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# SWAZILAND GOVERNMENT GAZETTE

VOL. XLV]

MBABANE, Friday, JANUARY 26<sup>th</sup> 2007

[No. 9

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PUBLISHED BY AUTHORITY

054

GENERAL NOTICE NO. 8 OF 2007

THE MARRIAGE ACT OF 1964 (ACT NO. 47 OF 1964)

APPOINTMENT OF MARRIAGE OFFICERS NOTICE, 2007  
(Under Section 16)

In exercise of the powers conferred by Section 16 of the Marriage Act No. 47 of 1964, The Honourable Minister for Justice and Constitutional Affairs hereby appoints the following person to be a Marriage Officer for the Kingdom of Swaziland.

JABULANE LAWRENCE NCONGWANE  
The Church of God of Prophecy  
(Mbabane local church)  
P. O. Box 3294  
Mbabane

The effective date for the Marriage Officer is the 15<sup>th</sup> January, 2007.

S. D. MASILELA  
*ACTING PRINCIPAL SECRETARY*

055

**NOTICE**

Notice is hereby given that **I, Nhlanhla Maphikelela Dlamini of Manzini Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Zikalala** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and 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 **Zikalala** is because it is my natural surname.

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

P.O. Box 6051  
Manzini  
Swaziland

I021 4x26-01-2007

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**NOTICE**

Notice is hereby given that **I, Jabulani Phillip Dlamini of Elangeni - Hhohho Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Magongo** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and 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 **Magongo** is because it is my natural surname.

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

P.O. Box 4  
Lobamba

I113 4x09-02-2007

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**NOTICE**

**ESTATE LATE: PHOLILE MARIA FAKUDZE ESTATE NO. EH245/2003**

Debtors and Creditors in the above mentioned 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.

SITHEMBILE CIHA  
P.O. Box 3549  
Mbabane

I135 26-01-2007

**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; Surety Mortgage Bond. No. 879/1994 dated the 4<sup>th</sup> November, 1994 for the sum of E64,230.00 (Sixty Four Thousand Two Hundred and Thirty Emalangen); passed by **THOMAS SIKELELA NKAMBULE** (born on the 21<sup>st</sup> October, 1954), in favour of Swaziland Development and Savings Bank.

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

**DATED AT MBABANE ON THIS 11<sup>TH</sup> DAY OF JANUARY, 2007.**

**M. J. MANZINI & ASSOCIATES**  
Attorneys for Applicant  
3<sup>rd</sup> Floor, Lilunga House  
P.O. Box A204  
Swazi Plaza  
Mbabane

I084 2x26-01-2007

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**NOTICE**

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 534/1994, dated the 4<sup>th</sup> November, 1994, made in favour of: **THOMAS SIKELELA NKAMBULE** (born on the 21<sup>st</sup> day of October 1954) in respect of the undermentioned property:

**CERTAIN** : Remaining Extent of Lot No. 9 Phumula Township situate in the urban area of Manzini, District of Manzini, Swaziland;

**MEASURING** : as such 928 (Nine Two Eight) Square Metres;

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

**DATED AT MBABANE ON THIS 11<sup>TH</sup> DAY OF JANUARY, 2007.**

**M. J. MANZINI & ASSOCIATES**  
Attorneys for Applicant  
3<sup>rd</sup> Floor, Lilunga House  
P.O. Box A204  
Swazi Plaza  
Mbabane

I085 2x26-01-2007

057

**NOTICE**

Notice is hereby given that we intend applying for a certified copy of: Deed of Transfer No. 238/1976 dated the 9<sup>th</sup> day of September, 1976 in favour of **MAN (PROPRIETARY) LIMITED** in respect of:-

**CERTAIN** : Remaining Extent of Portion 304 (a portion of Portion 85) of Farm No. 2 situate in the District of Hhoho, Swaziland;

**MEASURING** : as such 1409 (One Four Zero Nine) Square Metres.

**ANY** person having an objection to the issue of such acopy 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 15<sup>TH</sup> DAY OF DECEMBER, 2006**

**ROBINSON BERTRAM**  
Attorneys for Applicant  
Ingcongwane Building  
Allister Miller Street  
P. O. Box 24  
Mbabane

1120 2x26-01-2007

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**NOTICE**

**SALE OF BUSINESS**

Notice is hereby given, in terms of Section 5 (1) of the Registration of Businesses Act 42/1933, that United King Pie Co. (Pty) Limited intends to sell and/or transfer the business under the name of KING PIE, trading from Zama Zama Shopping Complex, Nhlangano to Equality Foods Swaziland (Pty) Limited as from 31 January 2007.

**DATED AT MBABANE THIS 05<sup>TH</sup> DAY OF JANUARY 2007.**

**UNITED KING PIE CO. (PTY) LIMITED**  
P.O. Box 32  
Mbabane

1064 3x26-01-2007

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**NOTICE**

**ESTATE LATE: JABULANI NICHOLUS MASEKO ESTATE NO. EH302/2006**

Debtors and Creditors in the above mentioned 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.

**GUGU DLAMINI**  
P.O. Box 19  
Lobamba

1140 26-01-2007

058

**NOTICE**

Notice is hereby given that **I, Mike Mcabanisi Sikhondze of Ndunazithini - Shiselweni Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Mngomezulu** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and 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 **Mngomezulu** is because it is my natural surname.

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

MICAH SIKHONDZE  
P.O. Box 141  
Hluthi

1127 4x16-02-2007

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**NOTICE**

**ESTATE LATE: SILAS DALADA MASILELA ESTATE NO. EH130/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

NTOMBIFUTHI & NORAH MASILELA  
P.O. Box 223  
Manzini

1128 26-01-2007

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**NOTICE**

**ESTATE LATE: SIPHIWO BEE HLATSHAWYO ESTATE NO. EP34/2006**

Debtors and Creditors in the above mentioned 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.

FIKILE SIMANGELE HLATSHWAYO  
P.O. Box 430  
Piggs Peak

1147 26-01-2007

**NOTICE**

**ESTATE LATE: ZENZILE MASUKU ESTATE NO. ES243/2002**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

MR CHRISTOPHER MASUKU  
P.O. Box 1139  
Manzini

I129 26-01-2007

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**NOTICE**

**ESTATE LATE: SOLOMON MSOLWA LUKHELE ESTATE NO. EL88/1998**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

ALBERT V. LUKHELE  
Ka-Phunga Community  
Ka-Phunga via Manzini

I130 26-01-2007

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**NOTICE**

**ESTATE LATE: WILTON DINGANE SHONGWE ESTATE NO. EH58/2004**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

DECEMBER DLAMINI  
P.O. Box 3433  
Mbabane

I153 26-01-2007

060

**NOTICE**

**ESTATE LATE: THEMBA ZWELIBANTI MATSEBULA ESTATE NO. ES 188/2005**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

BONSILE MATSEBULA  
P.O. Box 319  
Nhlangano

I131 26-01-2007

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**NOTICE**

**ESTATE LATE: RICHMAN MAKHOSONKE SHONGWE ESTATE NO. ES219/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

THOKOZILE SHONGWE  
P.O. Box 14  
Nhlangano

I132 26-01-2007

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**NOTICE**

**ESTATE LATE: ANGEL TILILO MAZIYA ESTATE NO. EH249/2004**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

SARAH V. MAZIYA  
P.O. Box 410  
Mbabane

I133 26-01-2007

NOTICE

**ESTATE LATE: AGRIPPA MBEMELWANE BHEMBE ESTATE NO. EM519/2005**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

MINAH V. BHEMBE  
P.O. Box 3844  
Manzini

1134 26-01-2007

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NOTICE

**ESTATE LATE: THOMAS SIKHWALALA GAMEDZE ESTATE NO. EL89/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

MILTON GOMSH GAMEDZE  
P.O. Box 100  
Siphofaneni

1136 26-01-2007

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NOTICE

**ESTATE LATE: JULIE CHAPATOKA CHACRIWE MUMBA  
ESTATE NO. EM101/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

GABRIEL CHEWE BWEMBYA  
Uniswa  
P/Bag 4, Kwaluseni

1137 26-01-2007

NOTICE

**ESTATE LATE: DESMOND MEFIKA MDZINISO ESTATE NO. EM372/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

SABELO MKHONTA  
P.O. Box 1982  
Mbabane

I138 26-01-2007

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NOTICE

**ESTATE LATE: SABELO JEREMIAH MNISI ESTATE NO. EH300/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

ROSE THOKO MNISI NEE MANDLAZI  
P.O. Box 11  
Ezulwini

I143 26-01-2007

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NOTICE

**ESTATE LATE: MASIBEKELA JERENS MAVUNDLA ESTATE NO. EM166/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

DELISILE MOUREEN MAVUNDLA  
P.O. Box 1986  
Matsapha

I142 26-01-2007

**NOTICE**

**ESTATE LATE: SOLOMON MSOMBULUKO KHOZA ESTATE NO. EH175/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

LOMSHADO AGNES MABUNDZA  
P.O. Box 95  
Mliba

I139 26-01-2007

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**NOTICE**

**ESTATE LATE: MADODA R. FAKUDZE ESTATE NO. EM286/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

DUMSILE P. FAKUDZE NEE DLAMINI  
P.O. Box 194  
Luve

I144 26-01-2007

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**NOTICE**

**ESTATE LATE: SIVE K. DLAMINI ESTATE NO. EM346/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

BONGINKOSI DLAMINI  
P.O. Box 5  
Luve

I145 26-01-2007

**NOTICE**

**ESTATE LATE: OBED MANTONTA NDZIMANDZE ESTATE NO. EP14/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

MANGOMENI NDZIMANDZE  
P.O. Box 6803  
Manzini

1146 26-01-2007

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**NOTICE**

**ESTATE LATE: SIMELANE HOPE ESTATE NO. ES211/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

BENJAMIN V. SIMELANE  
P.O. Box 415  
Simelane

1148 26-01-2007

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**NOTICE**

**ESTATE LATE: PHINEAS M. SIMELANE ESTATE E15/1994**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

BENJAMIN V. SIMELANE  
P.O. Box 415  
Simunye

1149 26-01-2007

S.G.G. NO. 9 FRIDAY, JANUARY 26, 2007

065

**NOTICE**

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 3344/2006

In the matter between

SWAZILAND BUILDING SOCIETY

Plaintiff

and

ROBERT RONNIE MAVUNDLA

Defendant

**NOTICE OF SALE**

**NOTICE** is hereby given that pursuant to a Writ of Execution issued in the above matter, the undermentioned property will be sold by Public Auction by the Deputy Sheriff for the District of Hhohho outside the High Court Building, Mbabane, District of Hhohho at **11:30 a.m. on Friday the 23<sup>rd</sup> February 2007.**

**CERTAIN** : Lot No. 3031 situate in Mbabane Extension No. 11 (Thembelihle Township), District of Hhohho, Swaziland.

**MEASURING** : 688 (Six Eight Eight) Square Metres;

**RESERVE PRICE** : E160 000.00

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

Further particulars may be obtained from the undersigned.

**DATED AT MBABANE THIS 13<sup>TH</sup> DAY OF DECEMBER, 2007.**

**THANDIE S. MAZIYA**  
Acting Sheriff of Swaziland  
c/o The Registrar of the High Court  
Mbabane

I125 26-01-2007

**NOTICE**

**ESTATE LATE: GEORGE BAFANENI DLAMINI ESTATE NO. EH41/2004**

Debtors and Creditors in the above mentioned 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.

JANET DLAMINI & LINDIWE DLAMINI  
P.O. Box 2100  
Hluthi

I151 26-01-2007

066

**NOTICE**

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 257/1994 dated the 1<sup>st</sup> June 1994 in favour of: **REUBEN SIPHO MAPHALALA** (born on the 17<sup>th</sup> October 1932) in respect of:

**CERTAIN** : Remaining Extent of Portion 505 ( a portion of portion 41) of Farm Dalriach No. 188 situate in the Mbabane Urban Area, District of Hhohho, Swaziland;

**MEASURING** : as such 2516 (Two Five One Six) 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 16<sup>TH</sup> DAY OF JANUARY, 2007.**

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

1124 26-01-2007

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**NOTICE**

**NOTICE TO ALL CREDITORS OF  
VIF LIMITED  
(In Liquidation)**

Notice is hereby given to all the Creditors in the above named Estate, to attend the third meeting of the Creditors at the **Vuvulane Conference Room** (V.I.F. Offices, Vuvulane, Lubombo District) on **Thursday the 8<sup>th</sup> day of February, 2007 at 10:30a.m.**

All Creditors who wish to prove their claims are reminded that they should proceed to the Liquidator's office c/o **Maphanga Howe Masuku Nsibande, 1<sup>st</sup> Floor, Campus Crusade Building, Mahlokohla Street, Mbabane** to collect their forms and must submit them twenty-four (24) hours before the meeting, failing which they will not be permitted to vote at the said meeting.

**LUCKY HOWE N. O.**  
(Liquidator)

1126 26-01-2007

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**NOTICE**

**ESTATE LATE: DAVID FATHER MAVIMBELA ESTATE NO. EM435/2005**

Debtors and Creditors in the above mentioned 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.

