



SWAZILAND GOVERNMENT GAZETTE

VOL. XL]

MBABANE, Friday, MAY 24th., 2002

[No. 832

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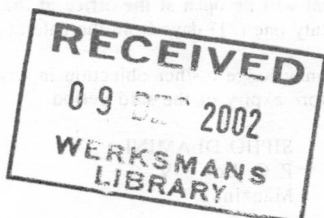
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PUBLISHED BY AUTHORITY

NOTICE

Notice is hereby given that I, Yuri FitzPatrick Fakude of Manzini Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Adams after the fourth publication of this notice in each of the four consecutive weeks in the Times of Swaziland/ The Swazi Observer being the 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 Adams is my natural surname.

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

P. O. Box 3224
Manzini

D800 4x7-06-2002

NOTICE

Notice is hereby given that I, Majahonkhe Celumusa Gembe of Manzini Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Ndwandwe after the fourth publication of this notice in each of the four consecutive weeks in the Times of Swaziland/ The Swazi Observer being the 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 Ndwandwe is my natural surname.

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

P. O. Box 2261
Manzini

D717 4x31-05-2002

NOTICE

ESTATE LATE: DUMSANI AGRICOLLA DLAMINI ESTATE NO. EP72/2000

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation 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 the date of publication of this Notice.

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

SIPHO DLAMINI
P. O. Box 379
Manzini

D811 24/05/2002

NOTICE

Notice is hereby given that I, Malindane Sibusiso Manana of Hhohho 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 the four consecutive weeks in the Times of Swaziland/ The Swazi Observer being the 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 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 Hhohho Region.

P/B Ntabinezimpisi Primary School
Mayiwane

D756 4x31-05-2002

NOTICE

Notice is hereby given that we intend applying for the cancellation of an entry in the Deeds Office register relating to the following mortgage bond, namely;

Mortgage Bond No. 395/1996 dated the 12th June, 1996 for an amount of E53,250.00 (Fifty Three Thousand, Two Hundred and Fifty Emalangeni) passed by BERNARD MSHINI MAVUSO in favour of SWAZILAND DEVELOPMENT AND SAVINGS BANK.

Any person having an objection to the cancellation of such entries in the Deeds Office Register is hereby requested to lodge such objection in writing with the Registrar of Deeds within three (3) weeks of the last publication of this notice.

DATED AT MBABANE ON THIS 10TH DAY OF MAY, 2002.

SIGWANE, MANZINI AND PARTNERS
Attorneys for Applicant
P. O. Box A204
Swazi Plaza
Mbabane

D777 2x24/05/2002

NOTICE

ESTATE LATE: SIPHO SIMELANE ESTATE NO. EM152/2001

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

WINILE T. SIMELANE
P.O. Box 18
Kwaluseni

D808 24/05/2002

NOTICE

Notice is hereby given that we intend applying for the cancellation of an entry in the Deeds Office register relating to the following mortgage bonds, namely:

1. Mortgage Bond No. 297/1992 dated the 7th April, 1992 for an amount of E161,347.00 (One Hundred and Sixty One Thousand, Three Hundred and Forty Seven Emalangeni);
2. Mortgage Bond No. 298/1992 dated the 7th April, 1992 for an amount of E80,000.00 (Eighty Thousand Emalangeni); both passed by JOHN SHONGWE in favour of SWAZILAND DEVELOPMENT AND SAVINGS BANK.

Any person having an objection to the cancellation of such entries in the Deeds Office Register is hereby requested to lodge such objection in writing with the Registrar of Deeds within three (3) weeks of the last publication of this notice.

DATED AT MBABANE ON THIS THE 10TH DAY OF MAY, 2002.

SIGWANE, MANZINI AND PARTNERS
Attorneys for Applicant
P. O. Box A204
Swazi Plaza
Mbabane

D775 2x24/05/2002

NOTICE

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 393/1991 dated the 18th day of July, 1991 made in favour of JOHN SHONGWE over:

CERTAIN : Lot No. 385 situate in the Piggs Peak Township, District of Hhohho, Swaziland;

MEASURING : 1233 (One Two Three Three) square metres.

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

DATED AT MBABANE ON THIS 10TH DAY OF MAY, 2002.

SIGWANE, MANZINI AND PARTNERS
Attorneys for Applicant
P. O. Box A204
Swazi Plaza
Mbabane

D776 2x24/05/2002

NOTICE

Notice is hereby given that we intend applying for a certified copy of: **Deed of Transfer No. 304/1995 dated the 30th June, 1995; in favour of WILLIAM HENRY MUNDELL, (born on the 17th June, 1943); in respect of :-**

CERTAIN : Lot No. 7, situate in Nzimba Township, District of Hhohho, Swaziland;

MEASURING : 4852 (Four Eight Five Two) 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 15TH DAY OF MAY, 2002.

ROBINSON BERTRAM
Attorneys for Applicant
INGCONGWANE BUILDING
P.O. Box 24
Mbabane

D799 2x24/05/2002

NOTICE

Notice is hereby given that we intend applying for a certified copy of: **Crown Grant No. 62/1962 dated the 27th August 1962 and registered on the 11th September 1962 in favour of GILBERT HALLIDAY ELLIOTT (born on the 22nd January 1906) in respect of:**

CERTAIN : Portion 184 of Farm No. 2 situate in the Mbabane urban area, District of Hhohho, Swaziland;

MEASURING : 8603 (Eight Six Zero Three) square metres;

Any person having objections 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 13TH DAY OF MAY, 2002.

ROBINSON BERTRAM
Attorneys for Applicant
P. O. Box 24
Mbabane

D791 2x24/05/2002

NOTICE

ESTATE LATE: MPENDULO MKHATSHWA ESTATE NO. EM447/2001

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

LOMGCIBELO MKHATSHWA
P.O. Box 1926
Matsapha

D809 24/05/2002

NOTICE

Notice is hereby given that I, Mfanukhona Amos Ntshangase of Shiselweni Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Masuku after the fourth publication of this notice in each of the four consecutive weeks in the Times of Swaziland/ The Swazi Observer being the newspapers circulating in the Region where I reside and designated for this purpose by the Regional Secretary for the Shiselweni Region and in the Government Gazette.

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

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

P. O. Box 109
Nhlangano
Swaziland

D813 4x14-06-2002

NOTICE

Notice is hereby given that I, Amos Johnson Mdlovu of Hhohho Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Mahlalela after the fourth publication of this notice in each of the four consecutive weeks in the Times of Swaziland/ The Swazi Observer being the 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 is because Mahlalela is my natural surname.

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

P. O. Box 16
Mayiwane

D835 4x14-06-2002

NOTICE

ESTATE LATE: MPHUMELELO M. MNGOMETULU ESTATE NO. EL153/2000

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation 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 the date of publication of this Notice.

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

PHINDILE LIZZY MNGOMETULU
P. O. Box 248
Simunye

D814 24/05/2002

NOTICE

Notice is hereby given that we intend applying for a certified copy of: Deed of transfer No. 73/1986 dated the 28th February, 1986; in favour of **BUSISIWE DLAMINI, (born on the 22nd August, 1946), Major Spinster;** in respect of:-

CERTAIN : Remaining Extent of Farm No. 972 situate in the Shiselweni District, Swaziland;
MEASURING : as such 258.1307 (TWO FIVE EIGHT COMMA ONE THREE ZERO EIGHT) Hectares.

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 16TH DAY OF MAY, 2002.

