIBONGILE QUEENETH TSHABALALA

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 at 11.30 a.m. on Friday the 10th October 1997.

CERTAIN: Portion 6, Lot 2180, situate in the Township of Mbabane Extension No. 14.

MEASURING: 950 (Nine Five Zero) Square Metres.

HELD: By the Defendant under Deed of Transfer No. 606/87.

IMPROVEMENTS: A house.

RESERVE PRICE: E150,000.00 (One Hundred and Fifty Thousand Emalangeni)

The Conditions of Sale are available for inspection at the office of the Sheriff in the High Court Building in Mbabane.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE THIS 4TH DAY OF SEPTEMBER 1997.

S.J. GAMA
Sheriff of Swaziland
c/o /the Registrar of the High Court
Mbabane

J1515 19-09-97

NOTICE

ESTATE LATE: SOLOMON BHANANA VILAKATI ESTATE NO. EH200/97

Debtors and Creditors in the above Estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

CHRISTOPHER VILAKATI & EMLY VILAKATI
P.O. Box 21
Lobamba

J1509 19-09-97

NOTICE

ESTATE LATE: MVUNDENI MNGOMETULU ESTATE NO. EL30/97

Notice is hereby given that in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902, that the First and Final Liquidation and Distribution Account will lie open at the office of the Master of the High Court of Swaziland, Mbabane for a period of twenty one (21) days from date of appearance of this notice.

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

SIFO MNGOMETULU
P.O. Box 384
Siteki

J1526 19-09-97

NOTICE

ESTATE LATE: EMMAH LONTETHE DLAMINI ESTATE NO. EM180/97

Debtors and Creditors in the above Estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

AARON LUKHELE
P.O. Box 50
Mankayane

J1510 19-09-97

NOTICE

ESTATE LATE: MOSES MATATA MYENI ESTATE NO. EL54/97

Debtors and Creditors in the above Estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

JABULANI MYENI
P.O. Box 1
Mathatha

J1511 19-09-97

NOTICE

ESTATE LATE: THABSILE PRIMROSE MASILELA ESTATE NO. EH163/97

Debtors and Creditors in the above Estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

ANDREAS MASILELA
P.O. Box 212
Mbabane

J1512 19-09-97

769

NOTICE

ESTATE LATE: OBED MAVUSO ESTATE NO. EP26/97

Debtors and Creditors in the above Estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

ERICK MASWAZI MAVUSO
P.O. Box 8
Piggs Peak

J1513 19-09-97

NOTICE

ESTATE LATE: MARY DZINEKILE DLAMINI ESTATE NO. EM166/97

Debtors and Creditors in the above Estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

THEMBISILE JABULILE SIBANDZE
P.O. Box 13
Manzini

J1516 19-09-97

NOTICE

ESTATE LATE: LIZZY NCIPHILE SIBIYA ESTATE NO. EH176/97

Debtors and Creditors in the above Estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

MR DANIEL SIBIYA
P.O. Box 9
Ngwenya

J1522 19-09-97

NOTICE

ESTATE LATE: ABEL V. MARTINS ESTATE NO. EL62/96

Debtors and Creditors in the above Estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

MARY MARTINS
P.O. Box 1131
Matsapha

J1523 19-09-97

NOTICE

ESTATE LATE: EDDIE DLAMINI & JABULILE H. DLAMINI ESTATE NO. EH141/97

Debtors and Creditors in the above Estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

RITA DLAMINI
P.O. Box 286
Siteki

J1524 19-09-97

NOTICE

ESTATE LATE: THANDIE MAGARETH DLAMINI ESTATE NO. EP24/97

Debtors and Creditors in the above Estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

SOFAYA MLOTSHWA
P.O. Box 214
Piggs Peak

J1528 19-09-97

NOTICE

ESTATE LATE: MALUNGISA REX MAGAGULA ESTATE NO. EM168/97

Debtors and Creditors in the above Estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

EUNICE BABHEKILE MAGAGULA
P.O. Box 136
Mliba

J1525 19-09-97

NOTICE

ESTATE LATE: PHILLEMONG MGCOKISENI NDZABANDZABA ESTATE NO. EL57/97

Debtors and Creditors in the above Estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

DAVID NDZABANDZABA
P.O. Box 257
Siteki

J1543 19-09-97

SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

VOL. XXXV]

MBABANE, Friday, September 19th., 1997

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LEGAL NOTICE NO. 152 OF 1997

THE WAGES ACT, 1964
(Act No. 16 of 1964)THE REGULATION OF WAGES (ROAD TRANSPORTATION) ORDER, 1997
(Under Section 11)

In exercise of the powers conferred on him by Section 11 of the Wages Act, 1964, the Minister for Enterprise and Employment hereby makes the following Order.