**MFANIZILE DLAMINI**  
P.O. Box 258  
Siphofaneni

1154 26-01-2007

S.G.G. NO. 9 FRIDAY, JANUARY 26, 2007

067

**NOTICE**

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 246/1991, dated the 14<sup>th</sup> May, 1991, made in favour of **RAMFORD SIMPHIWE ZWANE** (born on the 14<sup>th</sup> day of January 1959) in respect of the undermentioned property:

**CERTAIN** : Lot No. 2279 Mbabane Extension No. 21 (Embangweni Township) situated in the District of Hhohho Swaziland

**MEASURING** : 502 (Five Zero Two) Square Metres;

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

**DATED AT MBABANE ON THIS 22<sup>ND</sup> DAY OF JANUARY, 2007.**

**M. J. MANZINI & ASSOCIATED**

Attorneys for Applicant  
3<sup>rd</sup> Floor, Lilunga House  
P. O. Box A204  
Swazi Plaza  
Mbabane

1141 2x02-02-2007

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**NOTICE**

**ESTATE LATE: PHINDILE PRINCESS NTSUNTSCHA ESTATE NO. EM241/2006**

Debtors and Creditors in the above mentioned 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.

NOLWAZI SIKHOSANA  
P.O. Box 225  
Mankayane

1161 26-01-2007

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**NOTICE**

**ESTATE LATE: THANDI VERONICA MAZIYA NEE NKAMBULE  
ESTATE NO. EM342/2006**

Debtors and Creditors in the above mentioned 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.

MUSA MAZIYA  
P.O. Box 1466  
Manzini

1162 26-01-2007

068

**NOTICE**

**ESTATE LATE: THANDI WINILE LULANE ESTATE NO. EL40/2006**

Debtors and Creditors in the above mentioned 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.

ALPHEOUS LULANE  
P.O. Box 475  
Mbabane

1164 26-01-2007

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**NOTICE**

**ESTATE LATE: PHINEAS KWAZI MAHLALELA ESTATE NO. 336/1994**

Debtors and Creditors in the above mentioned 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.

CLOETE / HENWOOD / DLAMINI - ASSOCIATED  
1<sup>st</sup> Floor, Nedbank Building Centre  
Cnr, Plaza & Mall Street  
Mbabane

1160 26-01-2007

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**NOTICE**

**ESTATE LATE: GLADYS NOMSOMBULUKO METHULA  
ESTATE NO. EH259/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

THOKO METHULA  
P.O. Box 58  
Mbabane

1150 26-01-2007

NOTICE

**ESTATE LATE: ISIAH MSONGELWA MATSE ESTATE NO. EL60/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

CHAMKILE ROSE MATSE  
P.O. Box 213  
Siteki

1152 26-01-2007

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NOTICE

**ESTATE LATE: DINAH LOSHE MNDZEBELE NEE LUKHELE  
ESTATE EH205/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

JABULANI MUSA MNDZEBELE  
P.O. Box 444  
Malkerns

1155 26-01-2007

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NOTICE

**ESTATE LATE: CEBILE FORTUNATE DLAMINI ESTATE NO. EH176/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

NOMPHEMELELO A. DLAMINI  
P.O. Box 620  
Piggs Peak

1156 26-01-2007

S.G.G. NO. 9 FRIDAY, JANUARY 26, 2007

070

**NOTICE**

**ESTATE LATE: MPUMELELO TERENCE PAPA NKAMBULE  
ESTATE NO. EM82/2005**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

NONHLANHLA NKAMBULE  
P.O. Box 1647  
Mbabane

I157 26-01-2007

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**NOTICE**

**ESTATE LATE: MEVANE NGCUZA GININDZA ESTATE NO. EP27/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

MPUMELELO GININDZA  
P.O. Box A686  
Swazi Plaza

I158 26-01-2007

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**NOTICE**

**ESTATE LATE: RICHARD JOHN HLATSHWAKO ESTATE NO. EH271/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

LUCY HLATSHWAKO  
P.O. Box 965  
Mbabane

I163 26-01-2007

071

NOTICE

**ESTATE LATE: SAUL MPHANLANA MAMBA ESTATE NO. ES33/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

BUSISIWE & JELUCIA MAMBA  
P.O. Box 8  
Kubuta

1165 26-01-2007

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NOTICE

**ESTATE LATE: THULANI EDWARD DLAMINI ESTATE NO. EH19/2006**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

NKOSINGIPHILE MAKHOSAZANE DLAMINI  
NEE NDLANGAMANDLA  
P.O. Box 610  
Mbabane

1167 26-01-2007

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NOTICE

Notice is hereby given that **I, Henry Sihlangu Dlamini of Hhohho Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Magongo** after the fourth publication of this notice, in each of four consecutive weeks in the Times of Swaziland and 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 **Magongo** is because it is my natural surname.

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

P.O. Box 387  
Lobamba

1159 4x16-02-2007

NOTICE

**ESTATE LATE: ALPHEUS MFANAWENDLELA SIBANDZE  
ESTATE NO. ES266/2004**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection 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 the expiry of the said period.

NOMBULELO HLOBSILE SIBANDZE  
P.O. Box 24  
Hluthi

1168 26-01-2007

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NOTICE

**ESTATE LATE: GEORGE DUNCAN LITTLE ESTATE NO. EH145/2005**

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 and the office of the Regional Administrator's Office, 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/her objection in writing, in duplicate, with the Master of the High Court at any time before the expiry of the said period.

RJS PERRY  
P.O. Box 4869  
Mbabane

1169 26-01-2007

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NOTICE

**ESTATE LATE: DIKANE MPHAMBANYONI DLAMINI ESTATE NO. EL191/2006**

Debtors and Creditors in the above mentioned 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.

MAFINDI DLAMINI  
P.O. Box 1050  
Manzini

1166 26-01-2007

**SUPPLEMENT TO**  
**THE**  
**SWAZILAND GOVERNMENT**  
**GAZETTE**

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VOL. XLV]

MBABANE, Friday, JANUARY 26<sup>th</sup>, 2007

[No. 9

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## PART B

THE SWAZILAND ELECTRICITY COMPANY ACT, 2007  
(Act No. 1 of 2007)



I ASSENT

MSWATI III  
King of Swaziland

20<sup>th</sup> November, 2006

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AN ACT  
Entitled

An Act to provide for the establishment of the Swaziland Electricity Company under the Companies Act and performance by that Company of the powers and functions presently performed by the Swaziland Electricity Board relating to the generation, transmission, distribution and supply of electricity and for matters associated therewith.

**ENACTED** by the King and the Parliament of Swaziland.

ARRANGEMENT OF SECTIONS

1. Short title and commencement
2. Interpretation
3. Incorporation and objectives of the company
4. Share capital
5. Board of directors
6. Assembly of Shareholders with Government as sole Shareholder
7. Transfer of Swaziland Electricity Board assets, rights, obligations and liabilities
8. Transfer of employees, etc
9. Pension funds, etc
10. Issuing of licenses by the Energy Regulatory Authority
11. Selling of shares in the company
12. Auditing
13. Payment of taxes

14. General

15. Winding down of the Swaziland Electricity Board

***Short title and commencement***

1. This Act may be cited as the Swaziland Electricity Company Act, 2007 and shall come into force on a date to be appointed by the Minister by Notice in the gazette.

***Interpretation***

2. In this Act, unless the context otherwise indicates -

“company” means the company established under section 3;

“Companies Act” means the Companies Act, 1912 (Act No.7 of 1912) or its successor;

“Minister” means the Minister responsible for energy affairs;

“Ministry” means the Ministry responsible for energy affairs;

“Public Enterprise Unit” means the Unit established under section 3 of The Public Enterprises (Control and Monitoring) Act 1989 (Act No.8 of 1989);

“Registrar” means the Registrar of Companies appointed under the Companies Act;

“Rural Access Fund” means a fund established to provide for rural energisation, both grid and off-grid;

“SCOPE” means the Standing Committee on Public Enterprises comprising Cabinet Ministers.

“SEB” means the Swaziland Electricity Board established under section 3 of the Electricity Act, 1963 (Act No.10 of 1963).

***Incorporation and objectives of the Company***

3. (1) The registrar shall incorporate in terms of the Companies act a company to be known as the Swaziland Electricity Company on the application of the Minister.

(2) The application shall be accompanied by the memorandum and the articles of association of the company, signed by the Minister and approved by the SCOPE.

(3) The company shall take over the assets and liabilities, rights and obligations of the Swaziland Electricity Board.

(4) The objects of the company as contained in the memorandum of association shall include -

(a) the generation, transmission, distribution and supply of electricity;

(b) the import and export of electricity into and from the Kingdom of Swaziland;

(c) to meet the objectives of the Government in the generation, transmission, distribution and supply of electricity.

- (5) The Government shall, notwithstanding the provisions of the Companies Act on incorporation, be the sole shareholder of the shares in the company and the rights attached thereto shall be exercised by the Minister.
- (6) Except as may be provided in this Act, the signed memorandum and articles shall comply with the requirements of the Companies Act for the registration thereof.
- (7) On the receipt of the application and the memorandum and articles of association thus signed and approved, the registrar shall -
  - (a) register the memorandum and articles as required under the Companies Act; and thereupon,
  - (b) issue a certificate that the company is thus incorporated.
- (8) A fee shall not be payable in respect of the incorporation of the company.

***Share Capital***

4. (1) The initial share capital of the company shall consist of the number of shares with the value set out in the memorandum and articles of association.
  - (2) The value of the shares shall be fixed based on a due diligence review and valuation of the company by an internationally recognized registered firm of accountants to determine its networth and fix the value of the shares of the company.
  - (3) The outcome of the due diligence review and valuation exercise shall be presented by the Minister to Parliament for information before the Minister submits the request for incorporation of the company to the registrar.
  - (4) Money, fee or stamp duty shall not be payable in respect of shares held by the Government on incorporation of the company;

***Board of directors***

5. (1) The first board of directors on incorporation of the company shall be the board of the SEB.
  - (2) The first board shall serve until the first annual general meeting of the company, whereupon the provisions of the Companies Act and the memorandum and articles of association shall apply.
  - (3) The board shall have a minimum of five and a maximum of nine members, including the executive director.
  - (4) The Minister shall, subject to the approval by the SCOPE, appoint the board members that are to be appointed by the Government according to shares held.
  - (5) Board members shall serve for a term of two years, which is renewable but not more than twice;
  - (6) As long as the Government is sole shareholder, the Minister may at any time, subject to

approval by the SCOPE, replace a board member.

(7) The executive director is appointed by the board.

(8) The chairman and deputy chairman shall inform the Minister of any issues of substantial importance.

***Assembly of shareholders with Government as sole shareholder***

6. (1) As long as the Government is sole shareholder, the Minister performs the functions and exercises the responsibilities assigned to the Assembly of Shareholders by the Companies Act about management of a company, payment of damages and annual accounts.

(2) The Minister shall hold the Annual Assembly of Shareholders in a joint session with the members of the board.

***Transfer of SEB assets, rights, obligations and liabilities***

7. (1) All assets, property, funds, rights, duties, obligations and liabilities which on the date of commencement of this Act were vested in, acquired, incurred or entered into by, SEB shall on that date pass by succession without further assurance to the company which shall have all the powers to realize those assets and discharge any liabilities of SEB and shall become enforceable by or against the company to the same extent as they were enforceable by or against SEB.

(2) All mortgages, shares, deeds, charges, agreements, servitudes, contracts, loans, stocks, bonds and other instruments, works in progress and all working arrangements subsisting immediately before the date of commencement of this Act shall be of as full force and effect against or in favour of, as the case may be, the company, and enforceable as fully and effectually as if instead of SEB, the company had been named therein and had been party thereto.

(3) Any proceedings or cause of action pending or existing immediately before the date of commencement of this Act by or against the company be continued or enforced by or against the company as it might have been by or against SEB if this Act had not been passed.

(4) In respect of any immovable property or any right or obligation under a mortgage, pledge, bond or charge vested in or transferred to or imposed upon the company under this section and which by law is required to be registered, a registrar as contemplated in the Deeds Registry Act shall, upon submission to the registrar by the chief executive officer of the SEB -

- (a) that a real right in respect of immovable property has been transferred to the company in terms of subsection (1);
- (b) of a list of properties or rights owned by SEB, or owned by the Government and exclusively used by SEB,

make such entries or endorsements as are necessary in any register or document to effect registration of such property or right in the name of the company, and no stamp duty, office fee or other monies shall be payable in respect thereof.

(5) All documents and records of SEB are to be transferred to the company.

(6) Claims raised on implicit assets or liabilities that might come to light during or after incorporation, and which are not registered in the Deeds Registry, shall be referred to a review committee composed of the principal secretary of the Ministry of Finance, the principal secretary

of the Ministry, and the head of the Public Enterprises Unit before being settled or taken to court.

***Transfer of employees, etc.***

8. (1) As from the date of commencement of this Act all appointments of officers, employees and staff of SEB made prior to the said date of commencement and subsisting at that date shall be deemed to have been made in accordance with this Act and those officers, employees and staff shall be deemed to be in the service of the company.

(2) Every officer, employee or staff member of SEB at the commencement of this Act shall be deemed to have been transferred to the employment of the company under the existing terms and conditions of service and for the purpose of determining the rights under the employment the service shall be regarded as being continuous from the time of employment by SEB.

(3) An officer, employee or staff member of SEB shall not be entitled to receive any other compensation or benefits by reason only of being deemed to be transferred to the Swaziland Electricity Company if such compensation or benefit would not be due and/or payable had this Act not come into force.

***Pension funds, etc.***

9. (1) The company shall assume all the rights and obligations of the SEB towards all pension funds, provident fund or other fund created or funded by the SEB for the retirement of employees.