ROBINSON BERTRAM
Attorneys for Applicant
INGCONGWANE BUILDING
P.O. Box 24
Mbabane

D803 2x31-05-2002

**NOTICE ADVERTISING PROPOSED TRANSFER, SALE OF BUSINESS SECTION 5(1)
OF THE REGISTRATION OF BUSINESS ACT**

Notice is hereby given in terms of Section 5(1), of the Registration of Business Act, that the business situated at Standard Bank Building and Sales House Building, Mbabane, Swaziland, and carrying on business under the name and style of "King Pie" will be sold to United King Pie (Pty) Limited on 1st day of June 2002.

For further details contact Shirley Mundell at 604-8282.

D806 24-05-2002

NOTICE

ESTATE LATE: GOMSANE S. KUNENE ESTATE NO. ES68/2001

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation 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 the date of publication of this Notice.

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

ABEL KUNENE
P.O. Box 65
Nhlangano

D816 24/05/2002

NOTICE IN TERMS OF REGULATION 40 (b) OF ACT No. 37 OF 1968

APPLICATION FOR THE LOST TITLE DEED

Notice is hereby given that we intend to apply for a certified copy of Deed of Transfer No. 194/1989 registered on the 18th May 1989 held by OLIVE DUDUZILE DUBBER -

CERTAIN : Lot No. 1357 in Mbabane Extension No 11 situate in the Mbabane urban area, District of Hhohho;

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

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

DATED AT MANZINI ON THIS 20TH MAY, 2002.

MASINA MAZIBUKO AND COMPANY
Applicant's Attorneys
2nd Floor Bremersdorp Building
P.O. Box 592
MANZINI

D807 24-05-2002

NOTICE

ESTATE LATE: THEMBISILE J. NSIBANDE ESTATE NO. EM417/2000

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation 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 the date of publication of this Notice.

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

NOMSA MSIBI
P. O. Box 342
Lobamba

D819 24/05/2002

NOTICE

ESTATE LATE: VUSI JABULANI MNISI ESTATE NO. EL170/2001

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation 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 the date of publication of this Notice.

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

THANDI MNISI
P. O. Box 199
Siteki

D823 24/05/2002

ESTATE LATE: HAZEL SIMANGELE MCHOBOKAZI ESTATE NO. EM346/99

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the first and final liquidation account will lie open at the offices of the Master of the High Court of Swaziland Mbabane for a period of twenty one (21) days from the date of publication of this notice.

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

RODRIGUES AND ASSOCIATES
P.O. Box 1689
MANZINI

D821 24-05-2002

NOTICE

ESTATE LATE: VUSI CHARLES NDLOVU ESTATE NO. EL216/2001

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation 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 the date of publication of this Notice.

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

RICHARD M. NDLOVU
P. O. Box 586
Siteki

D828 24/05/2002

NOTICE

ESTATE LATE: BHEKI SANDILE XABA ESTATE NO. ES20/01

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation 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 the date of publication of this Notice.

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

PHINDILE XABA
P. O. Box 1637
Manzini

D829 24/05/2002

**NOTICE OF VOLUNTARILY WINDING UP IN TERMS OF SECTION 159(1) OF THE
COMPANIES ACT No. 7/1912**

AMICON HOLDINGS (PROPRIETARY) LIMITED

Notice is hereby given that by extra-ordinary resolution of the Directors of the company taken by it on the 3rd May, 2002, the company was voluntarily wound up because it cannot by reason of liabilities, continue its business.

DATED AT MBABANE ON THIS 3RD DAY OF MAY, 2002.

FORBES G. MITCHELL
Chairman

D801 24-05-2002

**NOTICE OF VOLUNTARILY WINDING UP IN TERMS OF SECTION 159(1) OF THE
COMPANIES ACT No. 7/1912**

MITCH & COMPANY (PROPRIETARY) LIMITED

Notice is hereby given that by extra-ordinary resolution of the Directors of the company taken by it on the 3rd May, 2002, the company was voluntarily wound up because it cannot by reason of liabilities, continue its business.

DATED AT MBABANE ON THIS 3RD DAY OF MAY, 2002.

FORBES G. MITCHELL
Chairman

D802 24-05-2002

NOTICE

ESTATE LATE: JOHN LAMPARD PEBERDY ESTATE NO. EH106/2002

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

ROBINSON BERTRAM
For the Executors/Testamentary
P.O. Box 24
Mbabane
H100

D804 24-05-2002

NOTICE

ESTATE LATE: PHILLIP THEUNIS JANSEN VAN VUUREN ESTATE NO. EH77/98

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

ROBINSON BERTRAM
For the Executors/Testamentary
P.O. Box 24
Mbabane
H100

D805 24-05-2002

NOTICE

ESTATE LATE: NTJINTJANE MLAWUZA GAMEDZE ESTATE NO. EL236/2001

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MRS COLILE F. GAMEDZE
P.O. Box 7
Siphofaneni

D810 24/05/2002

NOTICE

ESTATE LATE: BUSISIWE ANNAH DLAMINI ESTATE NO. EM44/2002

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

PHUMZILE DLAMINI
P.O. Box 1610
Manzini

D812 24/05/2002

NOTICE

ESTATE LATE: ELLIE SIGOMBENI MSIBI ESTATE NO. EH6/2001

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

LIZZIE MSIBI
P.O. Box 28
Motshane

D815 24/05/2002

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NOTICE

ESTATE LATE: ALMON SIBUSISO MMEMA ESTATE NO. ES246/2001

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MRS DUMSILE MMEMA
P.O. Box 107
Matsapha

D817 24-05-2002

NOTICE

ESTATE LATE: BHEKIMPI NYAMANE ESTATE NO. EH326/2001

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

SIMON NDIPHETHE NYAMANE
P.O. Box 2137
Mbabane

D818 24-05-2002

NOTICE

ESTATE LATE: WILLIAM GUY MUNRO ESTATE NO. EL241/2001

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

ROSETA MUNRO
P.O. Box 4100
Manzini

D820 24-05-2002

NOTICE

ESTATE LATE: MRS DOROTHY NTOMBI VILAKATI ESTATE NO. EH97/2002

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

MANGALISO MAGAGULA
P.O. Box 822
Mbabane

D822 24-05-2002

NOTICE

ESTATE LATE: SIBUSISO MATHANZIMA DLUDLU ESTATE NO. ES73/2002

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

NCINYANE DLUDLU NEE MASILELA
P.O. Box 150
Hluthi

D824 24-05-2002

NOTICE

ESTATE LATE: LUKE MAKHUNDU SHABANGU ESTATE NO. EM88/2002

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MILIJANI SHABANGU
P.O. Box 55
Manzini

D825 24-05-2002

NOTICE

ESTATE LATE: ESAU MSILAWESILWANE SUKATI ESTATE NO. EL28/2002

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

LYDIA SUKATI & LINDIWE SUKATI
P.O. Box 486
Siteki

D826 24-05-2002

NOTICE

ESTATE LATE: JOSEPH MAPHIHLI MAGAGULA ESTATE NO. EP4/2002

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

SIPHO MLINDELI MAGAGULA
P.O. Box 26
Tshaneni

D827 24-05-2002

NOTICE

ESTATE LATE: BONGANI JOHN MKHONTA ESTATE NO. ES266/2001

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

SAMUEL S. EARNSHAW & PARTNERS
Attorneys for the Executrix Dative
2nd Floor Mandlenkosi Ecumenical Building
Esser Street
P.O. Box 2563
MANZINI

D830 24-05-2002

NOTICE

ESTATE LATE: JOEL CELANI SIKHOSANA ESTATE NO. EH254/97

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

ELLA DOREEN SIKHOSANA
P.O. Box 34
Nsoko

D831 24-05-2002

NOTICE

ESTATE LATE: SIFISO CYRIL MAKHANYA ESTATE NO. ES46/2002

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

THULI MAKHANYA NEE DLAMINI
P.O. Box 179
Nhlangano

D832 24-05-2002

NOTICE

ESTATE LATE: PATRICK MAHLALELA SHABANGU ESTATE NO. EM462/2002

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

ALBERTINAH SHABANGU
P.O. Box 364
Mankayane

D833 24-05-2002

NOTICE

ESTATE LATE: DUMSANI HUMPHREY DLAMINI ESTATE NO. EM7/2002

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days from date of publication of this notice.