Citation and commencement.

1. This Order may be cited as the Regulation of Wages (Road Transportation) Order, 1997 and shall be deemed to have come into effect on the 1st July, 1997.

Interpretation.

2. In this Order, unless the context otherwise requires -

“assistant mechanic” means an unskilled employee who assists a mechanic;

“cleaner” means a person who is employed to clean vehicles or the premises of his employer;

“clerk grade II” means a clerk from one day to 3 months continuous service with the same employer;

“clerk grade III” means a clerk above 3 months up to 12 months, continuous service with the same employer;

“clerk grade IV” means a clerk from 13 months up to 24 months continuous service with the same employer;

“clerk grade V” means a clerk from 25 months service who is engaged in general clerical duties, with the same employer;

“conductor” means a person who is employed to sell tickets on a public service vehicle and who is responsible for the control of passengers on that vehicle;

“driver” means a person who is employed to drive a goods vehicle, public service vehicle, car hire or taxi as the context may require;

“grade” means any grade listed in the First Schedule;

“greaser” means an employee who greases vehicles and trailers;

“general worker” means an employee who performs manual tasks of simple routine nature, requiring mainly physical effort and little or no experience, which is not performed by workers classified elsewhere;

“head driver” means an employee who supervises other drivers;

“public holiday” means a day prescribed as a paid public holiday in regulation 11;

“artisan” means an employee who has completed an apprenticeship or who has been awarded a trade grade certificate;

“lay over” means a period of duty performed by a driver for the purpose of booking-off his vehicle which shall not include driving duty;

“Loader” means an employee engaged in the loading or off-loading of vehicles or rail transport;

“lorrymate” means an employee who assists in the execution of driver’s duties other than driving;

“messenger” means an employee engaged to convey messages and to carry out elementary office jobs;

“mobile crane driver” means an employee who operates a mobile crane to load or off-load materials;

“night” means the period between the hours of 6.00 p.m and 6.00 a.m;

“overtime” means any time worked outside the ordinary hours of work as defined in regulation 6;

“senior clerk” means an employee engaged in general clerical duties including supervisory work;

“short time” means the employment of employees on short time working at not less than fifty percent of their basic wage;

“suitable accommodation” means a weatherproof structure containing bed or camp bed with a palliasse or similar covering;

“switchboard operator” means an employee who operates a telephone switchboard;

“tyre hand” means a person who is employed in the repairing of tyres and tubes, including the use of equipment necessary for such work;

“journeyman/mechanic” means any employee who completed an apprenticeship;

“watchman” means an employee who guards property or premises of the employer;

“working day” means any day other than a day-off or a public holiday listed in regulation 11.

Application.

3. This Order shall apply to all persons employed in any undertaking involving the carriage, for hire or reward, of passengers or goods by a motor vehicle required to be licenced under the Road Transportation Act, 1963.

Basic Minimum Wage.

4. (1) The basic minimum wage to be paid to the employees specified in the First Schedule shall be calculated at a rate specified therein in relation to the employee’s grade;

(2) A casual employee shall not be paid less than one and third (1/3) times the basic minimum wage for the occupation and grade in which he is employed.

Protection of Wages.

5. (1) An employee who is required to perform duties in a lower grade than that in which he is normally employed, shall be paid the wages applicable to the grade in which he is normally employed.

(2) Any employee who is required to temporarily perform duties in a higher grade than that in which he is normally employed, shall be paid the wage applicable to such higher grade on and after the third day of such work.

(3) Except in the case of short time, no employer shall reduce the wages of any employee who is able and willing to work and who presents himself for work at the appointed time and place but for whom the employer is unwilling or unable to provide work.

Hours of work.

6. (1) The ordinary hours of work, subject to the provisions of regulation 8 shall not exceed forty eight hours per week, spread over 6 days.

(2) Except in case of emergency, no employer shall require or permit an employee, other than a watchman or taxi-driver, to work more than sixty hours, including overtime, in any week or for more than five continuous hours without a break of at least thirty minutes.