(2) Any employee transferred to the company under this Act who was a member of a fund mentioned in subsection (1), shall continue to be a member of that fund and the fund shall continue to exist.

(3) Any over or under-funding of the fund shall be assessed by the due diligence and valuation exercise and be taken into account in the assessment of the value of the share capital of the company.

***Issuing of licenses by the Energy Regulatory Authority***

10. (1) The Energy Regulatory Authority established under the Energy Regulatory Authority Act shall provide the company with the licenses required to fulfil its functions defined in this Act.

(2) The company shall comply with all reporting and accounting requirements fixed by the Energy Regulatory Authority in licenses or in its published bylaws.

***Selling of shares in the company***

11. (1) The selling of shares in the company shall be subject to prior approval and authorization by Parliament.

(2) The approval by Parliament of the plan for the selling of shares is conditional on the presentation by the Minister to Parliament of a full or partial privatization plan discussed and agreed with the Minister of Finance and the Director of the Public Enterprise Unit.

(3) The privatization plan shall cover as a minimum -

(a) the strategic objective of the partial or full privatization and how it fits into the energy policy of the Government;

- (b) reasons for the form chosen to sell shares - open bidding or negotiated sale;
- (c) in case of negotiated deals, how the sales price is to be maximized, or how maximum expansion targets are to be reached at least on cost to Swazi society;
- (d) employment impact and redundancy plans;
- (e) use of sales revenue and its placement - whether expansion of the capital of the company, transfer to the Rural Access Fund or transfer to the treasury;
- (f) implications for the pension fund;
- (g) the comments made by the Energy Regulatory Authority on the plan; and
- (h) when privatization is considered fifty percent or more of the shares shall be reserved for the Swazi.

***Auditing***

12. The company shall be subject to auditing by a registered and internationally recognized firm of accountants appointed by the board and approved by SCOPE.

***Payment of taxes***

13. From the day of incorporation the company shall be liable to payment of company taxes.

***Taking on debt***

14. (1) As long as the Government is sole shareholder of the company, the Minister of Finance in consultation with the Minister shall fix a limit on the maximum debt to be incurred by the company subject to SCOPE approval.

(2) As long as the Government is sole or major shareholder of the company, the terms and conditions of major loans taken by the company are subject to approval by Parliament.

***General***

15. (1) From the date that the company assumes the rights and obligations of the SEB as provided for in this Act, any reference in any legislation to the SEB shall be deemed to be a reference to the company.

(2) The directors of the company shall, as soon as possible after its incorporation, and while the Government is the sole shareholder, reach an agreement with the Minister, setting out -

- (a) relationship between the Government and the company, including the social objectives to be met by the company,
- (b) the powers, duties and functions of the company, and dividends (if any) to be paid to the Government;
- (c) proposed dates on which -
  - (i) the company will start operating;

- (ii) the transfer of assets, liabilities, rights and obligations will take place;
- (iii) the transfer of personnel will take effect;
- (iv) the SEB will cease all activities.

(3) The agreement contemplated in subsection (2) may be amended from time to time.

***Winding down of SEB***

16. (1) The SEB shall cease to exist as a legal person from the date determined by the Minister in the Gazette.

(2) The Minister shall only determine a date in terms of subsection (1) when satisfied that -

- (a) the company has taken over all the rights, liabilities and obligations of the SEB;
- (b) there are no outstanding issues that necessitate the legal standing of the SEB to be maintained.

(3) Nobody shall have or may institute any claim of any nature against the SEB from the date determined under subsection (1).

**THE ENERGY REGULATORY ACT, 2007**  
(Act No. 2 of 2007)



I ASSENT

MSWATI III  
King of Swaziland

20<sup>th</sup> November, 2006

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**AN ACT**  
Entitled

An Act to establish an Energy Regulatory Authority and to provide for matters incidental to that Authority.

**ENACTED** by the King and the Parliament of Swaziland.

**ARRANGEMENT OF SECTIONS**

Section

**PART I**

**PRELIMINARY**

1. Short title and commencement
2. Interpretation

**PART II**

**ESTABLISHMENT AND ORGANISATION OF THE ENERGY  
REGULATORY AUTHORITY**

3. Establishment
4. General Powers
5. Functions
6. Establishment of the Board of Directors
7. Composition of the Board of Directors
8. Qualification of members of the Board of Directors
9. Meetings of the Board of Directors

10. Duties of members of the Authority
11. Just Administrative action
12. Executive Committees
13. Advisory Committees and Customer Forums
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15. Services
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**PART III**

REGULATION PROCEDURES AND PRINCIPLES

20. Regulations

**PART IV**

MISCELLANEOUS AND SUPPLEMENTARY

21. Obligation of secrecy

SCHEDULE

**PART I**

PRELIMINARY

***Short title and commencement***

1. This Act may be cited as the Energy Regulatory Act, 2007 and shall come into force on a date appointed by the Minister by notice in the gazette.

***Interpretation***

2. In this Act, unless the context otherwise indicates -

“Authority” means the Energy Regulatory Authority established under section 3;

“Board” means the Board of Directors of the Authority established under section 6;

“Electricity Act” means Electricity Act 2007;

“energy” means such forms of renewable and non-renewable energy as are to be designated by

the Minister in the Schedule to this Act;

“energy undertaking” means any undertaking selling energy, whether public or private, whose operation is conditional on the obligation to hold a license issued by the Authority;

“energy laws” means laws governing the energy sector, existing or to be promulgated;

“license” means a license granted under Section 5(1) of this Act, and “Licensee” bears a corresponding meaning;

“Minister” means the Minister responsible for energy affairs;

“Ministry” means the Ministry responsible for energy affairs;

“National Control Centre” means a national control center which monitors, controls and manages continuously the operations of generation, transmission and distribution systems;

“natural monopoly” means an energy undertaking where competition is not possible;

“regulated undertaking” means a licensed entity selling goods and services in the energy sector whose commercial terms and conditions are regulated by the Authority under power conferred to it by this Act and other energy laws conferring power to the Authority;

“this Act” includes the regulations, guidelines and rules made under this Act;

“Tribunal” means the Electricity Disputes Tribunal established under section 39 of the Electricity Act, 2007;

“utility” means a licensed undertaking, which provides services in a sector subject to special Government regulation.

## PART II

### ESTABLISHMENT AND ORGANISATION OF THE ENERGY REGULATORY AUTHORITY

#### *Establishment*

3. (1) There is established an Authority known as the Energy Regulatory Authority.

(2) The Authority is a Category B public enterprise as contemplated in the Public Enterprises (Control and Monitoring) Act, 1989.

(3) The Authority is a body corporate having perpetual succession and may in its own corporate name sue and be sued and, for and in connection with the purposes of this Act and the energy laws, may perform and be capable of doing all such acts as a body corporate may by law perform.

(4) The organizational structure and administrative procedure of the Authority shall be determined in accordance with internal regulations adopted by the Board.

#### *General Powers*

4. (1) The Authority may, in addition to the powers, functions and duties assigned to it under

this Act and other energy laws defining its regulatory responsibilities -

- (a) exercise any power and function and perform any duty incidental to the exercise of its powers or functions or the performance of its duties -
- (b) exercise such powers or functions and perform such duties as may be assigned to it under other energy laws conferring power to the Authority or other Act of Parliament.

(2) Future Acts of Parliament covering the regulation of public utilities in sectors other than energy may transform or integrate the Authority into a utility regulatory Authority expanding its powers to include the regulation of utilities in sectors other than energy; and having its name and Governance structure changed accordingly.

***Functions***

5. (1) The functions of the Authority under this Act, the Electricity Act or other energy laws are -

- (a) to issue licenses for undertakings in the energy sector;
- (b) to receive and process applications for licenses from undertakings in the energy sector;
- (c) to prescribe conditions and terms of licenses issued in terms of this Act.
- (d) to modify licenses and authorizations issued in terms of this Act;
- (e) to make and enforce directions to ensure compliance with licenses issued in terms of this Act;
- (f) to regulate and approve tariffs, prices and charges and terms and conditions of services provided by licensed entities, according to the requirements and terms established in their licences;
- (g) to receive, investigate and adjudicate complaints from consumers on price adjustments made, or services provided, by any regulated undertaking';
- (h) regulate the inclusion of appropriate conditions to licences held by regulated undertakings;
- (i) to revoke any licence in the energy sector for good cause;
- (j) to investigate tariff charges, whether or not a specific complaint has been made for a tariff adjustment;
- (k) to encourage the development of uniform industry standards and codes of conduct;
- (l) in conjunction with other Government agencies, to monitor the levels and structures of competition within the regulated sub-sectors in order that competition in accessibility to the regulated sectors in the Kingdom of Swaziland is promoted.
- (m) to review the organisation of companies engaged in licensed activities to the extent that the organisation affects or is likely to affect the operation of the sector and the efficient supply of goods and services that are provided by licensed undertakings;

- (n) to develop and enforce performance standards for the licensed activities;
- (o) to encourage the development of uniform industry standards and codes of conduct;
- (p) in conjunction with other Government agencies, to design standards with regard to the quality, safety and reliability of supply of the goods and services of regulated undertakings;
- (q) to establish a uniform system of accounts for licensees in the same category;
- (r) to prepare industry reports and to gather information from licensed companies;
- (s) to prescribe and collect license fees in the energy sector;
- (t) to approve codes of conduct in respect of the operation of licensed activities;
- (u) to acquire information and carry out investigations relating to any of its functions;
- (v) to promote consumer awareness and education in the energy sector;
- (w) to perform any other function that is incidental or consequential to its functions under this section, or as may be conferred on it by any other law;
  
- (x) to facilitate increasing access to the goods and services supplied by the regulated entities;
- (y) to recommend to the pertinent Ministers such reforms to this Act and the relevant sector laws as the Authority may deem desirable;
- (z) to verify periodic plans of energy consumption, production, transmission and distribution, including the associated investments, in order to ensure their adequacy and timely allocation;
- (aa) to establish the controls to ensure legitimate competition in energy production and distribution activities with the aim of securing the interests of all licensees as well as consumers;
- (bb) to review and approve the operational rules of the National Control Centre to ascertain the application of optimal criteria of operation and technical performance levels in co-ordination with the utilities; and
- (cc) to do anything or exercise any other power or function that the Authority may lawfully do or exercise under this or any other energy law.

(2) In exercising its powers and functions under this Act or the Electricity Act or other energy laws the Authority shall -

- (a) promote the interests of consumers of goods and services provided by regulated entities with respect to prices and charges and the continuity and quality of supply;
- (b) promote and maintain the integrity and sustainability of regulated undertakings and seek to ensure that regulated undertakings, whilst providing efficient service, are able to finance the carrying on of the activities which they are licensed or authorised to

carry on;

- (c) promote economic efficiency in the supply of regulated services;
- (d) distinguish in its level of intervention and imposed reporting requirements between regulation of natural monopolies and entities operating in competitive sectors; and
- (e) regulate its affairs in a manner that is transparent and fair.

***Establishment of the board of directors***

6. There is established a board of directors which is the governing body of the Authority and is responsible for carrying out the objects of, and exercising the powers and functions conferred on the Authority;

***Composition of the board of directors***

7. (1) Subject to the provisions of section 8, the board shall consist of the following persons appointed in terms of the Public Enterprises (Control and Monitoring) -

- (a) a chairperson, appointed by the Minister;
- (b) a deputy chairperson, appointed by Minister;
- (c) the chief executive officer who is an in ex-officio member;
- (d) not less than three and not more than five other members with in-depth knowledge of the energy sector, appointed by the Minister one of whom is a representative of the Ministry of Finance; and
- (e) a representative of the Swazi nation appointed by the Ingwenyama.

(2) The members of the board, excluding the chief executive officer, are non-executive members.

(3) The chief executive officer is appointed by the Minister in accordance with section 8(1) of the Public Enterprises (Control and Monitoring) Act, 1989 and serves in a full time capacity.

(4) If the chairperson and deputy are for any reason unable to perform his duties, the other members shall choose another chairperson from amongst themselves as chairperson until the chairperson can resume the duties or another chairperson is appointed by the Minister.

(5) A member of the board other than the chief executive officer, holds office for a period not exceeding three years.

(6) The Minister may, to ensure continuity, reappoint a member for one further period of office.

(7) A person may not be appointed to the board for a consecutive period longer than six years

(8) Where a member ceases to hold office for any reason, the Minister may appoint another person in that place for the remainder of the term of office on the board.

(9) A member of the board shall be paid such remuneration or allowances as the Minister may determine, with the concurrence of the Minister responsible for finance.

(10) A member of the board may be removed by the Minister where that member -

- (a) becomes of unsound mind;
- (b) has been absent from more than three consecutive meetings of the board without leave of the chairperson;
- (c) resigns and has notified the chairperson in writing of the resignation;
- (d) materially transgresses any duty imposed under this Act;
- (e) is guilty of maladministration;
- (f) has shown gross incompetence in exercise of the duties under this Act;
- (g) becomes subject to the criteria specified in section 8 (6); or
- (h) is convicted of an offence specified in section 10 (4).

***Qualification of members to the board of directors***

8. (1) The chairperson and the deputy chairperson of the board shall fulfil the following functional qualification requirements -

- (a) one of the two chairpersons shall have strong knowledge and experience in either engineering, economics and/or finance; and
- (b) the other shall have strong knowledge and experience in legal matters, particularly in matters relating to commercial and administrative law.