MAGGIE DLAMINI NEE GWEBU
P.O. Box 13
Msahweni

D834 24-05-2002

NOTICE

ESTATE LATE: PETROS MAVUZA DLAMINI ESTATE NO. EL210/2001

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MRS ZANELE DEBORAH DLAMINI
P.O. Box Kaphunga
Via Manzini

D842 24-05-2002

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NOTICE

ESTATE OF GUMMAM HUMBREY DIAMINI ESTATE NO. 81102001

Debitors and Creditors in the above-mentioned estate are hereby asked to file their claims and pay their debts with the undersigned within thirty (30) days from date of publication of this notice.

MARGIE DIAMINI NEER GWEBU

P.O. Box 17

Abidjan

1907, May 19, 1907

NOTICE

ESTATE OF PETROS MANUVA DIAMINI ESTATE NO. 81102001

Debitors and Creditors in the above-mentioned estate are hereby asked to file their claims and pay their debts with the undersigned within thirty (30) days from date of publication of this notice.

MRS. MANUVA DIAMINI

P.O. Box 17

Abidjan

1907, May 19, 1907

SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

VOL. XL]

MBABANE, Friday, MAY 24th., 2002

[No. 832

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PUBLISHED BY AUTHORITY

PART A

SI

THE INTERNAL SECURITY BILL, 2002 (Bill No. 3 of 2002)

(To be presented by the Prime Minister)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to provide for the -

- (a) Maintenance of Internal security
- (b) Repeal of the Public Order Act, 1963; and
- (c) Matters incidental or connected therewith.

P. M. DLAMINI
Attorney-General

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**A BILL
Entitled**

An Act to provide for the maintenance of internal security and for matters incidental thereto.

ENACTED by the King and the Parliament of Swaziland.

PART I: PRELIMINARY

Short title and commencement

- 1. This Act may be cited as the Internal Security Act, 2002 and shall come into force on such date as the Minister may, by Notice in the Gazette, appoint.

Interpretation**2. In this Act unless the context otherwise requires –**

“act of insurgency, banditry or sabotage” means any act, including the killing or injuring of persons the damaging or destroying of property or the disruption of communications, which –

- (a) is accompanied by the use or threatened use of weaponry, and
- (b) has or is likely to have either or both of the following results-
 - (i) causing or furthering an insurrection in or forcible resistance to the Government or the Defence Force or any law enforcement agency;
 - (ii) procuring by force the alteration of any law or policy of the Government;

“Ammunition” means -

- (a) ammunition or a firearm;
- (b) grenades, bombs and other like missiles whether capable of use with a firearm, or not;
- (c) ammunition containing, or designed or adapted to contain, any noxious liquid, gas or other thing;

“bomb” means any device capable of causing an explosion;

“Chief” has the same meaning as in the Swazi Administration Order, 1998;

“convenor” in relation to a public meeting, means in addition to the actual convenor and any person on whose instructions he is acting, every member of the executive authority of the organization under the auspices of which the meeting is held or to be held;

“executive authority” means a board, committee or other body of persons in which is vested the power of controlling or managing a public body or any other organization;

“explosive” has the same meaning as in the Explosives Act, 1961 and shall include a home made device and a military explosives;

“firearm” means a firearm as defined in the Arms and Ammunition Act, 1964;

“incendiary material” means material capable of being used for causing damage to property by fire;

“insurgent, bandit or saboteur” means a person who –

- (a) is about to commit, is committing or has committed an act of insurgency, banditry or sabotage; or
- (b) has attended a course or undergone training referred to in Section 24;

“Judicial Officer” means a judge or a magistrate as the case may be;

"Minister" means the Minister responsible for Internal security;

"offensive weapon" means any inflammable, dangerous, noxious or other substance or thing which can be used to kill or injure persons or other article made or adapted for causing injury to persons or intended for such use by the person having it in his possession or under his control;

"official" means –

- (a) a member of the police service including a member of the Police constabulary;
- (b) a member of the Defence Force,
- (c) a member of His Majesty's Correctional Services; or
- (d) any other person in the Service holding office under the Government;

"organizer" in relation to a public gathering, means a person who or an organization or association which executes or assists in executing the arrangements for the holding of a public gathering and includes the convenor or any person who in anyway participates in organising a public gathering;

"police officer" has the same meaning as in the Police Act, 1957;

"police region," means an area designated by the Commissioner of Police as a police region for purposes of the administration of the Police Service;

"premises" has the same meaning as in the Criminal Procedure and Evidence Act, 1938;

"procession" means a gathering or assembly of persons, which moves from one place to another in pursuit of a common purpose;

"property" has the same meaning as in the Criminal Procedure and Evidence Act, 1938;

"public body" means a local authority or a body established by legislation and includes a public company;

"public gathering" includes a public meeting, procession or any other meeting or gathering in a public place of persons and additionally, or alternatively of vehicles, where –

- (a) the gathering is in pursuit of a common purpose demonstrating support for or opposition to any person, matter or thing; and
- (b) the gathering takes place in such circumstances, and the persons or vehicles are in such numbers, as to make it reasonably possible that;
 - (i) public disorder ;
 - (ii) a serious breach of the peace; or
 - (iii) a substantial obstruction of any thoroughfare,

will be occasioned whether or not the gathering is spontaneous or is confined to persons who are members of a particular organization, association or other body or to persons who have been invited to attend:

"public meeting" means a gathering for any purpose in a public place but does not include-

- (a) a gathering for the lawful purpose of:
 - (i) the Ngwenyama or a Chief acting in accordance with The Swazi Administration Order, 1998 Swazi Law and Custom or any other law;
 - (ii) a public body;
 - (iii) a gathering or assembly of members of a federation or a trade union registered under the law relating to trade unions, convened and held exclusively for a lawful purpose of that federation or trade union;
 - (iv) a gathering or assembly convened and held exclusively for social, cultural, charitable, recreational, religious, professional, commercial or industrial purposes;
 - (v) the Inkhundla; or
- (b) a gathering specified by notice, published in the Gazette, by the Minister;

"public place" means any thoroughfare, building, open space or other place of any description to which the public or any section of the public has access, whether on payment of money or otherwise and whether or not the right of admission thereto is reserved;

"publication" includes a document, book, magazine, film, tape, disc or other material or thing whatsoever by means of which a statement may be made;

"regulating authority" in relation to any area, means the police officer in charge of a region or any police officer acting in that capacity;

"statement" means any expression of fact or opinion, whether made orally, in writing, electronically or by visual images;

"statutory document" means a licence, permit, identity card, record or return certificate relating to employment, or any other record of a document establishing status, identity, qualifications, service authorization, eligibility or entitlement, made, granted given or issued under and for the purposes of and in the form prescribed by any law;

"offensive publication" means a publication that contains or carries an offensive statement;

"offensive statement" means a statement that is reasonably likely to incite other persons to engage in conduct leading to public disorder or public violence;

"thoroughfare" means any road, street, lane, path, pavement, sidewalk thoroughfare or similar place, which exists for the free passage of persons or vehicles;

"vehicle" has the same meaning as in the Road Traffic Act, 1965:

"weaponry" means any of the following kinds of offensive material -

- (a) artillery of all kinds;
- (b) a firearm or other apparatus for the discharge of bullets or other kinds of projectiles which are designed to be lethal, whether solid, explosive or gas diffusing;

(c) a flame thrower; or

(d) high or low explosive, whether or not manufactured as a bomb, grenade or similar missile or device and whether capable of use with a firearm or not, including a fuse, detonator or timing device thereof.