(3) Every employee shall receive one day off work in each week and no employee shall be required to work on his day-off in successive weeks unless mutually agreed to by prior arrangement.

(4) Where two drivers are engaged in driving a vehicle, the total driving hours per day for both drivers shall not exceed sixteen hours and each driver shall be paid for driving time only, which driving hours shall be appointed equally between both drivers.

(5) A driver of a Public Transport vehicle shall be allowed breaks amounting in aggregate to not less than forty minutes in a period of eight consecutive hours working time, and in the event of him working more than eight consecutive hours, he shall, in addition to aggregate break of forty minutes, be given a thirty minutes rest period at the end of eight hours.

(6) No driver shall be required or permitted to drive for eleven or more hours in one day except in the case of an emergency.

Conversions Rates.

7. For purposes of converting a weekly wage to -

- (a) an hourly rate, the weekly wages shall be divided by the number of hours ordinarily worked in a week;
- (b) a daily rate, the weekly wage shall be divided by the number of days ordinarily worked in a week; and
- (c) a monthly rate, the weekly wages shall be multiplied by four and one third.

Payment of Overtime.

8. (1) Subject to the provisions of regulation 6 an employer may require an employee to work overtime and, whenever possible, shall give twenty-four hours notice of such requirements.

(2) The first thirty minutes of overtime worked on any day shall qualify for payment at the employee's normal rate of wage applicable to that day.

(3) Overtime in excess of thirty minutes on any normal working day shall qualify for payment at the rate of one and half/times the employee's normal rate of wages.

(4) Overtime worked by an employee on his day off or on a public holiday qualify for payment at double the employee's normal wages.

Allowances.

9. (1) A driver other than a taxi-driver, who is required to drive on a night shift shall be paid at one and one quarter times his normal wage rate.

(2) A taxi driver shall be paid, in addition to his normal wage, a commission of not less than two percent, on his money intake during any month worked.

(3) A driver who has been in the continuous employment of the same employer for more than six months and who is required to obtain an annual public driver's licence, shall be reimbursed by his employer the cost of any medical examination required as a condition for the issue of that licence.

(4) An employee who is on duty outside his normal station or principal place of employment shall be paid subsistence allowance in respect of each continuous period of 12 hours up to a maximum of six days the following -

(a) thirteen emalangeni, twenty cents (13.20) where the employer provides suitable accommodation and food;

(b) eighteen emalangeni, ninety eight cents (18.98) where the employer does not provide food, but provides suitable accommodation or where the accommodation is available on the vehicle; and

(c) thirty three emalangeni (33.00) where the employer provides neither food nor accommodation.

(5) An employee who is absent on duty from his principal place of employment for more than seven days but not exceeding thirty days, shall be paid the following subsistence allowance in respect of each absence -

(a) twenty six emalangeni, forty cents (26.40) if the employer provides suitable accommodation and food;

(b) eighteen emalangeni, ninety eight cents (18.98) where the employer does not provide food, but provides suitable accommodation or where the accommodation is available on the vehicle; and

(c) thirty nine emalangeni sixty cents (39.60) if the employer provides neither food nor accommodation.

(6) Whenever a transfer is envisaged to be permanent in nature from the outset, a transfer allowance of E60.00 shall be paid to the transferee.

Annual leave.

10. (1) During the first two years of continuous service with an employer, an employee shall earn leave at the rate of one and a quarter working days for each completed month of service.

(2) After the completion of two years service but not exceeding seven years continuous service with an employer, an employee shall earn at the rate of two working days for each completed month.

(3) An employee with more than seven years continuous service with an employer shall earn leave at the rate of two and a half working days for each completed month.

(4) Where the services of an employee is terminated after a period exceeding three months but not amounting to one year from the date of commencement, the employer shall pay to the employee a sum not less than one day's wages for each completed month of such period.

(5) A period of unpaid leave or unpaid sick leave shall not be counted as employment earning leave.

(6) an employer who observes a holiday other than a public holiday in regulation 11, shall not off-set such holiday against an employee's leave.

Public Holiday.

