



SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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PART C - LEGAL NOTICES

179. The Commission of Enquiry (Payment of Certain Compensation) Notice, 1997 S1

LEGAL NOTICE NO. 179 OF 1997

THE COMMISSION OF INQUIRY ACT, 1963
(Act No. 35 of 1963)

THE COMMISSION OF ENQUIRY (PAYMENT OF CERTAIN COMPENSATION)
NOTICE, 1997
(Under Section 3)

In exercise of the powers conferred by section 3 of the Commission of Enquiry Act, 1963 I hereby issue the following Notice -

Citation.

1. This Notice may be cited as the Commission of Enquiry (Payment of Certain Compensation) Notice, 1997.

Appointment of Commission.

2. (1) The Commission of Enquiry (Payment of Certain Compensation) Notice, 1997 is hereby appointed.

(2) The Commission shall consist of the following Commissioners -

Mr. Michael Dermott	-	Chairman
Mr. Sabelo J.K. Matsebula	-	Counsel Leading evidence
Mr. Seth S.Z. Dhlamini	-	Commissioner
Mr. Zacheus M. Nkosi	-	Secretary
Mr. Dumisani A. Nxumalo	-	Commissioner

Functions of the Commission.

3. (1) The Commission shall examine and inquire into the circumstances leading up to the payment of an amount approximately E3 Million to Atlas Motors (Pty) Limited being the registered owner of Portion 609 of Farm 2 in the Hhohho Region, as compensation for the appropriation or expropriation of the said property for the construction of the Mbabane - Manzini Highway and, without derogating from the generality of the foregoing, the Commission shall inquire in particular, into the following -

- (a) whether the sale of the said property was approved by the Land Speculation Control Board as required by the Land Speculation Act No. 8 of 1972 and, if not why;
- (b) whether the sale of the said property to Atlas Motors was subject to any conditions which had to be fulfilled by Atlas Motors and whether such conditions were fulfilled;
- (c) whether or not such payment was approved by Cabinet and, if so, why;
- (d) whether or not the advice of the Attorney-General was sought and if so, to what extent it was followed before payment was effected;
- (e) whether or not the requirements of the Roads and Outspans Act No. 40 of 1931 and the Acquisition of Property Act No. 10 of 1961 were followed and if not, why;

- (f) whether or not an evaluation of the property was carried out to determine the level of compensation appropriate for such property and if it was carried, was it duly applied;
- (g) whether or not the Ministry for Public Works and Transport has adopted any specific policy for the determination of levels of compensation payable to owners of property acquired for the construction of the Mbabane-Manzini Highway.

(2) The Commission shall further -

- (a) call for any documents it may deem necessary and relevant to this enquiry;
- (b) examine and inquire into any other matter relating to the activities which are the subject matter of this enquiry as it may consider relevant; and
- (c) make any recommendations it deems appropriate based on its findings.

Enquiry venue.

4. The enquiry shall be held at the 5th Floor, Engungwini Building, office Numbers 14 and 28 or at any other venue and at such time as the Chairman may determine.

Enquiry in camera.

5. Except where the Minister for Public Works and Transport otherwise directs, the enquiry shall be held in camera.

Quorum.

6. Three commissioners including the Chairman shall constitute a quorum for purposes of the enquiry.

Duration of enquiry.

7. The Commission shall commence its functions on the 20th November, 1997 and submit its report to the Minister for Public Works and Transport on or before the 30th January, 1998 or on such later date the Minister may, by notice in the Gazette, permit.

Allowances.

8. The Commission shall be paid such statutory allowances as are payable to commissions of inquiry according to the Government scale.

Revocation of Legal Notice No. 171 of 1997.

9. Legal Notice No. 171 of 1997 is revoked and replaced by this Notice as of the 12th November, 1997.

M.E. MADLOPHA
Principal Secretary
Public Works and Transport

MBABANE
21 November, 1997