PART II: PUBLIC ORDER

Organizer to notify regulating authority of intention to hold public gathering.

3. (1) Subject to subsection (2), the organizer of a public gathering, shall give at least seven (7) days written notice of the holding of the public gathering to the regulating authority for the area in which the gathering is to be held.

(2) The regulating authority may permit that a shorter notice be given.

(3) The purpose of the notice required in terms of subsection (1) is to –

(a) facilitate co-operation between the police service and the organizer or convenor of the public gathering; and

(b) ensure that the public gathering does not interfere with the rights and freedoms of others or lead to obstruction of traffic, breach of the peace or public disorder.

(4) Any Saturday, Sunday or public holiday falling within the seven day period of notice referred to in subsection (1) shall be counted as part of that period.

(5) Where there are two or more organizers of a public gathering, the giving of notice by any one of them in terms of subsection (1) is sufficient.

(6) A regulating authority shall forthwith acknowledge in writing any notice received by that authority.

(7) This section shall not apply to the following:

(a) a gathering for the lawful purpose of –

(i) the Ngwenyama or a Chief acting in accordance with the Swazi Administration Order, 1998 or Swazi Law and Custom or any other law;

(ii) a public body;

(iii) a gathering or assembly of members of a federation or a trade union registered under the law relating to trade unions, convened and held exclusively for a lawful purpose of that federation or trade union;

(iv) a gathering or assembly convened and held for social, cultural, charitable, recreational, religious, professional, commercial or industrial purposes; or

(b) gathering prescribed by notice, published in the Gazette, by the Minister.

Control of public gatherings

4. (1) If a regulating authority, having regard to all the circumstances in which a public gathering is taking place or is likely to take place, has reasonable grounds for believing that the public gathering is likely to result in -

- (a) public disorder;
- (b) a breach of the peace; or
- (c) obstruction of any thoroughfare,

the authority may, subject to this section, give such directive as appear to it to be reasonably necessary for the preservation of public order, public peace and preventing or minimizing any obstruction of traffic along any thoroughfare.

(2) Without derogation from the generality of subsection (1), a directive under that subsection may provide for any of the following matters -

- (a) prohibiting the holding of the public gathering;
- (b) prescribing the time at which the public gathering may commence and its maximum duration;
- (c) prohibiting persons taking part in the public gathering, from entering any public place specified in the directive;
- (d) precautions to be taken to avoid the obstruction of the traffic along any thoroughfare;
- (e) prescribing the route to be taken by any procession; or
- (f) requiring the organizer to appoint marshals to assist in the gathering.

(3) Before giving a directive the regulating authority may give the organizer of the public gathering a reasonable opportunity to make representations in the matter.

(4) A directive given shall have effect immediately it is issued and may be published -

- (a) in a newspaper circulating in the area to which the direction applies;
- (b) by notices distributed among the public or affixed upon public buildings in the area to which the directive applies; or
- (c) by oral announcement of a police officer:

Provided that, where practicable, the regulating authority shall ensure that the direction is reduced to writing and served on the organizer of the public gathering to which it relates.

(5) Any person who is aggrieved by a directive issued under this section may appeal against it, within the time and in the manner prescribed in rules of court, to a magistrate for the region in which the public gathering is or was to take place and the magistrate may confirm, vary or set aside the directive or give such order or directive in the matter as he thinks just.

(6) Subject to the rules of court, an appeal in terms of subsection (5) shall be dealt with as quickly as possible without prejudicing the interests of justice.

(7) Notwithstanding subsection (5), the noting of an appeal shall not have the effect of suspending the directive appealed against.

(8) A police officer of the rank of sergeant or above may –

- (a) stop or prevent the holding of any public gathering where any directive given under subsection (1) in relation to the gathering has been violated;
- (b) stop or prevent the holding of any public gathering, or other meeting of persons whether or not required to give notice in terms of section 3 if the police officer has reasonable grounds to believe that public order is likely to be endangered if the gathering, meeting or procession continues;
- (c) for any such purposes, give or issue such orders, including orders for the dispersal of the public gathering, as he may consider necessary or expedient; and
- (d) use or cause to be used such force as may be necessary to stop, prevent the holding of or to disperse the public gathering or meeting.

(9) Any person who fail to comply with an order given under subsection (8) commits an offence and liable on conviction to a fine not exceeding two thousand five hundred Emalangeni (E2,500.00) or to imprisonment for a period not exceeding twelve (12) months or to both such fine and imprisonment.

(10) No public gathering shall be advertised or otherwise publicized unless notice has been given in terms of section 3.

(11) Any person who prints, publishes, distributes or circulates a notice or in any other manner advertise or publicize a public gathering, meeting or public procession in contravention of this subsection, commits an offence and on conviction, liable to a fine not exceeding two thousand five hundred Emalangeni (E2,500.00) or to imprisonment not exceeding twelve (12) months or to both such fine and imprisonment.

Prohibition of public gathering to avoid public disorder

5. (1) Notwithstanding section 4, if a regulating authority believes that a public gathering is likely to occasion public disorder, he may apply to a magistrate for the region in which the public gathering is to take place for an order prohibiting the public gathering.

(2) The regulating authority shall give notice of his application to the organizer of the public gathering concerned.

(3) Subject to this section, if a magistrate, on application by a regulating authority in terms of subsection (1) and having regard to all the circumstances in which the public gathering is taking or is likely to take place, is satisfied on reasonable grounds that the gathering is likely to occasion serious public disorder, he may give an order -

- (a) prohibiting the holding of the gathering or, if the gathering is being held, ordering the persons present thereat to disperse; or
- (b) providing for any matter referred to in section 4(2), if he considers that compliance with such order will enable the public gathering to be held without occasioning serious public disorder.

(4) Before acting in terms of subsection (3), a magistrate shall afford the organizer of the public gathering, a reasonable opportunity to make representations in the matter.

(5) An order given under subsection (3) shall have effect immediately it is issued and may be published –

(a) in a newspaper circulating in Swaziland; or

(i) by notices distributed among the public or affixed to public buildings in the area to which the prohibition or order applies; or

(ii) by oral announcement of a police officer:

Provided that, where practicable, the regulating authority shall ensure that the order is reduced to writing and served on the organizer of the public gathering to which it relates.

(6) Any person who is aggrieved by an order given under subsection (3), or by a magistrate's refusal to give such an order, may appeal against the order or refusal, as the case may be, to the High Court within the time and in the manner prescribed in the rules of court, and the High Court may confirm, vary or set aside the order:

Provided that the noting of an appeal in terms of this subsection shall not have the effect of suspending any direction appealed against.