11. (1) The following shall be public holidays with full pay -

New Years' Day;
 Good Friday;
 Easter Monday;
 National Flag Day;
 Ascension Day;
 Public Holiday;
 King's Birthday;
 Umhlanga (Reed dance) Day;
 Somhlolo Day;
 Incwala Day;
 Christmas Day; and
 Boxing Day

(2) Where a public holiday falls on a Sunday, the following day shall be deemed to be a public holiday.

(3) An employee who is absent without leave on the working day before or the working day after a public holiday, shall not be entitled to any payment in respect of that public holiday in terms of this regulation.

Sick Leave.

12. (1) After three consecutive months continuous service with an employer and subject to the production of a medical certificate signed by a medical practitioner, registered under the Medical and Dental Practitioners Act, 1970, an employee shall be entitled to sick leave up to a maximum of fourteen days on full wages and thereafter to a maximum of fourteen days on half wages in each period of one year.

(2) Notwithstanding sub-regulation (1),

(a) an employee shall not be entitled to the benefits specified under sub-regulation (1) if the sickness or accident causing his absence was a result of his own negligence or misconduct; and

- (b) a certificate issued by a registered nurse shall be accepted in place of a medical certificate if a medical practitioner is not available.

Written Particulars of employment to be provided.

13. An employer shall on engagement of an employee, give such an employee a completed copy of the form in the Second Schedule of this Order.

Continuous Service.

14. Where, following upon a change of ownership of an establishment or undertaking an employee enters the service of the new owner without interruption, his service shall be deemed to be continuous service in the employment of the new owner.

Protective Clothing.

15. (1) Subject to sub-regulation (2), an employer shall supply, free of charge and without payment of any deposit by the employee, the following items -

- (i) in the case of employees who are normally exposed in their employment to inclement weather, a waterproof cap, overcoat or other suitable protective clothing;
- (ii) two dust coats, two overalls or two uniforms per annum, in the case of drivers and conductors; and
- (iii) in the case of artisans assistant mechanics and employees engaged in the loading, unloading and delivery of goods to or from vehicles, suitable overalls or other protective clothing.

(2) Any clothing supplied to an employee in terms of this regulation shall remain the property of the employer and shall subject to fair wear and tear, be returned to the employer in good condition on the resignation, retirement or discharge of an employee.

Short Time.

16. (1) If an employer finds it necessary, for reasons beyond that employers control, to employ an employee on short time, that employer may do so, subject to the Labour Commissioner consenting in writing to such an arrangement and on the undertaking that the employer intends resuming full time working within three weeks.

(2) Where an employee has been placed on short time under sub-regulation (1), that employee shall be paid not less than fifty percent of the weekly wages where the employee is employed for periods which, in aggregate, are equivalent to or less than fifty percent of his normal weekly hours of work.

(3) No reduction shall be made in an employee's earnings where the employee has been placed on short time, and works, in aggregate, more than fifty percent of normal weekly hours of work during any week the employee has been placed on short time.

Revocation of Legal Notice No. 153 of 1996.

17. The Regulation of Wages (Road Transportation Industry) Order, 1996 is revoked.

FIRST SCHEDULE

(REGULATION 4)

BASIC MINIMUM WAGE PER WEEK

GRADE I:

Cleaner	
Greaser	
Loader	
Lorry mate	120.24
Messenger	
Conductor	
General worker	

Grade II:

Fuel issuer	
Tyre hand	
Watchman	176.62
Clerk	
Driver of vehicles up to 200kg tare weight or	
A public transport Licenced to carry 1 to 16 passengers	

Grade III:

Driver of vehicles from 2001kg to 7000kg tare weight or	
Public Transport Licenced to carry 17 to 36 passengers	
Assistant mechanic	
Clerk	189.35

Grade IV:

Driver of mobile cranes, vehicles from 7001 kg to 12000 kg tare weight or	
public transport licenced to carry 37 to 59 passengers	
Clerk	196.30

Grade V:

Driver of vehicles 12001kg to 20000kg tare weight or public transport	
licenced to carry 60 passengers and more	
Clerk	209.24

Grade VI:

Driver of (vehicles of 20001 kg tare weight and above	
Senior Clerk	210.34

Grade VII:

Driver Supervisor	
Journeyman	378.02

SECOND SCHEDULE

WRITTEN PARTICULARS OF EMPLOYMENT

1. Name of Employer
2. Name of Employee
3. Date of employment began
4. Wage and method of calculation
5. Interval at which wages are paid
6. Normal hours of work
7. Short description of employee's work
.....
.....
8. Probation Period
9. Annual Holiday Entitlement
10. Paid Public Holiday
11. Payment during sickness
12. Maternity Leave (if employee female)
13. Notice employee entitled to receive
14. Notice employee required to give
15. Pension Scheme (if any, other than N.P.F. Scheme)
.....
16. Any other matter either party wishes to include
.....