(2) In appointing members to the board, the Minister shall ensure that -

- (a) members have adequate knowledge and experience in one or more of the following functional areas -
  - (i) energy supply and demand, including the end use consumption of electricity;
  - (ii) commercial and business practices and procedures;
  - (iii) financial and funding aspects of the energy sector;
  - (iv) energy tariffs, pricing or charges;
  - (v) energy planning and project development;
  - (vi) technology and standards;
  - (vii) environmental issues;
  - (viii) consumer protection; or

- (ix) legal matters.
  - (b) candidates are selected on the basis of their knowledge and experience of national, regional and international issues relating to the supply of energy;
  - (c) the overall composition of the board, as far as possible, reflects a balance of knowledge and experience relevant to the different types of energy supply regulated by the Authority and the distinct industries involved in the energy sector;
  - (d) fair balance between continuity and capacity building is achieved.
- (3) The Minister shall demonstrate impartiality and objectivity in appointing member of the board.
- (4) Subject to the provisions of the Public Enterprises (Control and Monitoring) Act, 1989, not more than one member of the board may be an employee of the Government for the first three terms of the Board, and no member of the board may be an employee of the Government thereafter.
- (5) The chief executive officer shall have a strong background in engineering, finance or economics.
- (6) A person may not be appointed as a member of the board if -
- (a) that person is an unrehabilitated insolvent;
  - (b) that person has been convicted of an offence involving an element of dishonesty; or,
  - (c) there is a possibility that a material conflict of interest may arise between the interest of that person as a member of the board and the personal professional or business interests of that person.
- (7) All members of the board shall on appointment disclose their personal, professional or business interests in writing to the Minister and advise the Minister whenever those interests change.

***Meetings of the Board of Directors***

9. (1) The members of the Board shall meet at such times and places and in the manner as determined by internal regulations adopted by the Board.
- (2) The chairperson -
- (a) may at any time convene an extraordinary meeting of the board to be held at a time and place and in the manner determined by the chairperson; and
  - (b) shall, upon a written request of at least two other members of the board, convene an extraordinary meeting to be held within two weeks after the date of that request.
- (3) The board may publish the procedure to be followed at meetings of the board by bylaw in the Gazette.
- (4) In the absence of a published procedure under subsection (3), the person presiding at a meeting of the Authority shall determine the procedure to be followed at that meeting.

(5) At all meetings of the board -

- (a) the quorum shall be a majority of all the members of the board;
- (b) the decisions of a majority of the members present at that meeting shall constitute the decision of the Authority;
- (c) in the event of an equality of votes on any matter the person presiding at a meeting has a casting vote in addition to a deliberative vote.

(6) A decision taken by the Authority or act performed under the authority of the board is not invalid by reason only of a casual vacancy on the board or of the fact that any person not entitled to sit as a member of the board sat at that meeting at the time the decision was taken or the act was authorised.

(7) All meetings of the board are public unless information materially affecting the rights of any person is tabled in which case an affected person shall indicate why that meeting should not be held in public, and the board is satisfied to that effect.

(8) Where the board takes a decision in any manner other than at a formal meeting such decision comes into effect immediately but shall be reduced to writing and submitted for noting at the first formal meeting of the Board following that decision.

***Duties of members of the board***

10. (1) A member of the board shall -

- (a) act in a justifiable and transparent manner whenever the exercise of discretion is required;
- (b) at all times act in the interests of the board and not in any sectoral interest;
- (c) act independently of any outside influence or instruction; and
- (d) act in a manner that is required of any holder of a public office.

(2) A member of the board having any interest, directly or indirectly, in any matter under discussion by the board, shall as soon as possible after the relevant facts have come to the knowledge of that member, disclose to the chairperson the facts of the interest and the nature of that interest.

(3) A disclosure under subsection (2) shall be recorded in the minutes of the board and, after the disclosure, the member -

- (a) shall not take part nor be present in any deliberation or decision of the board; and
- (b) shall be disregarded for the purpose of constituting a quorum by the board on the meeting in connection with the matter.

(4) Any member of the Authority who fails to disclose an interest as provided under subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand Emalangeni or to imprisonment for a period not exceeding twelve months or both.

(5) The Minister may by notice in the Gazette increase the level of the fine set out in

subsection (4).

(6) An act or proceeding of the Authority shall not be invalidated on the ground that any member of the Authority has contravened the provisions of this section.

***Just administrative action***

11. (1) Any decision of the Authority affecting the rights of another person shall -

- (a) be within the powers of the Authority as set out in this Act;
- (b) be taken within a procedurally fair process; and
- (c) be reasonable.

(2) Any person adversely affected by a decision of the board -

- (a) shall on request be furnished with written reasons for the decision.
- (b) may bring such action under review by the Electricity Disputes Tribunal.

***Executive Committees***

12. (1) The Authority may appoint committees consisting of as many members of the Authority and employees of the Authority as may be deemed necessary to perform such functions or exercise such powers of the Authority as the Authority may perform or exercise under this Act, and may at any time dissolve or reconstitute those committees.

(2) The chairperson of a committee appointed under this section shall be a member of the Authority.

(3) The Authority is not divested of any function or power conferred upon a committee under subsection (1).

(4) Any decision of a committee performing a function or exercising a power of the Authority shall be tabled at a meeting of the board and may be withdrawn or amended by the board or referred back to that committee and shall, until it has been so withdrawn or amended, be deemed to be a decision of the Authority.

***Advisory Committees and Customer Forums***

13. (1) The Authority may appoint committees consisting of as many of the members of the Authority, employees of the Authority and other persons as may be deemed necessary to advise the Authority in general or on a particular matter.

(2) The Authority may establish consumer forums consisting of as many of the members of the Authority, employees of the Authority and other persons as may be deemed necessary to represent the interests of consumers of electricity or other energy sectors in relation to consumer information, education and dispute resolution.

***Personnel***

14. (1) The chief executive officer -

- (a) is responsible for -
  - (i) the management of the affairs of the Authority, subject to the directions of the board; and
  - (ii) administrative control over the employees appointed under paragraph (b);
- (b) may, subject to subsection (c) and on such conditions as the board may determine, appoint the employees or contract with any person to supply services as may be necessary to perform the work connected with the powers, functions and duties of the Authority.

(2) The Authority shall pay the chief executive officer and the employees such remuneration, allowances, subsidies and other benefits in accordance with a remuneration structure as shall be determined from time to time by the board and approved by the Minister.

(3) The Authority may from time to time and on such terms and conditions, as the board shall determine -

- (a) provide collateral security, including guarantees, to a financial institution in respect of a loan granted to any employee of the Authority by any financial institution to enable that employee to acquire, improve or enlarge immovable property for the purpose of residential occupation by that employee;
- (b) established and manage or cause to be established and managed pension fund schemes, medical aid schemes or bursary schemes for the employees or the dependants of those employees.

#### *Services*

15. The chairperson may, subject to such condition as the Authority may determine, contract with any person to provide goods or supply services as may be necessary to perform the work connected with the powers, functions and duties of the Authority.

#### *Funding*

16. (1) The revenues of the Authority consist of-

- (a) licence fees and or levies imposed under subsection (2);
- (b) such sums as may be provided by Parliament from time to time for the purposes of this Act and the energy laws, including donor funds; and,
- (c) any other funds that may be raised.

(2) The Minister may, on receipt of the business plan and budget of the Authority, by notice in the gazette prescribe licence fees and or levies and charges that are payable by a category of licensees and customers set out in the notice.

(3) Any licence fee and or levy paid in terms of subsection (2) may be recovered from the consumers of the licensee paying that levy and or licence fee.

(4) The licensee concerned shall pay the licence fee and or levy collected in terms of

subsection (2) to the Authority, to be utilised by the Authority in terms of subsection (6).

(5) Levies referred to in subsection (2) -

- (a) are valid for the period specified in the notice;
- (b) are payable in respect of the energy, calculated in a manner set out in the notice, sold for final consumption to consumers;
- (c) are payable at the times and in the instalments set out in the notice; and
- (d) bear interest, in the case of non-payment or late payment, at a rate set out in the notice.

(6) The Authority shall utilise its funds to defray expenses in connection with the performance of its functions and the exercise of its powers in terms of this Act and the energy laws.

(7) The Authority shall during each financial year, at least three months prior to the ensuing financial year, submit a business plan and budget for that financial year to the Minister for approval.

#### ***Accounting and accountability***

17. (1) The chief executive officer is the responsible officer of the Authority and shall -

- (a) cause proper records to be kept of all financial transactions, assets and liabilities of the Authority;
- (b) open one or more bank accounts in its name with one or more recognised financial institutions and deposit therein all the money received from the sources referred to in clause 16 (1); and
- (c) as soon as possible after the end of each financial year, cause an income statement and balance sheet of the Authority for that financial year to be prepared.

(2) The accounts of the Authority shall be audited annually by independent auditors appointed by the Minister on the recommendation of the Authority.

(3) The financial year of the Authority is the same as that of the Ministry.

#### ***Delegation of powers and authority***

18. (1) The Authority may delegate any power or function assigned to it under this Act to the chairperson or any member of the Authority or to any employee seconded to the Authority to facilitate the day to day operation of the Authority.

(2) The chairperson may with the approval of the Authority delegate any power or function assigned to the chairperson under this Act to any member of the Authority or to an employee seconded to the Authority.

#### ***Reporting***

19. (1) The Authority shall -

- (a) furnish the Minister with such information and particulars as the Minister may from time to time require in connection with the affairs and financial position of the Authority;
  - (b) annually, within six months after the end of each financial year, furnish to the Minister a report with regard to the functions, affairs and financial position of the Authority in respect of that year for submittal to Parliament within thirty days after receipt of that report or, if Parliament is not then sitting, within fourteen days after the commencement of the next ensuing sitting.
- (2) The annual report referred to in subsection (1) shall, among other things, include -
- (a) an audited balance sheet and income statement, including any notes thereon and documents annexed thereto whereby relevant information is provided;
  - (b) information regarding licences granted, renewed, amended, suspended or revoked;
  - (c) information regarding rules made, guidelines given and directives issued;
  - (d) the report on the audit referred to in section 17(2);
  - (e) a report regarding the execution of the business plan of the Authority;
  - (f) a report of the future strategic plans of the Authority;
  - (g) a status report on the performance of the energy sector and energy undertakings; and
  - (h) such other information as the Authority may from time to time deem necessary.

### PART III

#### REGULATION PROCEDURES AND PRINCIPLES

##### *Regulations*

20. (1) The regulations, procedures and principles to be followed by the Authority are defined in the Electricity Act and in other energy laws conferring power to the Authority.
- (2) The Minister may make regulations for the better or effective operation of the Authority.

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Obligation of secrecy*

21. (1) Except for any of the purposes of the Electricity Act and other energy laws conferring power to the Authority or for the purpose of any civil or criminal proceedings under any written law or where otherwise authorised by the Authority, a member of the Authority or any of its committees, whether during the tenure of office or during the secondment or employment of that member or for a period of five years after that employment, shall not disclose any information which has been obtained by that member in the course of duties and which is not published in pursuance of this Act or the energy laws.

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(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding Ten thousand emalangeni (E10 000) or to imprisonment not exceeding ten (10) years.

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***SCHEDULE***

***Forms of energy to be regulated***

Electricity generation; transmission; distribution and supply in terms of the Electricity Act, 2007.

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## PART B

THE ELECTRICITY ACT, 2007  
(Act No. 3 of 2007)



I ASSENT

MSWATI III  
King of Swaziland

20<sup>th</sup> November, 2006

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**AN ACT**  
Entitled

An Act to reform and consolidate the law regulating the generation, distribution and supply of electricity and to provide for matters incidental thereto.

**ENACTED** by the King and the Parliament of Swaziland.

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9. Supply license
10. Import and export license

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**PART I**

**PRELIMINARY**

***Short title and commencement***

1 This Act may be cited as the Electricity Act, 2007 and shall come into force on a date to be appointed by the minister by notice in the gazette.