(7) Any person who contravenes or fails to comply with a directive given under subsection (3) commits an offence and on conviction liable to a fine not exceeding two thousand five hundred Emalangeni (E2,500.00) or to imprisonment for a period not exceeding twelve (12) months or to both such fine and imprisonment.

Temporary prohibition of holding of public gatherings within area

6. (1) If a magistrate, on application by the regulating authority for any area, is satisfied on reasonable grounds that the powers conferred by sections 4 and 5 will not be sufficient to prevent serious public disorder being occasioned by the holding of public gathering or any class thereof in the area or any part thereof, the magistrate may issue an order prohibiting, for a specified period not exceeding three (3) months, the holding of all public gatherings or any class of public gathering in the area or any part thereof.

(2) Whenever it is practicable to do so, before issuing an order under this section, a magistrate shall –

(a) cause notice of the regulating authority's application to be served on any person whom the magistrate believes is likely to be affected by the order; and

(b) afford all interested persons a reasonable opportunity to make representations in the matter.

(3) A magistrate may at any time and for good cause, amend or revoke an order issued by him under subsection (1).

(4) The regulating authority for the area in respect of which an order has been issued under subsection (1) shall ensure that the order and any amendment or revocation thereof is, published –

- (a) in the gazette;
- (b) in a newspaper circulating in the area; and
- (c) in such other manner as, in his opinion, will ensure that the order or its amendment or revocation, as the case maybe, is brought to the attention of persons affected by it.

(5) Any person who is aggrieved by an order issued under subsection (1) or by a magistrate's refusal to issue such an order may appeal to the High Court against the order or refusal, as the case maybe:

Provided that the noting of an appeal in terms of this subsection shall not have the effect of suspending any order appealed against.

(6) Any person who organizes or assists in organizing or takes part in or attends any public gathering held in contravention of an order under subsection (1), commits an offence and on conviction, liable to a fine not exceeding five thousand Emalangeni (E5,000) or to imprisonment for a period not exceeding two (2) years or to both such fine and imprisonment.

Civil liability in certain circumstances of organizer of public gathering.

7. (1) If the organizer of a public gathering –

- (a) has not given notice of the holding of the gathering in terms of section 3(1); or
- (b) fails or refuses to comply with any direction or order given in terms of sections 4, 5 and 6 in relation to the gathering; or
- (c) incites or encourages persons taking part in the gathering to engage in conduct which amounts to or could reasonably be expected to lead to public disorder or a breach of the peace,

he shall be liable, to suit by any injured party for any loss of or damage to property and any injury to or death of a person occasioned by any public disorder or breach of the peace caused by or arising out of or occurring at the public gathering.

(2) Where there is more than one organizer of a public gathering the liability under subsection (1) shall be joint and several.

(3) This section shall not be construed as derogating from any other law which an organizer of a public gathering or any other person may be liable for any loss, damage, injury or death arising out of or occurring at such a gathering.

Dispersal of unlawful public gathering

8. A police officer of the rank of sergeant or above and any person assisting him may do all things reasonably necessary to –

- (a) disperse the persons present at a public gathering the holding or continuance of which is unlawful by virtue of any direction or order under sections 4, 5 and 6; and
- (b) apprehend any such person and if any such person resists, the police officer or the person assisting him may use such force as is reasonably justifiable in the circumstances of the case for overcoming any such resistance.

Police cordons

9. (1) A police officer of the rank of inspector or above may establish a cordon in any area if he considers it reasonably necessary to –

(a) contain any public disorder or public violence within the area; or

(b) protect the area from any public disorder or public violence.

(2) Any person who otherwise than in terms of a written permit issued by a police officer, knowingly enters or leaves any area where a cordon has been established, commits an offence and on conviction, liable to a fine not exceeding two thousand five hundred Emalangeni (E2,500) or imprisonment not exceeding twelve (12) months or to both such fine and imprisonment.

(3) Nothing in subsection (1) shall be construed as preventing, within an area where a cordon has been established in terms of that subsection, search being conducted to any person reasonably suspected of having committed an offence relating to or arising out of the public disorder or public violence which gave rise to the establishment of a cordon.

(4) Any search conducted within the area of a cordon established in terms of paragraph (a) shall be conducted in accordance with the Criminal Procedure and Evidence Act, 1938.

Prohibition of offensive weapons at public gatherings.

10. (1) In this section –

“offensive weapon” means –

(a) any weaponry ; or

(b) any article which has the potential to be used for causing injury to a person.

(2) Any person who, while present at a public gathering, has with him any offensive weapon, otherwise than in pursuance of lawful authority, commits an offence and on conviction, liable to a fine not exceeding ten thousand Emalangeni (E10,000.00) or to imprisonment for a period not exceeding four (4) years or to both such fine and imprisonment.

(3) For the purpose of subsection (2), a person shall be deemed to be acting in pursuance of lawful authority only if he is acting in his capacity as a police officer, a member of His Majesty's Correctional Service, a member of the Defence Force or an employee of the state or a local authority.

Disrupting public gathering or other meeting.

11. Any person who at a public gathering, engages in disorderly or riotous conduct or uses threatening, abusive or insulting language commits an offence and on conviction, liable to a fine not exceeding two thousand five hundred Emalangeni (E2,500-00) or imprisonment not exceeding twelve (12) months.

Intimidation and molestation

12. (1) Any person who, with the intention of unlawfully furthering a political or other related objective in Swaziland, intimidates or molests any other person, commits an offence and liable, on conviction to a fine not exceeding eight thousand Emalangeni (E8,000-00) or to imprisonment not exceeding three (3) years.

(2) A person shall be deemed to intimidate another person if, with intent to cause alarm to that person or cause him to do an act which he is not legally bound to do, or to omit to do an act which he is legally entitled to do, causes or threatens to cause unlawful injury to the person, reputation or property of the person or anyone in whom that person is interested.

(3) A person shall be deemed to molest another person if, with the intent mentioned in subsection (2) he -

- (a) dissuades or attempts to dissuade, by whatever means, anyone from entering or approaching or dealing at any premises at which that person carries on trade or business or works, or otherwise from dealing with that person, or with any person by whom that person is employed, in the course of his trade or business; or
- (b) watches and besets any premises where that person resides, works or carries on trade or business or happens to be, or he approaches those premises; or
- (c) interferes with any property owned or used by such person or hinders such other person in the use of such property.

(4) Subsection (3) shall not apply to a peaceful picketing which is lawful in accordance with any law relating to trade disputes.

Statements encouraging violence

13. Any person who makes a statement or communicates to another person a statement made by someone else -

- (a) intending by his conduct to imply that it would be incumbent or desirable to do any unlawful act likely to bring death or physical injury to any person or class of persons;
- (b) realizing that there is a substantial risk that his conduct will have the implication referred to in paragraph (a);

commits an offence and, on conviction, liable to a fine not exceeding ten thousand Emalangeni (E10,000) or to imprisonment for a period not exceeding five (5) years or to both such fine and imprisonment.

Bomb threats or Hoaxes

14. (1) A person who in any manner-

- (a) Threatens or falsely alleges, knowing it to be false that a person intends to cause an explosion whereby life or property is or may be endangered or in order to intimidate any person;
- (b) Communicates false information knowing it to be false, regarding any explosion or alleged explosion or attempt or alleged attempt thereto, shall be guilty of an offence and liable on conviction to imprisonment without the option of a fine for a period of not less than fifteen years.

(2) Nothing contained in this section shall be construed as exempting any person from being charged and punished under the common law or any other statute in respect of any such act or omission as is described in this section.