Notes: (i) An Industry Union is recognised by this undertaking any employee is free to join it.
The address of the Industry Union is:

(ii) The grievance procedure in this undertaking requires that a grievance should be
first referred to

(iii) When any heading is unapplicable enter nil.

Signed Employer
..... Employee
..... Witness
..... Date.

C.J.M. KUNENE
Principal Secretary
Ministry of Enterprise & Employment

LEGAL NOTICE NO. 153 OF 1997

THE WAGES ACT, 1964
(Act No. 16 of 1964)

THE REGULATION OF WAGES (DOMESTIC EMPLOYEES) ORDER, 1997
(Under Section 11)

In exercise of the powers conferred upon him by Section 11 of the Wages Act, 1964, the Minister for Enterprise & Employment hereby makes the following order:-

Citation and commencement.

1. This Order may be cited as the Regulation of Wages (Domestic Employees) Order, 1997 and shall be deemed to have come into effect on the 1st September, 1997.

Interpretation.

2. In this Order, unless the context otherwise requires:

“casual employee” means a domestic employee who is employed for not more than one day at a time and who is paid at the end of the day’s work;

“children’s nurse” means a person who takes care of children and oversees their activities, gives children all necessary assistance, carries out such other duties in connection with the care of children, including the washing of their clothes, as may be required;

“cook” means a person who is capable of, and is mainly engaged in, preparing and cooking meals suitable to the dietary and other requirements of the household in which he is employed and who may be required to assist in other household duties;

“domestic employee” means any person employed in or about any private household or part thereof in the capacity of cook, house attendant, waiter, butler, children’s nurse, valet, groom, gardener, laundress, or watchman;

“gardener” means a person who carries out all gardening activities including the planting and cultivation of flowers, shrubs and vegetables, maintains lawns and paths and attends to cleanliness of compounds and yards and, who may be required to carry out other duties such as cleaning vehicles;

“house attendant” means a person who carries out domestic duties including the preparation of food, washing of dishes, cleaning rooms, dusting and polishing furniture, washing windows, washing clothes and textiles by hand and ironing them, making bed etc;

“laundress” means a person who is mainly employed to carry out washing of clothing using either the washing machine or washing the clothing by hand and ironing them using any kind of iron;

“part time employee” means a domestic employee, other than a casual employee, who is employed for less than twenty four hours in any week;

“public holidays” means a public holiday mentioned in regulation 9 (1);

“watchman” means a person who is responsible for the safeguard of his employer’s property against fire, theft and illegal entry; carries out such other duties as are similar to these responsibilities, as required by his employer.

Application.

3. This Order shall apply to all persons employed as domestic employees as specified in the First Schedule.

Basic Minimum Wage.

4. (1) The basic minimum wage to be paid to employees specified in the First Schedule shall be calculated at a rate not less than that specified therein.

(2) The daily and hourly rates specified in the First Schedule shall be the basic minimum wage applicable to part time and casual employees only.

Hours of Work.

5. The normal working week shall consist of forty-eight hours, exclusive of meal breaks, spread over six days of the week each of eight hours or as may be agreed between the employer and the employee.

Overtime.

6. (1) An employee required to work in excess of the normal hours of work referred to in Regulation 5 on any day as agreed between the employees, shall be paid for such overtime at the rate of one and half times his normal rate of wages.

(2) For any time worked on Public holidays specified in regulation 9 and during off days shall be paid at double time.

Annual leave.

7. (1) On completion of twelve months continuous service with an employer, an employee shall, at a time convenient to his employer, be entitled to annual leave of not less than twelve working days with full pay.

(2) Any employee whose services are terminated after three months' service shall be paid at the time of termination pro rata cash payment in respect of leave earned but not taken and such pro rata cash payment shall be equal to not less than one day's wage for each month during which leave had been earned but not taken.

Sick Leave.