***Interpretation***

2 In this Act, unless the context otherwise indicates-

“Authority” means the Energy Regulatory Authority established under the Energy Regulatory Authority Act, 2007;

“candidates” means persons who have submitted a request for participation in an invitation to tender;

“case of emergency”, with reference to a right of entry on or to land or premises conferred under this Act, means a case in which the person requiring entry to the land or premises in question has reasonable cause to believe that circumstances exist which are likely to endanger life or property, and that immediate entry to such land or premises is necessary to verify the existence of those circumstances or to ascertain their cause or to effect a remedy;

“common carrier” means an electricity transmission or distribution line;

“consumer” means a person supplied or entitled to be supplied with electricity by any licensee or supplier;

“contract of supply” means a contract between the operator of an electricity undertaking and any other person for the supply of electricity to that person;

“contractors” means those who sell, rent, or with some other similar means supply goods or carry out services or works in accordance with a procurement contract;

“designated area” means an established human settlement hierarchy or framework within a national or regional development plan or similar settlement or plan;

“distribution” means the ownership, operation, management or control of distribution facilities for the movement or delivery of electricity to consumers, and “distribute” or “distributing” have corresponding meanings;

“distribution facilities” means electrical facilities operated at distribution voltage and used for the movement or delivery of electricity;

“distribution line” means any cable or overhead line for the distribution or reticulation of electricity from an electricity undertaking to a consumer, together with any transformers, switchgear or other works necessary to, and used in connection with, such cable or overhead line, and the buildings such part thereof as may be required to accommodate such transformers, switchgear and other works;

“distributing main” means the portion of any main which is used for the purpose of giving origin to service lines for the purpose of general supply;

“distribution voltage” means any voltage below the minimum transmission voltage;

“distributor” means a person distributing electricity;

“electrical fittings” means electric lines, fittings, apparatus and appliances designed for use by consumers of electricity for lighting, heating, motive power and other purposes for which electricity can be used;

“electrical plant” means any electrical line, plant, equipment, apparatus and appliance used for the purposes of generation, transmission or distribution of electricity, but does not include electrical fittings;

“electrician” means any person who installs, maintains or repairs electrical plant or electrical fittings on the premises of licensees or consumers;

“electricity” means electrical energy or electrical power when generated, transmitted, distributed or supplied or used for any purpose except for the transmission of any communication or signal;

“electricity undertaking” means any installation for the generation, transmission, distribution or supply of electricity which is owned or operated by a licensee, and “electricity undertaker” bears a corresponding meaning;

“electric line” means a wire or wires, conductor or other means used for the purpose of conveying, transmitting or distributing electricity with any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same or any part thereof, any apparatus connected therewith for the purpose of conveying, transmitting, distributing or transforming electricity and any pole, standard, guard, stay-wire, danger plate or other apparatus or appliance required in connection therewith;

“emergency works” means works whose execution at the time when they are executed are requisite -

- (a) in order to put an end to, or to prevent the arising of, circumstances then existing or imminent which are calculated to cause danger to persons or property, interruption of a supply or service afforded by a licensee or substantial loss to such licensee; or

- (b) in order to enable a licensee to afford a supply of electricity or a service to satisfy an obligation created by this or any other Act within a time fixed by or under such Act, and in relation to works comprising items whereof some fall within it and such others of them as cannot be reasonably severed therefrom;

“financial year” means the financial year of a licensee;

“fund” means the Rural Access Fund established under section 35;

“general supply” means the supply of electricity to consumers in general and includes, unless otherwise specially agreed with an urban authority, the supply of electricity to public lamps, traffic signals, traffic bollards or other traffic signs or apparatus maintained and controlled by such authority, but does not include the supply of electricity to a consumer or consumers in particular under special agreement;

“generation” means the production of electricity in generating stations regardless of how such stations are fuelled or driven, and “generate” and “generating” have corresponding meanings;

“generator” means a person generating electricity;

“generating station” means any station for generating electricity including any building, plant and machinery used for the purpose and all accessories necessarily incidental thereto, together with the site thereof, and any site intended to be used for such a station;

“grid code” means a national grid code or similar regulation of national application prescribed by the authority, relating to the planning, scheduling or dispatch of electrical energy in Swaziland;

“inspector of machinery” means an inspector appointed as such under the Mines, Works & Machinery Act, No. 61 of 1960;

“land” includes land covered by buildings and land covered by water;

“licensee” means the holder of a license granted or deemed to be granted by the Authority under the Energy Regulatory Authority Act, 2007 for the generation, transmission, distribution and supply of electricity;

“main” means any electric line through which electricity may be supplied or be intended to be supplied by a licensee for the purposes of general supply;

“mini-hydro” means a small scale power generating system that harnesses the power of falling water (1-15 MW);

“minimum transmission voltage” means thirty three kilovolts or such other voltage as the Authority may, by regulation, determine to be the minimum voltage at which an electrical facility in Swaziland is generally operated when used to deliver electricity in bulk;

“Minister” means the Minister responsible for energy affairs;

“Ministry” means the Ministry responsible for energy affairs;

“minor works” means works executed solely for the purpose of erecting or placing service lines (not being works which relate to the placing or intended placing of a service line or a part of a service line for a continuous length of one hundred meters or more in or along a public road) or works executed solely for the purpose of maintaining, repairing or altering electric lines or apparatus;

“occupier” includes the person receiving or entitled to receive the rents payable by a lodger or tenant, whether on his own account or as agent for any other person entitled or interested therein;

“off-grid” means electricity network not connected to the main national electricity supply grid network;

“owner” means -

- (a) the person or persons in whom from time to time is vested the legal title to any immovable property;
- (b) in any case where the property has been leased for 10 years or more the lessee of such property;
- (c) in any case where the legal administration of such property is vested in a person as trustee, executor, curator, assignee or administrator of such property, the person in whom the legal administration is so vested;
- (d) in any case where the owner as above described is absent, the agent or person receiving the rent of the property in question;

“owner” “occupier”, or “person” in the case of a firm or partnership includes all or any one or more of the members of such firm or partnership, and in the case of a company or any body or persons not being a firm or partnership in the ordinary meaning of these terms, the secretary or manager of such company or body of persons, or should there be no secretary or manager, then any member of the board of directors, managing board or committee of such company or body of persons;

“person” includes statutory and governmental bodies and institutions;

“premises” means any building, room, tenement, hut, shed, tent or other structure, above or below the ground, together with the land upon which the same is situated and any adjoining land used in connection therewith, and any land without buildings or tents, and includes any vehicle or conveyance, and includes open air premises;

“procurement” means purchase, rental or corresponding transactions in respect of goods, services and works in all parts of the electricity supply industry and in particular in power generation;

“rated generating capacity”, in relation to installed generating plant, means the designed maximum continuous output of the generating plant;

“road” means any road, whether public or private, together with the kerbs, storm water drains and supporting banks thereof, and any street, square, court, alley, lane, bridge, footway, trace, track, path, passage or highway, whether a thoroughfare or not;

“roadworks” means the reconstruction, widening, diversion or alteration of the level of any road or part thereof or any alteration in the relative widths of the catridgeways or footways thereof;

“service line” means any electric line through which electricity may be supplied or be intended to be supplied by a licensee to a consumer either from any main or directly from the premises of the licensee;

“supply” means the purchase and sale of electricity and activities or services associated therewith, and “supplying” has a corresponding meaning;

“supplier” means a person supplying electricity;

“Swaziland Electricity Board” means the Swaziland Electricity Board (SEB), established in terms of the Electricity Act No. 10 of 1963 (as amended), or any successor in title to the Swaziland Electricity Board;

“system operator” means a person designated to operate the power system as described in section 7 and in accordance with the grid code;

“tenderers” means those who submit a tender;

“this Act” includes the regulations, guidelines and rules made under this Act;

“transmission” includes the ownership, operation, management or control of transmission facilities for whatever purpose, and “transmit” and “transmitting” have corresponding meanings;

“transmission facilities” means electrical facilities, including but not limited to electrical circuits, transformers, and substations operating above a voltage of thirty three kilovolts but does not include-

- (a) electrical circuits forming the immediate connection between generation facilities and the transmission grid and to the extent that those circuits are owned by a generator and are directly associated with the generation facilities; or,
- (b) specified facilities operating at or above minimum transmission voltage if the Authority, upon application by a licensee, determines that those facilities should be owned and operated by a distribution licensee;

“transmitter” means a person transmitting electricity;

“Tribunal” means the Electricity Disputes Tribunal established under section 41; and

“value of the supply” means the amount of electricity supplied by a licensee to any consumer or the maximum power demand of a consumer in any given period.

## PART II

### REGULATION OF THE ELECTRICITY SUPPLY INDUSTRY

#### *Power system activities to be carried out under license*

3. (1) Persons generating, transmitting, distributing or supplying electricity, or importing electricity into or exporting electricity from Swaziland, are obliged to hold licenses issued by the Authority and shall be subject to the provisions of their licence, the bylaws and procedures of the Authority, and the requirements of any energy sector laws.

(2) The power system activities for which a license is required are -

- (a) generation of electricity;
- (b) transmission of electricity;
- (c) performing the function of integrated power system operator

- (d) distribution of electricity;
  - (e) supplying of electricity;
  - (f) off-grid and mini-grid supplies of electricity; and
  - (g) importing electricity into or exporting electricity from Swaziland.
- (3) Any person who wishes to erect and establish any works-
- (a) which will be rated at the site where it is to be installed at a capacity of one hundred or more kilowatts, for generating, transmitting, transforming, converting or distributing electricity; or,
  - (b) the plant of which is rated at the site where it is installed at a capacity of less than one hundred kilowatts and which is used for the generation, transmission, distribution, or supply of electricity for the use of any other person, whether or not it is for the operators own use.

shall do so in accordance with regulations made under this Act, and shall comply with any requirement of the Minister or the Authority for the purpose of facilitating co-ordination with existing or future electricity undertakings.

(4) Notwithstanding the provisions of subsections (1) and (2), or the provisions of the Energy Regulatory Authority Act 2007, a person carrying on or involved in an activity specified in Schedule II need not apply for or hold a license.

***Generation license***

4. A person shall not construct, own or operate a generating station as referred to in section 3 (3) without a generation license issued under this Act.

***Special provisions for hydropower plants***

5. (1) On the expiry of a license for a hydropower plant with a generation capacity exceeding 10 megawatts, the plant, including all existing installations, property and rights needed for power generation, shall be transferred to the Government.

(2) The power plant and installations transferred under subsection (1) shall be operational and well maintained at the time of transfer.

(3) On the transfer under subsection (1), the power plant, including all installations, property and rights required for power generation shall be dealt with by the Government in any manner it deems appropriate.

(4) This section does not apply where fifty per-cent or more of the power plant, or of the company which owns the power plant, is owned by the Government.

***Transmission license***

6. (1) No person shall construct, own or operate an installation for the transmission of electricity without a transmission license granted by the Authority.

(2) A holder of a transmission license shall provide access to all existing and potential users

of the transmission network on the payment of fees and other charges for network services, as may be approved by the Authority.

(3) A holder of a transmission license shall work in close co-operation with the System Operator.

(4) A licensee shall provide the Authority with such information as the Authority may prescribe to enable the Authority to approve the fees and charges under subsection (1).

***System operator license***

7. (1) The Authority shall designate a person holding a transmission license to be a System Operator and license that person -

- (a) to co-ordinate the power supply system to obtain instantaneous balance between generation and consumption of electricity;
- (b) to be responsible for dispatching generation installations;
- (c) to co-ordinate transmission outages;
- (d) to plan and monitor the import and export of electricity;
- (e) to prepare forecasts of capacity requirements;
- (f) to develop and co-ordinate generation and transmission maintenance schedules;
- (g) to decide how much backup capacity is needed and how to obtain it;
- (h) to prepare contingency plans that can be immediately implemented if a major generating or transmission facility fails;
- (i) to make bylaws, with the approval of the Authority, for the dispatch of generating installations;
- (j) to perform such other functions as may be prescribed by the Authority in the license or by regulations.

(2) The system operator shall not, in the performance of functions, show undue preference to any person or execute any kind of undue discrimination of any parties affected by the decisions of the system operator.

(3) The system operator shall recover all reasonable costs connected to the execution of the functions under this section, with the approval of the Authority.

(4) All licensees shall comply with the decisions of the system operator in connection with the execution of functions under this Act or regulations made under this Act.

***Distribution license***

8. (1) A person shall not distribute electricity without a distribution license granted by the Authority.

- (2) The area of distribution shall be defined in the license.
- (3) To allow third party access to distribution networks -
  - (a) a holder of a distribution license shall provide access to all existing and potential users of the distribution network on the payment of fees and other charges for network services, as may be approved by the Authority.
  - (b) a licensee shall provide the Authority with such information as the Authority may prescribe to enable the Authority to approve the fees and charges under paragraph (a);
  - (c) where a holder of a distribution license cannot, due to any reason other than lack of capacity or technical conditions, allow access to the distribution system, a consumer may apply to the Authority for permission to access the distribution system and construct an electric supply line to his premises;
  - (d) the Authority may, upon receipt of an application under paragraph (c), order;
    - (i) the holder of a distribution license to allow the consumer to connect to the distribution system on such terms and conditions as the Authority may prescribe; and,
    - (ii) the method through which the consumer may recover his costs for constructing the electric supply line, and access by other consumers to the electric supply line; and,
  - (e) where a connection is made to the distribution system on the application of the distribution license holder, the Authority may direct the owner of the line constructed under paragraph (c), to transfer the ownership of the line to the distribution license holder on such terms, including terms as to compensation, as may be agreed between the distribution license holder and the consumer.
- (4) The quality of distribution services shall be in accordance with standards prescribed by the Authority.
- (5) A distribution licensee shall not be licensed to build, own or operate a generating station for sale of electricity for a combined total in excess of twenty percent (20%) of its demand requirements
- (6) Subsection (5) shall not come into force until a date to be determined by the Minister by notice in the Gazette.

***Supply license***

9. The supply of electricity shall be subject to a supply license granted by the Authority.

***Import and export license***

10. (1) A person shall not import or export electricity without an export or import license as the case may be, granted by the Authority.

(2) An agreement in principle for the import or export of electricity shall accompany an application for a license under subsection (1).

***Separate and combined licenses***

11. Separate or combined licenses may be issued by the Authority to a particular generator, transmitter, system operator, distributor or supplier of electricity.

***Duration of licences***

12. (1) Generation licenses may not be issued by the Authority for a period exceeding 40 years; transmission and system operator licenses may not be issued by the Authority for a period exceeding 30 years; and distribution and supply licenses may not be issued by the Authority for a period exceeding 25 years.

(2) The Authority may, with the approval of the Minister, issue generation, transmission, distribution or supply licenses for periods longer than those set out in subsection (1).