3. For the purpose of this section "explosion" includes a fire caused by an explosive

Power to prohibit entertainment

15. (1) (a) If at any time, it appears to the Commissioner of Police that public disorder is likely to arise at or on the occasion of a sporting event or other entertainment of any description, he may, by notice addressed to the promoter, organizer or manager thereof, prohibit its holding or continuance in any area or place or on a particular day.

(b) A notice under paragraph (a) shall be served on the persons promoting, organizing or managing the sporting event or entertainment.

(c) If such sporting event or entertainment is held or continued in contravention of the terms of the notice issued, any person taking part in the promotion, organization or management thereof commits an offence, and on conviction liable to a fine not exceeding eight thousand Emalangeni (E8,000-00) or to imprisonment not exceeding three (3) years.

(d) Any police officer may give or issue such orders and use such force as may be necessary to prevent the holding or continuance of a sporting event or, other entertainment in respect of which the notice has been issued and disperse any gathering of persons present.

(e) Any person who neglects or refuse to obey an order issued under paragraph (d) commits an offence and on conviction liable to a fine not exceeding eight thousand Emalangeni (E8,000-00) or to a term of imprisonment not exceeding three (3) years.

(f) A certificate under the hand of the Commissioner of Police specifying the terms, date and manner of service of the notice issued shall be prima facie evidence thereof in all legal proceedings.

(2) (a) Notwithstanding the provisions of sub-section (1), a police officer of the rank of sergeant or above may by notice stop, prevent or prohibit the continuance of a sporting event or other entertainment of any description if it appears to him to be necessary or expedient to do so in the interest of public order or public peace.

(b) A notice under paragraph (a) shall be communicated verbally to one of the persons promoting, organising or managing the sporting event or entertainment.

(c) Subject to paragraph (a), any police officer may give or issue such orders and use such force as may be necessary to prevent the continuance of a sporting event or other entertainment in respect to which a notice has been given under paragraph (b).

(d) Any person who neglects or refuses to obey an order issued under sub-paragraph (c), commits an offence and on conviction, liable to a fine not exceeding two thousand Emalangeni (E2,000.00) or to imprisonment not exceeding two (2) years.

Dispersal of riotous gatherings

16. Nothing in this part shall be construed as affecting or derogating from any right conferred under any law, including the common law to assist in the dispersal of riotous gatherings or the prevention and suppression of riotous and seditious acts.

Flags, banners and emblems

17. (1) Subject to subsection (2), a person shall not –

- (a) display at a public gathering at a school, any flag, banner or other emblem signifying association with political organization or with the promotion of a political object; or
- (b) if he is the owner, tenant, occupier or person in charge of any premises, permit the display of such a flag, banner or other emblem on or at those premises.

(2) The Minister may, by order, exempt any person or class of persons from complying with sub-section (1) and such order may regulate the manner in which and limit the time during which such display may be made.

(3) Any person who displays or permits the display of any flag, banner or other emblem in contravention of this section commits an offence, and on conviction, liable to a fine not exceeding two thousand Emalangeni (E2,000.00) or to imprisonment not exceeding two (2) years.

Protection of the National Flag

18. Any person who unlawfully and intentionally, or with the intention of furthering a political object, tempts with or causes damage to, destroys, mutilates, lowers or in any manner interferes with the National Flag of Swaziland, commits an offence and on conviction, liable to a fine not exceeding ten thousand Emalangeni (E10,000.00) or to imprisonment for a period not exceeding five (5) years.

Possession of firearms

19. Any person who without reasonable excuse carries or has in his possession or under his control any firearm or other offensive weapon or any ammunition, incendiary material or explosive, in circumstances which suggest that the firearm, ammunition, offensive weapon, incendiary material or explosive is intended to be used or has recently been used to cause public disorder, commits an offence and on conviction, liable to imprisonment not exceeding five years without the option of a fine.

PART III: BOYCOTTS***Wrongfully inducing a boycott***

20. (1) Where the Minister is satisfied that a boycott is being conducted or is likely to be conducted with the intention or effect of –

- (a) bringing into hatred or contempt, inciting disaffection against or undermining the lawful authority of the Government or of persuading such body to alter any law or by-law, to appoint a commission.
- (b) endangering public order;
- (c) endangering the economic life of Swaziland; or
- (d) raising discontent or disaffection amongst His Majesty's subjects or the inhabitants of Swaziland;

- (e) engendering feelings of illwill or hostility between different classes or different races of the population,

he may by notice in the Gazette, designate it to be a boycott for the purposes of this section.

(2) The Minister may by the same or by a subsequent notice so published, specify in relation to a designated boycott any action which he is satisfied is likely to further such boycott, including (but without prejudice to the generality of such power) abstaining from -

- (a) buying goods from , or selling goods to, any person or class of persons;
- (b) buying or selling any goods or class of goods;
- (c) entering, approaching or dealing at any premises at which any person or class of persons carries on trade or business;
- (d) dealing with any person or class of persons in the course of his trade or business;
- (e) using or providing any service or class of services;
- (f) working for or employing any person or class of persons;
- (g) letting, hiring, or allowing the use of any land or buildings to any person or class of persons; or
- (h) doing any other act, which may lawfully be done.

(3) Any person, with intent to further a designated boycott who, by word of mouth, publicly, or by making a publication (as defined in sub-section (8)) , advises, induces or persuades any person or class of persons to take any action which has been specified in relation to such boycott, commits an offence and on conviction, liable to imprisonment for twelve (12) months without the option of a fine. This section shall not be construed so as to make unlawful any action lawfully taken by a party to a dispute in terms of the Industrial Relations Act, 2000.

(4) Where a person is charged before a court with an offence under this section further proceedings in respect of this offence shall not be taken against him without the consent of the Attorney General except as the court, may think necessary by remand (whether in custody or on bail) or otherwise to secure the due appearance of the person charged.

(5) Where that person is remanded in custody, he shall after the expiration of a period of fourteen (14) days from the date on which he was so remanded, be entitled to be discharged from custody on entering into a recognizance without sureties unless within that period the Attorney General has so consented to further proceedings.

(6) A notice published under this section may, at any time, be amended, varied, suspended or revoked by a further notice so published.

(7) For the purpose of this section, a person shall be deemed to make a publication if he prints it, makes it, publishes it, sells it, distributes it, offers it, for sale or distribution or reproduces it.

PART IV: SECURITY

Notified liabilities

21. (1) The Minister may, by notice in the Gazette, order that any tax, rate, rent, charge, fee or other money legally due or payable to the Government or any class of arrears thereof, shall be notified liability.

(2) Subject to subsection (3), a person commits an offence and on conviction, liable to imprisonment not exceeding three (3) years or to a fine not exceeding two thousand Emalangeni (E2,000.00) if he -

- (a) instigates in any manner or by whatever means, expressly or by implication, any person or class of persons not to pay or to defer payment of a notified liability; or
- (b) does an act with intent or knowing it to be likely that any person or class of persons will be instigated by it not to pay or to defer payment of a notified liability.

(3) Subsection (2) shall not extend to advice given privately and in good faith by one person to another person with regard to the liability under the law of the last mentioned persons to pay any notified liability.

Destruction of statutory documents

22. (1) Any person who knowingly and without lawful authority or excuse, destroys, mutilates, defaces, alters, abandons or fails to preserve any statutory document, commits an offence and on conviction liable to a fine not exceeding two thousand five hundred Emalangeni (E2,500.00) or to imprisonment not exceeding twelve months.