8. (1) After three consecutive months of continuous service with an employer and subject to the production of a medical certificate signed by a medical practitioner, registered under the Medical and Dental Practitioners Act, 1970, an employee shall be entitled to sick leave up to a maximum of fourteen days on full wages and thereafter to a maximum of fourteen days on half wages in each period of twelve months continuous service.

(2) Notwithstanding sub-regulation (1),

(a) an employee shall not be entitled to the benefits provided for under sub-regulation (1) if the sickness or accident causing his absence was as a result of his own negligence or misconduct; and

(b) a certificate issued by a registered nurse shall be accepted in place of a medical certificate if a medical practitioner is not available.

Paid Public Holidays.

9. (1) The following shall be public holidays with full pay

Ascension day;
Easter Monday;
Good Friday;
Incwala Day;
King's Birthday;
Umdlhlanga (Reed Dance) Day;
Somhlolo Independence Day;
Christmas Day;
New Year's Day;
National Flag Day; and
Workers' Day.

(2) No employee shall be entitled to payment under sub regulation (1) unless he is available for work on a working day immediately before and after the public holiday.

Maternity Leave.

10. (1) After nine months of continuous service with an employer, and subject to the production of a certificate signed by a registered nurse recommending that an employee should refrain from work because she is pregnant, an employee shall be entitled to thirty (30) working days maternity leave on full pay thereafter without pay in respect of that pregnancy.

(2) Such leave shall be in addition to any sick leave to which the employee may be entitled under Regulation 8.

Uniforms.

11. An employer shall, as a condition of employment, provide suitable uniform for the domestic employee, casual employee, or part time employee, whichever is the case and such uniform shall remain the property of the employer.

Conditions of employment.

12. As a condition of employment, an employee may enter into a written agreement with his employer.

Rest Day.

13. Every employee shall be granted one rest day each week; such day to be fixed by mutual agreement between the employee and his employer.

Accommodation.

14. Where an employer require an employee to occupy accommodation provided by the employer as part of his conditions of employment, such accommodation shall be provided free of charge to the employee.

Revocation of Legal Notice No. 3 of 1997.

15. The Regulation of Wages (Domestic Employees) Order, 1997 is revoked.

FIRST SCHEDULE

Basic Minimum Wage

	Monthly	Daily	Hourly
Cook	223.42	8.59	1.07 cents
Watchman	223.42	8.59	1.07 cents
Gardener	214.69	8.26	1.03 cents
Gardener (under eighteen years)	180.73	6.95	87 cents
House attendant	214.69	8.26	1.03 cents
House attendant (under eighteen years)	180.73	6.95	87 cents
Laundress	214.69	8.26	1.03 cents
Laundress (under eighteen years)	180.73	6.95	87 cents
Children's nurse	214.69	8.26	1.03 cents
Children nurse (under eighteen years)	180.73	6.95	87 cents

The monthly rate specified in the first column of the above Schedule shall be the basic minimum wage for employees engaged on a monthly contract inclusive of the ration element.

The daily rate specified in the second column of the Schedule shall be the basic minimum wage for part time employees engaged on a daily contract inclusive of the ration element.

The hourly rate specified in the third column of the Schedule shall be the basic minimum wage for casual employees employed casually and paid by the hours inclusive of the ration element.

CYRIL J.M. KUNENE

Principal Secretary

Ministry of Enterprise & Employment

LEGAL NOTICE NO. 154 OF 1997

THE SUGAR EXPORT LEVY ACT, 1997

(Act No. 4 of 1997)

THE SUGAR EXPORT LEVY ACT (COMMENCEMENT DATE) NOTICE, 1997

(Under Section 1)

By virtue of the powers vested in terms of Section 1 of the Sugar Export Levy Act, 1997, I hereby appoint 1 April 1996 to be the commencement date of the Act.

THEMBA N. MASUKU (MP)

Minister for Finance

12th September, 1997

LEGAL NOTICE NO. 155 OF 1997

THE SUGAR EXPORT LEVY ACT, 1997

(Act No. 4 of 1997)

THE RATE OF SUGAR EXPORT LEVY NOTICE, 1997

(Under Section 3)

The rate of the sugar export levy referred to in Section 3 of The Sugar Export Levy Act, 1997, shall be 5.75% of the proceeds from the net ex-mill export protocol sales to the European Union applied two years in arrears.

THEMBA N. MASUKU (MP)

Minister for Finance

12th September, 1997