***Offence for operating without a license***

13. (1) A person who -

- (a) generates, transmits, acts as system operator, or distributes electricity for the purpose of giving a supply to any premises or enabling a supply to be so given;
- (b) sells electricity to any premises; or
- (c) exports or imports electricity,

except under the authority of or under an exemption given under this Act, commits an offence.

(2) The offender is liable on conviction to a fine payable to the Authority of not less than 50,000 Emalangeni, or imprisonment for a period not exceeding twenty-four months or both.

**PART III**

**APPLICATION FOR AND ISSUING OF LICENSE**

***Application for and issuing of licenses***

14. (1) Any person obliged to hold a license shall apply to the Authority for a licence.

(2) The Authority may prescribe in the bylaws published in the gazette -

- (a) the procedure to be followed in applying for and considering an application for a license under subsection (1); or,
- (b) the definition of categories of licensees.

***Conditions of licence***

15. (1) The Authority may make a license granted under section 14 (1) subject to any condition deemed appropriate for serving the purposes of this Act.

(2) Without derogating from the general nature of subsection (1), conditions relating to licenses may include-

- (a) the establishing and complying with guidelines to govern relations between a licensee and its consumers;
- (b) the referring of disputes arising from the license to the Authority for resolution;
- (c) penalties, including monetary penalties, for non compliance with licensing conditions;
- (d) the furnishing of information, documents and details which the Authority may require for the purposes of this Act;
- (e) the period of validity of the licence;
- (f) the approval of tariffs, prices and charges;
- (g) the quality of supply and service;
- (h) the setting, approving and meeting of performance targets, including the monitoring thereof;
- (i) the ceding, transference or encumbrance of licences;
- (j) the transfer of assets, rights and obligations;
- (k) the area of service of a regulated undertaking; and
- (l) technical standards.

(3) Notwithstanding the provisions of subsections (1) and (2), any condition relating to the approval of tariffs, prices or charges shall be imposed with due regard to-

- (a) financial sustainability of licensees;
- (b) cost of service;
- (c) quality of service;
- (d) equity and fairness;
- (e) consistency of adjustments;
- (f) affordability; and
- (g) price stability.

(4) A licensee may not charge a consumer any other tariff, price or charge than that forming part of the conditions of the licence.

#### ***Transfer of licences***

16. (1) either a license nor rights or privileges under that license shall be assigned or transferred, either in whole or in part, nor shall title thereto, either legal or equitable, or any right, interest or property therein, pass to or vest in any person without the prior written consent of the Authority, and such consent shall not be unreasonably withheld.

(2) A change, transfer or acquisition of control of the licensee shall not occur without the prior written consent of the Authority.

(3) A transfer of control of the licensee shall be deemed to occur upon the acquisition or accumulation by any person or an affiliated group of persons -

- (a) of fifty percent (50%) or more of the voting stock of the licensee; or,
- (b) of a percentage of any voting stock of the licensee which is larger than any other block of voting stock that is held by any one person or an affiliated group of persons.

(4) Notwithstanding the provisions of subsection (3) -

- (a) the transfer upon death of the shares of a deceased shareholder;
- (b) the transfer of the shares of a shareholder -
  - (i) to the members of the immediate family of the shareholder, or
  - (ii) to a trust benefiting the members of the immediate family of the shareholder;
- (c) the transfer of the shares of a shareholder to persons designated in the will of a deceased person; or
- (d) the acquisition or accumulation of shares in an employee pension fund or other similar fund,

shall not be deemed to be a change, transfer or acquisition of control under this Act.

***Revocation and amendment of licenses***

17. (1) The Authority may revoke a license or a condition of a license -

- (a) on application;
- (b) with the permission of a licensee; or,
- (c) upon material non-compliance by a licensee with a license or a condition of the license.

(2) The Authority may amend a license or a condition of a license-

- (a) on application;
- (b) with the permission of the licensee;
- (c) upon non-compliance by a licensee with a license or a condition of that license; or,
- (d) if it is deemed necessary to further the purposes of this Act.

(3) The Authority shall by rule in the gazette prescribe the procedure to be followed in revoking or amending a license under subsection (1) or (2).

(4) When the Authority amends a license or a condition of a license under subsection (2), it may include or amend any licensing condition referred to in section 15 (1) and (2).

***Renewal of licences***

18. (1) A condition relating to the period of validity of a license may not be amended and a licensee who wishes to continue carrying on or to be involved in licensed undertaking shall apply for a new license when the license lapses.

(2) The Authority shall prescribe the procedure to be followed in the renewal of a license under subsection (1).

***Non-compliance with licensing conditions***

19. (1) Where a licensee fails to adhere to the licence, the conditions on which it was granted, or the provisions of the sector Act, the Authority may serve on the licensee a notice in writing to rectify such deficiency within the period the Authority may determine, failing which the Authority may -

- (a) impose such penalties as may be provided for in the bylaws or the licensing conditions of such licensee;
- (b) amend the licence;
- (c) revoke the licence; or
- (d) direct any other licensee to meet the obligations of the licensee.

(2) When the Authority directs a licensee to meet the obligations of another licensee under subsection (1)(d) it may include or amend any licensing condition referred to in section 15(2) as well as conditions relating to -

- (a) the long-term sustainability of the licensee meeting the obligations of another licensee;
- (b) the entering into and taking possession of the undertaking of that other licensee;
- (c) the operating of the business of the other licensee on behalf and at the risk and expense of that licensee;
- (d) the paying of expenditure to cover expenses and losses caused in meeting the obligations of that licensee; and
- (e) the taking over of any assets of the licensee.

(3) Notwithstanding the provisions of subsection (2)-

- (a) the security of any debenture holder or mortgagee or the right of enforcing that security, is not affected; and
- (b) any civil claim which any person may have against a licensee arising from that licensee's failure to comply with the licensing conditions, is not precluded.

(4) The Authority shall by rule in the gazette prescribe the procedure to be followed in imposing penalties, amending or revoking a license or directing a licensee to meet the obligations

of another licensee under subsection (1).

***Expiration of a license***

20. (1) When a license expires and has not been renewed or transferred, the Authority may order the licensee to dismantle and remove all plant, equipment and facilities used in the licensee's business, and reinstate the land to the satisfaction of the Authority within two years from the date of expiry of the licence.

(2) The Authority may call upon the licensee to provide security to an amount and in the form acceptable to the Authority.

(3) The Minister may in the interests of the Government exempt the licensee from dismantling and removing all or any facilities as envisaged in subsection (1).

***Guidelines and bylaws***

21. (1) The Authority may, after consultation with -

- (a) the Minister;
- (b) licensees; and
- (c) such other interested persons as may be deemed necessary,

make guidelines and publish bylaws for the proper administration of this Act.

(2) Without derogating from the general nature of subsection (1), guidelines may relate to-

- (a) the relationship between licensees and consumers;
- (b) codes of business practice and ethics;
- (c) performance objectives and the setting, approving and meeting of performance targets; and
- (d) any other matter the Authority deems appropriate for serving the purposes of this and the sector Act.

(3) Without derogating from the general nature of subsection (1), the Authority make bylaws relative to -

- (a) any issues relating to section 21 (2)
- (b) the proceedings to be followed at meetings of the Authority;
- (c) the keeping of records and the giving of reasons by the Authority;
- (d) ensuring fair administrative action by the Authority in the exercise of its discretion and in particular the right of interested parties to be heard;
- (e) the classification of categories of licences;
- (f) the form and manner of license applications;

- (g) the publishing of notices by licensees and the contents thereof;
- (h) the procedure to be followed in considering license applications;
- (i) the procedure to be followed in the amendment, revocation and renewal of licenses and in the non-compliance with licensing conditions;
- (j) penalties for the non-compliance with licensing conditions;
- (k) the procedure to be followed in directing a licensee to meet the obligations of another licensee;
- (l) the procedure to be followed and fees to be paid in arbitration and mediation proceedings;
- (m) the summoning of witnesses and the procedure to be followed in enquiries and investigations;
- (n) the rendering of information and returns;
- (o) the standards relating to quality of supply and service;
- (p) any other matter that may or has to be prescribed, determined or provided for in this Act or the energy laws.

(4) The Authority may make bylaws to establish a grid code;

(5) The Authority may direct any person or category of persons by notice in writing to comply with or refrain from doing something which has to be complied with or should be refrained from being done under this Act, within the time period set out in the notice.

***Exemption from obligation to apply for and hold licence.***

22. (1) Any person who generates, transmits or distributes electricity for own use approved and authorised by the Authority is exempted from the obligation to apply for and hold a license under this Act.

(2) Any person who sells less than 1 GWh of electricity per annum to customers where the conditions relating to the supply of electricity thus sold and the tariffs charged are not less favourable than the conditions of supply and tariffs that would have been applicable if those customers were directly supplied with electricity by the licensee who sells electricity to the person supplying the customers with electricity under this exemption is exempt from applying for and holding a license under this Act.

(3) Off-grid and mini-grid supply schemes may be specifically exempted by the Minister in terms of subsection 67 (1) (j), from applying for and holding a license under this Act.

**PART IV**

**DUTIES OF LICENSEES**

***Duties of licensees***

23. (1) Every operator of an electricity undertaking shall supply electricity to every consumer who is in a position to make satisfactory arrangements for payment under a contract of supply

with that operator, and is primarily in a designated area.

(2) Where an operator of an electricity undertaking unduly delays or refuses to supply any applicant with electricity, the consumer may appeal to the Authority, which shall determine the conditions under which the operator shall undertake such supply.

(3) A person who is supplied with electricity from an operator of an electricity undertaking shall not be entitled to a standby supply of electricity from the operator in respect of any premises unless that person has agreed to pay, and has given security to pay, such minimum annual sum as will give to the operator a reasonable return (which return will be determined by the Authority) on any capital expenditure and any other standing charges which may be incurred in meeting the maximum demand for the premises.

(4) An operator of an electricity undertaking shall test any installation of an applicant for a supply of electricity to ensure the safety of the installation and the users.

(5) If an operator is not satisfied with the safety of an installation, the operator is not obliged to supply electricity.

## PART V

### COMMON CARRIERS AND CAPACITY VARIATIONS

#### *Common carriers and capacity variations*

24. (1) The Minister may, by proclamation in the Gazette, declare any transmission or distribution line to be a common carrier for the purposes of this Act.

(2) A transmission or distribution line that is declared, under subsection (1), to be a common carrier may, subject to any regulations made under this Act, and any requirements made by the Minister and the Authority under section 3 (3), be used for the purposes of an electricity undertaking on such terms and conditions as may be agreed between the operator of the electricity undertaking and the owner or person in control of the transmission or distribution line concerned, or in default of such agreement, as may be determined by the Authority with the consent of the Minister.

(3) If any electricity undertaking wishes to increase or decrease its rated generating capacity by more than five percent (5%), or its contractual rights to purchase, transmit and or wheel power from outside Swaziland, or its contractual rights to sell or wheel power to consumers outside Swaziland, that undertaking shall apply to the Minister for approval and shall submit to the Minister a full report on its proposals.

(4) If any electricity undertaking wishes to expand its transmission system by more than fifteen percent (15%) per annum of its existing capital investment in such system, it shall apply to the Minister for approval and shall submit to the Minister a full report on its proposals.

(5) The Minister shall, in considering any application under this section, have regard to the terms of any relevant international agreement.

(6) The Minister may, after considering the report submitted under this section, and after consulting with the Authority, approve or refuse the application.

**PART VI**

**TENDERING FOR NEW CAPACITY**

***Tendering - Generalities***

25. (1) The Authority in co-operation with Minister shall prepare calls for tender for new capacity construction in the areas of power generation, transmission and distribution as considered necessary in the light of mid- to long-term demand developments.

(2) The Authority shall launch tender procedures for the procurement of any new capacity and examine and review, in close co-operation and consultation with the Minister, any bids received under those procedures or otherwise.

(3) The calls for tender shall specify in sufficient detail the size of the project, its input fuel where appropriate, environmental specifications as needed, as well as any other information necessary.

***The award of contracts***

26. (1) Advantage shall be taken, in contract procedures, of existing possibilities of competition.

(2) Regardless of the value of the procurement, a tender notice shall be published or a sufficient number of tenders, which is in proportion to the size and quality of the procurement, shall be otherwise invited.

(3) If in a procurement that is lower than the threshold, a supplier other than those who have been invited to tender wishes to submit a tender, that supplier shall be entitled to receive a tender without causing delay to the procurement.

(4) A contract may be awarded without an invitation to tender only for special reasons, such as, among others, urgent need for new capacity or small value of the procurement.

(5) The award of contracts (power purchase agreements) shall be carried out by the Authority according to the procedure and criteria laid out in regulations developed by the Authority and approved by the Minister.

***Criteria for the selection of a candidate or a tenderer***

27. (1) Candidates or tenderers who do not fulfil technical, economic or other conditions for performance of the contract or who have failed to pay taxes or social security contributions in Swaziland or in the country where the contractor has established a head office (country of establishment) may be excluded from an invitation to tender.

(2) A candidate or tenderer excluded from an invitation to tender shall be informed of the reasons for the exclusion, if a request is made.

(3) The candidates and tenderers shall be treated on an equal and impartial basis at all stages of the award procedure whether the candidate or tenderer is a community or an institution owned by the contracting entity.

(4) The procurement shall be effected as economically as possible.

(5) The contract shall be awarded to the tender with the lowest price or to the one that is

most economically advantageous as a whole, taking into account the criteria set out under subsection (1).

(6) Tenderers shall be selected and contracts shall be awarded according to the schedule set out in regulations by the Authority.