(2) A person commits an offence and liable on conviction to a fine not exceeding eight thousand Emalangeni (E8,000.00) or to imprisonment not exceeding three (3) years, if he -

- (a) instigates in any manner or by whatever means, any person or class of persons to destroy, mutilate, deface, alter, abandon or fail to preserve a statutory document or any class of statutory documents; or
- (b) does any act with intent or knowing it to be likely that a person or class of persons will be instigated by it to destroy, mutilate, deface, alter, abandon or fail to preserve any statutory document.

Offences against public security

23. (1) Any person who commits an act of insurgency, banditry or sabotage in Swaziland, with the purpose of unlawfully furthering a political object in Swaziland commits an offence and on conviction, liable to imprisonment not exceeding twenty (20) years.

(2) If it is proved in a prosecution for an offence under subsection (1) that the accused person committed an act of banditry or sabotage it shall be presumed, unless the contrary is proved, that he did so with the purpose of unlawfully furthering a political object in Swaziland.

Recruiting or training insurgents bandits or saboteur

24. Any person who intentionally –

- (a) recruits or encourages any other person to undergo training inside or outside Swaziland in order to commit an act of insurgency, banditry or sabotage in Swaziland; or
- (b) provides training to any person, whether inside or outside Swaziland in order to commit an act of insurgency, banditry or sabotage in Swaziland,

commits an offence and on conviction, liable to imprisonment not exceeding twenty (20) years.

Training as insurgents, bandits or saboteur

25. (1) Any person who attends or undergoes any course of training, whether inside or outside Swaziland, for the purpose of enabling him to commit an act of insurgency, banditry or sabotage in Swaziland, commits an offence and liable on conviction to imprisonment for a period not exceeding twenty (20) years.

(2) If it is proved in a prosecution for an offence under subsection (1) that the accused person attended or underwent a course of training whose effect was to enable him to commit an act of insurgency, banditry or sabotage in Swaziland, it shall be presumed unless the contrary is proved, that he did so for that purpose.

Supplying weaponry or rendering financial assistance to insurgents, bandits or saboteurs

26. (1) Any person who, inside or outside Swaziland, supplies weaponry to an insurgent, bandit or saboteur, knowing that the weaponry will be used in the commission of any act of insurgency, banditry or sabotage or realising that there is a substantial risk that the weaponry will be so used, commits an offence and liable on conviction to imprisonment not exceeding twenty (20) years.

(2) A person who, or organization which inside or outside Swaziland gives or renders financial support to an insurgent, bandit, or saboteur commits an offence and liable on conviction to imprisonment not exceeding (20) years.

(3) If it is proved in a prosecution for an offence under subsection (1) that the accused person committed an act of banditry or sabotage it shall be presumed, unless the contrary is proved, that he did so with the purpose of unlawfully furthering a political object in Swaziland.

(4) If it is proved in a prosecution for an offence under subsection (1) that the accused person supplied weaponry to a person whom he knew or had reason to believe was an insurgent, bandit or saboteur, it shall be presumed, unless the contrary is proved, that he realised that there was a substantial risk that the weaponry would be used in the commission of an act of insurgency, banditry or sabotage.

Possessing weaponry for insurgency, banditry or sabotage

27. (1) Any person who knowingly has any weaponry in his possession or under his control with the intention that such weaponry will be used in the commission of an act of insurgency, banditry or sabotage, commits an offence and on conviction, liable to imprisonment not exceeding twenty (20) years.

(2) If it proved in a prosecution for an offence under subsection (1) that –

- (a) the accused person was in unlawful possession of any weaponry; and
- (b) while he possessed the weaponry, or within five years of his acquiring possession of it, he committed an offence under sections 23, 24, 25, 26 and 28 it shall be presumed, unless the contrary is proved, that he possessed the weaponry with the intention that it should be used in the commission of an act of insurgency, banditry or sabotage.

Harboring concealing or failing to report insurgent, bandit or saboteur

28. (1) Subject to subsection (5), any person who, knowing that another person is an insurgent, bandit or saboteur, intentionally harbors or conceals that other person, commits an offence and is liable, on conviction to a fine not exceeding ten thousand Emalangeni (E10,000.00) or to imprisonment not exceeding five (5) years.

(2) Subject to subsection (5), any person who becomes aware of the presence in Swaziland of another person, whom he knows to be an insurgent, bandit or saboteur, fails, within the period prescribed in subsection (3), to report the presence of that person to a law enforcement agent or a Chief in Swaziland, commits an offence and to a law enforcement agent or chief or liable on conviction, to a fine not exceeding ten thousand Emalangeni (E10,000.00) or to imprisonment for a period not exceeding five (5) years.

(3) A person shall make a report as soon as is reasonably practicable after he becomes aware of the presence in Swaziland of the insurgent, bandit or saboteur.

(4) Subject to subsection (5), any person who is aware of the presence in Swaziland of another person whom he knows to be an insurgent, bandit or saboteur and who, upon being questioned by an official, intentionally –

- (a) omits or refuses to disclose to the official any information it is in his power to give in relation to that other person; or
- (b) gives the official false information in relation to that other person,

commits an offence and liable on conviction to a fine not exceeding ten thousand Emalangeni (E10,000.00) or to imprisonment for a period not exceeding five (5) years.

(5) For the purpose of this section, a person who –

- (a) has committed an act of insurgency, banditry or sabotage; or
- (b) has attended a course or undergone training,

for which he has been convicted and sentenced or granted a pardon or amnesty shall not be regarded as an insurgent, bandit or saboteur in respect of that conduct.

Possession of literature on weaponry making

29. Any person found in possession of any literature on weaponry making including books, documents, pamphlets, drawings, diagrams, and tapes commits an offence and liable on conviction to a fine not exceeding five thousand Emalangeni (E5,000.00) or imprisonment not exceeding two (2) years.

**PART V:
MISCELLANEOUS PROVISIONS**

Prohibition of organization equipped to usurp functions of police

30. (1) Subject to this section, every member or adherent of an association of persons, whether incorporated or not commits an offence and liable on conviction, to a fine not exceeding two thousand Emalangeni (E2,000.00) or to imprisonment not exceeding twelve months, or both if such members or adherents are organised, trained or equipped –

- (a) for the purpose of enabling them to be employed in usurping the functions of the police or the armed forces; or
- (b) either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object or in such manner as to arouse reasonable apprehension that they are organized and either trained or equipped for that purpose.

(2) Any person who promotes or conspires with another person to promote, or takes part in the control or management of or is so organizing, training or equipping a member or adherent of such association, commits an offence and liable on conviction to a fine not exceeding eight thousand Emalangeni (E8,000.00) or to imprisonment not exceeding three (3) years.

(3) In any proceedings against a person charged with the offence of taking part in the control or management of such association, it shall be a defence to the charge to prove that he neither consented to nor connived at the organizing, training or equipment of members of the association in contravention of this section.

(4) No prosecution under this section shall be instituted without the consent of the Attorney General.

(4) Where, upon application by the Attorney General, it appears to the High Court that an association is an association of which members or adherents are organized, trained or equipped in contravention of this section, the court may-

- (a) make such order as appears to it necessary to prevent any disposal of property held by or for such association without leave of the court;
- (b) direct any inquiry and report to be made as to any such property and as to the affairs of such association;
- (c) make such further orders as appear to the court to be just and equitable for the application of that property in or towards –
 - (i) the discharge of the liabilities of such association lawfully incurred before the date of application, or, with the approval of the court, since that date;
 - (ii) repayment of money to person who, in good faith, became subscribers or contributors to such association and without knowledge of such a contravention; and
 - (iii) repayment of any costs incurred in connection with such inquiry and report or in winding up or dissolving such association; and
- (d) order the forfeiture to the Government of any property not directed by the court to be so applied.

(5) In any criminal or civil proceedings under this section proof of things done or words written, spoken or published (whether or not in the presence of a party to the proceedings) by a person taking part in the control or management of an association or the organization, training or equipment of members or adherents of an association shall be admissible as evidence for the purpose of which or the manner in which members or adherents of such association (whether those persons or others) were organized or trained or equipped.

(6) If a judicial officer is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this section has been committed and evidence of its commission is to be found at any premises or place specified in the information, he may, upon an application made by a police officer of a rank of Assistant Superintendent or above, grant a search warrant authorizing the police officer named in the warrant, together with any other person named in the warrant and any other police officers –

- (a) to enter the premises or place at any time within one month from the date of such warrant, if necessary by force;
- (b) to search the premises or place and, subject to subsection (8), every person found there; and
- (c) seize anything found on the premises or place, or on such person, which the officer has reasonable ground for suspecting to be evidence of commission of such an offence.

(7) No woman shall in pursuance of a warrant issued under subsection (6) be searched except by a woman.

(9) This section shall not be construed as prohibiting –

- (a) the employment of a reasonable number of persons as stewards to assist in the preservation of order at a public meeting held upon private premises; or
- (b) the making of arrangements for that purpose or the instruction of the persons to be so employed in their lawful duties as stewards, or their being furnished with badges or other distinguishing signs.

Prohibition of Uniforms

31. (1) The Minister may, by notice in the Gazette, prohibit the wearing in public places or at public gathering of –

- (a) any uniform or a distinctive dress which signifies association with a political organization or with the promotion of a political object; and
- (b) any uniform, distinctive dress or emblem by members or adherents of an organization or association specified or described in the order, whether incorporated or not if in the opinion of the Minister members of such organization or association are organized or trained and equipped for the purpose of enabling them to be employed –
 - (i) in usurping the functions of the police or of the armed forces; or
 - (ii) for the use or display of physical force in promoting a political or other object, or in such a manner as to arouse reasonable apprehension that they are organized or trained or equipped for such purpose.

(2) Any person who contravenes subsection (1) commits an offence and liable on conviction to a fine not exceeding ten thousand Emalangeni (E10,000.00) or to imprisonment not exceeding five (5) years.

(3) If a person is charged before a court with an offence under this section, further proceedings in respect of such offence shall not be taken against him without the consent of the Attorney General except as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure the due appearance of the person charged.

(4) If, however, such person is remanded in custody, he shall after the expiry of a period of fourteen days from the date on which he was so remanded, be entitled to a discharge from custody on entering into a recognizance without securities unless within that period the Attorney General has so consented to further proceedings.

Search by police without warrant

32. If a police officer of the rank of Inspector or above has reasonable grounds for suspecting that an offence under this Act has been committed and that evidence of its commission is to be found at any premises or place or that any weaponry has been placed upon any premises or at any place or is in the custody or possession of any person upon any premises or in any place in contravention of this Act, he may at any time enter upon and search without warrant such premises or place and search any person there upon or there at or grant written authority to any person applying therefore to make such entry and search:

Provided that in the searching of any woman, section 40 (3) of the Criminal Procedure and Evidence Act, 1938 shall mutatis mutandis apply:

Provided further that if anything is seized under this section, it shall be taken before a magistrate court to be dealt with according to law.

Arrest

33. (1) Any police officer of the rank of Inspector or above may, without warrant, arrest any person, whom he has reasonable grounds to suspect of having committed any offence under this Act.

(2) Any person arrested under Part III of this Act shall within a reasonable time not exceeding seven days be brought before a court by an officer of the rank of Inspector or above for the purpose of obtaining a warrant for further detention.

Bail

34. No person charged with an offence under Part III of this act may be released on his own recognizance.

Attorney-General to authorise prosecutions under this Act

35. Unless the context indicates otherwise, no proceedings shall be instituted or continued against any person in respect of an offence under Part III of this Act, other than proceedings for the purposes of remand, without the authority and consent of the Attorney General.

Service of Documents

36. If any order, notice or other document is required, by or under this Act, to be given to or served on any person, service thereof may be effected either personally or by fax or registered post, and, if the person to be served is a body corporate or a society or other body of persons service of any such order, notice or document may be effected –

- (a) by serving it personally on any secretary, director or other officer thereof or on any person concerned or acting in the management thereof, or
- (b) by faxing it, leaving it or sending it by registered post addressed to the body corporate, society, or body of persons at its registered office or, if there is not registered office, at any place where it carries on business

Offences by corporations, societies, etc

37. If an offence under this Act is committed by any company or other body corporate, or by any society, association or other body of persons, every person charged with or concerned or acting in, the control or management of the affairs or activities of that company, body corporate, society, association or body of persons shall liable to be punished accordingly, unless it be proved by him that –

- (a) through no act or omission on his part, he was not aware that an offence was being or was intended or about to be committed; or
- (b) he took all reasonable steps to prevent its commission.

Proof of instigation, lawful authority or excuse

38. (1) If it is an offence for a person to incite or instigate another to do or omit to do any act or thing it shall be immaterial whether or not such incitement or instigation succeeds in its purpose.

(2) The burden of proving lawful or reasonable excuse, or authority shall be upon the person alleging that excuse or authority and, in any proceedings for an offence under this Act it shall not be incumbent on the prosecution to prove the lack of any such excuse or authority.

Regulations

39. The Minister may make Regulations for giving effect generally to the purpose of this Act.

Repeal

40. The Public Order Act 17/1963 is hereby repealed.

LEGAL NOTICE NO. 66 OF 2002

THE CIVIL SERVICE ORDER, 1973
(Order No. 16 of 1973)

REVOCATION OF APPOINTMENT OF PRINCIPAL SECRETARY
(Under Section 8)

In exercise of the powers conferred upon me by Section 8 of The Civil Service Order, 1973, I, **MSWATI III, KING OF THE KINGDOM OF SWAZILAND**, hereby revoke the appointment of -

SANDILE S. MDZINISO

As Principal Secretary in the Ministry of Health & Social Welfare with effect from the 30th day of May 2002.

THUS DONE AT LOZITHEHLEZI THIS 14TH DAY OF MAY 2002.

MSWATI III
KING OF SWAZILAND

LEGAL NOTICE NO. 67 OF 2002

THE CIVIL SERVICE ORDER, 1973
(Order No. 16 of 1973)

APPOINTMENT OF PRINCIPAL SECRETARIES
(Under Section 8)

In exercise of the powers conferred upon me by Section 8 of The Civil Service Order, 1973, I, **MSWATI III, KING OF THE KINGDOM OF SWAZILAND**, do hereby appoint -

- (a) Andreas Mathabela as Principal Secretary in the Deputy Prime Minister's Office
- (b) Zephaniah Duma Hlatshwayo as Principal Secretary for Home Affairs
- (c) Dr. John Kunene as Principal Secretary for Health & Social Welfare
- (d) Goodman J. Kunene as Principal Secretary for Education
- (e) Robert Dlamini as Auditor General

THUS DONE AT LOZITHEHLEZI THIS 14TH DAY OF MAY 2002.

MSWATI III
KING OF SWAZILAND

The Government Printer, Mbabane