***Legal remedies - Review of decisions and compensation***

28. (1) Decisions made under section 25 (2) may be brought on review before the Electricity Disputes Tribunal.

(2) Any person who has occasioned harm to a candidate, tenderer or contractor by a procedure contrary to this Act or to provisions or regulations issued in pursuance of this Act shall be obliged to pay damages for the harm caused.

(3) In a claim for damages representing the costs of participating in an award procedure, the candidate or tenderer shall, in order to be awarded damages, be required only to prove that -

- (a) the procedure followed was contrary to this Act or to provisions or to regulations issued in pursuance of this Act; and
- (b) the candidate or tenderer would have had an actual chance of being awarded the contract if the correct procedure had been followed.

**PART VII**

**MISCELLANEOUS PROVISIONS**

***Obligation to provide information for the supervision of the contract.***

29. The contracting entities shall provide the authorities in Swaziland with statistical and other information on the different stages of the contract award procedure to the extent determined by the Ministry responsible for finance.

***Right of access to information and non-disclosure obligation.***

30. Any person who, in the performance of functions referred to in this Act, has gained knowledge of trade or professional secrets or other similar facts which might cause economic damage to the party concerned, may not disclose or use those secrets or facts without legal right or consent of the concerned.

***Penal provision***

31. Any person who contravenes section 30 commits an offence, and is liable to conviction to a fine of not exceeding fifty thousand Emalangenji (E50 000-00), or is imprisonment for a period not exceeding twenty-four months or both.

**PART VIII**

**TARIFFS**

***Tariffs***

32. (1) The following activities are subject to tariff regulation -

- (a) generation and trading, in respect of which licenses are required pursuant to this Act, and where the Authority considers regulation of prices necessary to prevent abuses of market power; and
  - (b) transmission, distribution and system operation, in respect of which licenses are required under this Act
- (2) An application for a license for the activities referred to in subsection (1) shall contain -
- (a) a proposal for terms of supply and for fixing the tariffs including total tariff revenues;
  - (b) the structure of calculation of tariffs; and
  - (c) information about existing and planned investments and present and future quantity of electricity transmitted, distributed or sold.
- (3) A proposal under subsection (2) shall be in accordance with principles prescribed by the Authority under subsections (4) to (6).
- (4) Prices for the activities referred to in subsection (1) shall be regulated by the Authority according to one or more of the following tariff methodologies which shall -
- (a) allow a licensee that operates efficiently to recover the full costs of its business activities, including a reasonable return on the capital invested in business;
  - (b) provide incentives for the continued improvement of the technical and economic efficiency with which the services are provided;
  - (c) provide incentives for the continued improvement of quality services;
  - (d) give to consumers proper signals regarding the costs that their consumption imposes on the business of the licensee; or,
  - (e) avoid undue discrimination between consumers and consumer categories.
- (5) The Authority shall take into account any subsidy provided by the Rural Access Fund, if such a fund is created, or by any other source, whether direct or by way of favourable financing terms, or in any other manner, in establishing the tariff methodologies.
- (6) Notwithstanding the provisions of subsection (4), the Authority may establish tariff methodologies that reflect the terms and conditions of a contract between licensees or between a licensee and one or more eligible customers.
- (7) Notwithstanding paragraph (e) of subsection (4), in establishing tariff methodologies the Authority may differentiate among consumers on the basis of differences in total electricity consumption, the time periods on which electricity is consumed, load factors, power factors, voltage levels, location within the country and other such criteria as may affect the cost of providing a service and may allow a lifeline tariff for some consumers.
- (8) Before approving a tariff methodology, the Authority shall give notice in the official gazette of the proposed establishment of a tariff methodology, indicating the period within which objections or representations in connection with that methodology may be made to the Authority.
- (9) In preparing a tariff methodology, the Authority shall-

(a) consider any representations made by license applicants, other licensees, consumers, eligible customers, consumer associations, associations of eligible customers and such other persons as the Authority may consider necessary or desirable;

(b) obtain evidence, information or advice from any person who, in the opinion of the Authority, possesses expert knowledge which is relevant in the preparation of the methodology.

(10) Any fines or penalties levied against a licensee in terms of this Act or any other law or regulation shall not be rechargeable to the customers of that licensee.

## PART IX

### PROMOTION OF ACCESS TO ELECTRICITY

#### *Rural electrification as priority for power sector policy*

33. (1) The Government shall undertake to promote, support and provide rural electrification programmes through public and private sector participation in order to -

- (a) achieve equitable regional distribution access to electricity;
- (b) maximise the economic, social and environmental benefits of rural electrification subsidies;
- (c) promote expansion of the grid and development of off-grid electrification; and
- (d) stimulate innovations among suppliers.

#### *Preparation of Rural Electrification Plan*

34. (1) The Minister shall prepare a sustainable and co-ordinated Rural Electrification Strategy and Plan for Swaziland for the approval of Cabinet.

(2) The Minister shall, once in each year, submit to Parliament, an annual report on the progress and achievement of the Plan, which shall contain information relating to -

- (a) the expansion of the grid;
- (b) the renewable energy power generation for sale to the grid and for mini-grids;
- (c) the installation of solar photo voltaic systems for isolated settlements that cannot be economically connected to the grid.

(3) The Minister shall periodically evaluate the impact of the rural electrification programme.

(4) The Minister may, from time to time, with the approval of Cabinet, amend the Rural Electrification Strategy and Plan.

#### *Connection targets as performance indicator for distribution companies*

35. (1) Distribution companies when presenting their tariff proposals to the Authority for approval shall present a five-year expansion plan which includes targets for the number of new connections to be achieved.

(2) Failure to reach agreed connection targets shall be subject to the payment of fines fixed by the Authority, as a minimum reflecting the cost to the distribution company for not providing electrification service.

***Provision for coordination of Rural Access Fund***

36. (1) In case the Government decides to establish a donor-supported Rural Access Fund (RAF), providing grant support to co-fund priority investments increasing the access of the rural population to basic infrastructure services, such as electricity and telecommunications, the Minister in consultation with the Authority shall develop a policy for how the funds from the Rural Access Fund, are to be used in conjunction with the connection targets fixed in the tariff approval procedures.

(2) The moneys of the Fund shall consist of-

- (a) moneys appropriated by Parliament;
- (b) any surplus made from the operations of the Authority and declared to the Minister responsible for finance;
- (c) a levy on transmission bulk purchases of electricity from generation stations to be determined by the Minister with the approval of Cabinet; and
- (d) donations, gifts, grants and loans acceptable to the Minister and the Minister responsible for finance

(3) The Minister shall -

- (a) administer the Fund in accordance with this Act;
- (b) develop criteria for eligibility to receive financial support from the Fund;
- (c) define the subsidy level that will provide maximum access to electricity; and
- (d) carry out any other functions necessary for promoting rural electrification.

(4) The Minister shall, by statutory instrument, make regulations for the management of the Fund.

***Rural electrification data base***

37. The Ministry shall maintain a national rural electrification data base to assist in the monitoring of progress and establishment of the targets of rural electrification.

***Publishing of tariffs***

38. The Authority in agreement with the Minister, may impose on the system operator the requirement to publish standardised tariffs based on the avoided cost of the system for sales to the grid of electricity generated by the renewable energy systems of up to a maximum capacity of twenty megawatts.

**PART X**

**TRANSITIONAL PROVISIONS**

***Right to license of existing operators***

39. (1) Upon the commencement of this Act -

- (a) any license granted under the provisions of the Electricity Act No.10 of 1963 by the Swaziland Electricity Board shall be deemed to be a license issued by the Authority as contemplated in the Energy Regulatory Authority Act 2007; and
- (b) any generator, transmitter, distributor or supplier not in possession of a license contemplated in paragraph (a) shall, whether exempted to hold a license or not, be deemed to be the holder of a temporary licence.

(2) Notwithstanding anything to the contrary contained in the Electricity Act No. 10 of 1963, any license contemplated -

- (a) in subsection (1) (a) shall be deemed to be subject to the conditions under which it was issued prior to the commencement of this Act;
- (b) in subsection (1)(a) or (b) shall be deemed to incorporate the schedule of standard prices applied by the generator, transmitter, distributor or supplier concerned; and
- (d) in subsection (1)(a) or (b) shall be valid for a maximum period of eighteen months from the date of commencement of this Act:

(3) A license shall lapse one year after the date of commencement of this Act if the generator, transmitter, distributor or supplier concerned has not, within that time, applied for a new license under the provisions of this Act.

**PART XI**

**RESOLUTION OF DISPUTES**

***Resolution of disputes***

40. (1) The Authority shall, if requested by a party to a dispute, act as arbitrator in disputes between licensees or between a licensee and its consumer relating to -

- (a) the right to the supply of the goods and services provided by the regulated undertaking;
- (b) the duty to supply the goods and services provided by the regulated undertaking;
- (c) the tariffs, prices or charges at which the regulated goods or services are supplied, following the terms and procedures established for this in the sector Act;
- (d) delays in or refusal to supply regulated goods or services; and
- (e) the quality of regulated goods or services and the provision of services in connection with those goods and services.

(2) The Authority may act as mediator in any other matter in respect of which a licensee or consumer requests the Authority to act as such.

(3) The Authority may, on approval of the parties involved, appoint a suitable person to act as mediator or arbitrator on its behalf and any action or decision of a person so appointed is deemed to be an action or decision of the Authority.

(4) The Authority shall by rule in the gazette prescribe the procedure to be followed and mediation and arbitration fees to be paid in mediating and arbitrating disputes.

(5) The decision of the Authority in arbitrating a dispute, including a decision as to costs, is final and binding on the disputing parties.

## PART XII

### THE ELECTRICITY DISPUTES TRIBUNAL

#### *Establishment of Tribunal*

41. There is established the Electricity Disputes Tribunal made up of five members as follows -

- (a) chairperson and vice chairperson; and
- (b) three other members.

#### *Appointment, tenure and qualification of members*

42. (1) The chairperson and vice chairperson shall be persons who qualify to be judges of the High Court and shall be appointed by the Minister on the recommendation of the Judicial Service Commission.

(2) The three other persons of the Tribunal shall be appointed by the Minister on the recommendation of the Civil Service Commission.

(3) The members of the Tribunal may be appointed on a part time or full time basis for a term of not more than five years renewable only once and on such other conditions as may be contained in the letter of appointment.

(4) A person appointed to the Tribunal shall be of high moral character and proven integrity and be experienced in at least one of the following areas -

- (a) the generation, transmission or distribution of electricity;
- (b) legal practice or public administration;
- (c) public finance or economics;
- (d) the energy industry; or
- (e) environment.

***Disqualification for membership***

43. (1) A person shall not be appointed a member of the Tribunal or be requested to give technical advice to the Tribunal if that person -

- (a) is -
  - (i) a shareholder;
  - (ii) a member of a board;
  - (iii) an employee, or
  - (iv) the holder of a license,

of any entity engaged in providing services to the electricity industry likely to cause a conflict of interest;

- (b) is an undischarged bankrupt or has made any arrangements with the creditors;
- (c) is incapacitated by mental or physical illness;
- (d) has been convicted of any offence involving moral turpitude; or
- (e) is otherwise unable or unfit to discharge the functions of member of the Tribunal or to give technical advice.

(2) A person who is appointed a member of the Tribunal shall, before assuming the duties of his office, take and subscribe the Oath of Allegiance and the Judicial Oath in the Second Schedule to the Constitution.

(3) This section applies to all members of the Tribunal.

***Resignation or removal of members***

44. (1) A member of the Tribunal may resign from office by notice in writing delivered to the Minister.

(2) The Minister may, in consultation with the Judicial Service Commission, remove from office a member of the Tribunal who -

- (a) is unable to perform the functions of the office due to infirmity of body or mind;
- (b) misbehaves or conducts himself or herself in a manner unbecoming of the office of member of the Tribunal;
- (c) is incompetent;
- (d) becomes an undischarged bankrupt;
- (e) fails to disclose to the Tribunal any interest in any contract or matter before the Authority in accordance with section 43 (1); or
- (f) is convicted of an offence and sentenced to imprisonment for six months or more by

a competent court in Swaziland or elsewhere.

***Declaration of interest***

45. Where a member of the Tribunal as constituted for the purposes of a proceeding has any interest, pecuniary or otherwise, that could conflict with the proper performance of the functions of the member, that member shall disclose the interest to the parties to the proceeding and shall not take part in the proceeding or exercise any powers in relation to the matter to which the proceeding relates.

***Operations and procedures***

46. (1) The Tribunal shall have a seal which shall be judicially noticed.

(2) The seal of the Tribunal shall be affixed by or with the authority of the Tribunal to such documents as are required by direction of the Chairperson to be sealed with the seal of the Tribunal.

(3) Subject to this Act, the Chairperson is responsible for ensuring the orderly and expeditious discharge of the business of the Tribunal.

(4) The Chairperson shall give directions relating to -

- (a) the arrangement of the business of the Tribunal;
- (b) the places at which the Tribunal may sit generally; and
- (c) the procedure of the Tribunal at a particular place.

(5) The times and places of the hearings of the Tribunal shall be determined by the Chairperson with a view to securing a reasonable opportunity for applicants to appear before the Tribunal with as little inconvenience and expense as is practicable.

(6) The Tribunal shall be constituted for a proceeding when three of the members are present, one of whom shall be the Chairperson or vice Chairperson.

(7) The Chairperson shall preside at all sittings of the Tribunal, and in the absence of the Chairperson the Vice-Chairperson shall preside.

(8) The Tribunal may seek technical advice from persons whose specialised knowledge or experience may assist the Tribunal in its proceedings.

(9) A person giving technical advice shall cease to advise the Tribunal if that person -

- (a) is subsequently disqualified from appointment in accordance with section 43 (1);
- (b) fails to disclose to the Tribunal any interest in the electricity sector or in a contract or other matter before the Authority or the Tribunal;
- (c) subsequently acquires any interest in the electricity sector.

(10) A member of the Tribunal or a person giving technical advice to the Tribunal shall be paid an allowance that may be determined by the Minister.

***Funds of the Tribunal***

47. The funds of the Tribunal shall consist of -

- (a) moneys appropriated by Parliament for enabling the tribunal to perform its functions;
- (b) grants or donations from sources acceptable to the Minister and the Minister responsible for finance.

***Jurisdiction***

48. (1) The Tribunal shall have jurisdiction to hear and determine all matters referred to it, relating to the electricity sector.

(2) For the avoidance of doubt, the jurisdiction of the Tribunal does not include the trial of any criminal offence or the hearing of any dispute that a licensee and any other party may have agreed to settle in accordance with their agreement.

(3) The Tribunal shall in the exercise of its jurisdiction under this Act have all the powers of the High Court.

***Judgements and appeals***

49. (1) The Tribunal may, of its own motion or upon application by an aggrieved party, review its own judgements and orders.

(2) Judgements and orders of the Tribunal shall be executed and enforced in the same manner as judgements and orders of the High Court.

(3) Any person aggrieved by a decision of the Tribunal may, within thirty days from the date of the decision or order, appeal to the High Court.

(4) The law applicable to appeals from the High Court in civil matters shall, with the necessary modifications or other adjustments as the Chief Justice may direct, apply to appeals from the Tribunal to the High Court.

(5) Except in the case of an appeal under this section it shall not be lawful for any court or tribunal to entertain any action or proceeding of any nature for the purpose of questioning any judgement, finding, ruling, order or proceeding of the Tribunal.

(6) A person aggrieved by the decision of the High Court under this section may, within thirty days of the date of the decision, appeal to the Supreme Court.

***Powers of the Tribunal***

50. (1) The Tribunal shall meet as and when there is need to exercise its jurisdiction under this Act.

(2) A decision of the Tribunal shall be binding if it is supported by a majority of the members.

(3) A witness before the Tribunal shall have the same immunities, obligations and privileges as a witness before the High Court.

(4) The Tribunal shall conduct its proceedings without procedural formality but shall observe the rules of natural justice.

(5) Except as prescribed in this Act, the Tribunal may regulate its own procedure.

**Registry**

51. (1) The Tribunal shall have a Registrar who shall be a person qualified to be a Registrar of the High Court and who shall be appointed by the Minister in consultation with the Judicial Services Commission.

(2) The Registrar shall be responsible for the day to day administration of the Tribunal, the keeping of a public record of the deliberations of the Tribunal and the processing of the papers of the Tribunal.

(3) The Tribunal shall have a Registry and such other staff as may be necessary for the proper functioning of the Registry.

**PART XII**

**GENERAL PROVISIONS**

***Termination of supply***

52. (1) A licensee or supplier shall not, except for reasons beyond its control, reduce or discontinue the supply of electricity to a consumer unless -

- (a) the consumer is declared insolvent;
- (b) the consumer has failed to pay the agreed charges after having been given notice as set out in the conditions of supply;
- (c) the consumer fails to comply with any other conditions of supply;
- (d) the consumer sells or for other consideration disposes of electricity supplied to him by a licensee without a license granted in terms of this Act;
- (e) the consumer fraudulently abstracts or diverts electricity supplied to him by a licensee or supplier;
- (f) the consumer interferes with or attempts to interfere with any plant or equipment of the licensee or supplier used for supplying electricity to the consumer; or
- (g) the consumer has failed to comply with any existing health, safety and environmental legislation.

(2) Where a licensee is authorised under subsection (1) to discontinue a supply of electricity, the licensee or supplier may cut or disconnect any electric line through which supply is provided, and may refuse to reconnect such supply until-

- (a) the matter complained of has been rectified to the satisfaction of the licensee or supplier or the sums due to the licensee or supplier have been paid as the case may be; and

- (b) there have been paid to it -
  - (i) any expenses incurred by it in cutting off the supply
  - (ii) any expenses reasonably likely to be incurred by it in re-connecting the supply;
  - (iii) a deposit , as determined by the licensee or supplier, or such increase in the deposit already held by the licensee or supplier for security for the due payment of the electricity account of the consumer; and
  - (iv) any prescribed fees.

***Use of meters***

53. (1) The value of supply shall be ascertained by means of an appropriate meter or appropriate meters fixed and connected with the service lines in such manner as may be prescribed by rule of the Authority.

(2) The register of such a meter shall be prima facie evidence in the absence of fraud of the value of supply.

- (3) The Authority shall by rule published in the Gazette prescribe -
  - (a) the acceptable technical standards and performance criteria for meters, including the limits of error of those meters;
  - (b) the requirement of meters to be sealed by licensees, and the characteristics of those seals;
  - (c) the obligation of consumers to pay for their meters and the reasonable charge thereof;
  - (d) the testing of meters for accuracy, the obligation of the consumer to pay for that testing, and the rights of the consumer if the accuracy of the meter falls outside of the prescribed limits of error; and
  - (e) the procedures to be followed for the removal of meters, the adjustment of meters or the alteration of meters, including the procedure to be followed by licensees in giving notice to customers to enable such work to take place.

***Acquisition of land***

54. Where a generation licensee, transmission licensee or a distribution licensee, or a proposed licensee for generation, transmission or distribution services, requires any land in connection with its obligations under its license or a proposed licence, and it has failed to acquire such land with agreement of the landowner(s), such licensee may acquire the land in terms of the Acquisition of Property Act 1961.

***Works and access rights***

- 55. (1) A licensee may, subject to the provisions of this Act, do the following -
  - (a) place an electric line below ground across any land, and above ground across any land not covered by any buildings; and

- (b) for the purpose of supplying electricity to the occupier of premises which consist of a part and not the whole of a building, place an electric line or meter in, through or across any stair, passage or court providing a common means of access to the building, or elsewhere in or upon the building; and
- (c) utilise any land, building, wall or bridge for the support of an electric line; and
- (d) place any electrical plant on any land not covered by any buildings.

(2) At least thirty days before exercising any of the powers referred to in subsection (1), a licensee shall serve notice in writing of its intentions to do so upon the owner or occupier of the land, building, wall or bridge on, in or in respect of, which the power is to be exercised.

(3) Where a licensee serves a notice under subsection (2) the licensee shall cause a plan to be prepared sufficiently indicating the manner in and extent to which the power to which the notice relates is to be exercised; and any plan so prepared shall, at a place to be specified in the notice, be open to inspection at all reasonable times by or on behalf of any person on whom the notice has been served.

(4) Where a person served with a notice under subsection (2) fails to give consent to the exercise of the power to which the notice relates within fourteen days of the service of the notice or attaches to the consent any terms or conditions to which the licensee objects, the Authority may give its consent to the exercise of the power, either unconditionally or subject to such terms and conditions not being monetary terms or conditions as to compensation, and the licensee may thereafter exercise the power accordingly.

(5) Where a licensee under the provisions of this section places any electric line or electrical plant in, on, over, along, across or in the vicinity of any road, railway, water-course, dam or airfield, that licensee shall place that electrical line or electrical plant so as not to hinder, obstruct, or interfere with the passage along that road or railway or the use of that dam or airfield.

(6) The Authority may, at the request of a licensee or supplier, serve notice in writing to the owner or occupier of the land prohibiting the erection of any building or structure or the planting of any tree or the doing of any other act whatsoever, which in the opinion of the Authority may interfere in any way with the exercise of any power by the licensee or supplier.

(7) Any works shall comply with legislation under the Swaziland Environmental Authority.

(8) For purposes of this section, a chief or other similar traditional authority shall be deemed to be an occupier of the Swazi Nation Land under his jurisdiction.

***Power to cut trees, enter on land etc***

56. (1) A licensee, by its duly authorised servants or agents, may enter upon any land or premises at all reasonable times and remain there as long as may be necessary for the purpose of effectually doing any act or thing as may reasonably be necessary for the purpose of any survey or preliminary investigation incidental to the exercise of any power or the performance of any duty of the licensee, or for carrying into effect any of the objects of this Act and for any of the said purposes and for the protection of the works executed thereon to cut down, burn or clear away from the vicinity thereof, to such extent as may be necessary, any trees, shrubs, hedges, brushwood or grass and any other kind of vegetation growing upon any such land so entered upon.

(2) The power to enter any land or premises under subsection (1) shall include power to

pass over or through any land or premises where it is necessary to do so in order to reach some other land or premises on or in respect of which it is intended to do any thing, carry out any purpose or exercise any power conferred upon a licensee by this Act.

(3) The powers under this section if exercised for the purpose of carrying out any surveys and investigations shall include power to dig or bore into the subsoil.

(4) In exercise of powers under this section, except in a case of emergency or for the purpose of inspecting, maintaining, preventing interference with the safe and proper operation of, or repairing any of the electric lines or installations of a licensee, the licensee shall serve notice in writing of its intentions upon the occupier or controlling authority of the land, building, or other structure on, in or in respect of which the power is to be exercised.

(5) If the person served with a notice under subsection (4) fails to give consent to the exercise of the power to which the notice relates within seven days of the service of the notice or attaches to the consent any terms or conditions to which the licensee objects, the Authority may give consent to the exercise of the power, subject to such terms and conditions (not being pecuniary terms or conditions as to compensation except in so far as may be authorised by this Act) as it deems fit, and the licensee may thereupon exercise the power accordingly.

(6) In exercise of powers under this section and under sections 55, 57, 58, 59 and 60, the licensee shall do as little damage as may be practicable and make reasonable compensation to any interested person for all damage sustained by that person by reason or in consequence of the exercise of those powers.

(7) Notwithstanding the provisions of subsection (6) -

(a) compensation shall not be payable in respect of a tree, shrub, hedge, brushwood or grass or any other kind of vegetation cut down, burnt or cleared away by the licensee under this Act, where that tree, shrub, hedge, brushwood, grass or other kind of vegetation was not in existence at the time of the placing of the electric line on account of which the cutting, burning or clearing away was carried out;

(b) compensation shall not be payable in respect of the removal, demolition or cutting down as the case may be of any building, structure or tree or the taking of any of the other steps referred to in section 58 (6).

(8) The amount of compensation under subsection (6) shall in the event of disagreement be determined by arbitration.

***Moving of lines etc***

57. (1) The Authority may make an order requiring a licensee to alter the position of any of its electric lines or any pole, strut or other support for an electric line, which has been placed on or in or affixed to any land, building, wall or bridge.

(2) An order of the kind mentioned in this section may -

(a) be made either of the motion of the Authority or on the application of the owner, occupier or controlling authority of the land, building, wall or bridge to which it relates; and

(b) be made subject to such terms and conditions (but subject to paragraph (c) not being pecuniary terms or conditions as to compensation) as the Authority deems fit; and

- (c) where it is not made of the motion of the Authority, contain provisions requiring the person on whose application it is made to refund to the licensee the whole or a specified part of the cost of carrying out the order.

***Power to break up roads etc***

58. (1) Subject to this Act, a licensee may, for the purpose of constructing, erecting, placing, maintaining, repairing, altering or removing electric lines or apparatus -

- (a) open and break up the soil and pavement of any road or bridge; or,
- (b) open or break up any sewer, drain or tunnel under any road or bridge.

(2) The licensee, before executing any works (not being emergency works or minor works) which necessitate the exercise of any of the powers mentioned in subsection (1) shall -

- (a) send to the person having the management or control of any road, bridge, sewer, drain or tunnel likely to be affected by the exercise of that power (hereinafter in this section and in section 59 referred to as the "authorised person") notice in writing of the intention of that licensee to execute such works together with a plan for the execution of the works; and
- (b) furnish the authorised person with such other information as it may reasonably require in connection with the proposed works.

(3) Where the authorised person -

- (a) disapproves a plan sent to it under subsection (2); or
- (b) fails to come to a decision on the plan within sixty days of receiving it; or
- (c) approves the plan subject to modifications or conditions to which the licensee objects,

the Authority may, on the application of the licensee, approve the plan, subject to such conditions (not being pecuniary conditions or conditions as to compensation) or modifications as it thinks fit.

(4) The licensee shall not begin any works to which this section applies (other than emergency works) unless -

- (a) in cases where it is required to furnish the authorised person with a plan of the works, the plan has been approved under this section by the authorised person or the Authority, as the case may be, and the licensee has, after such approval, given the authorised person notice of not less than seven days of the intention of the licensee to begin the works; and
- (b) in the case of minor works, the licensee has given the authorised person notice of not less than seven days of the intention of the licensee to begin the works.

(5) Where it executes works to which this section applies, the licensee shall -

- (a) execute the works (not being emergency works or minor works) in accordance with the plan approved under this section by the authorised person or the Authority, as the case may be; and

- (b) carry on and complete the works with all such dispatch as is reasonably practicable; and
- (c) except in the case of emergency works or minor works, afford the authorised person reasonable facilities for supervising the opening and breaking up, the reinstatement of, roads, bridges, sewers, drains and tunnels; and
- (d) ensure at its own expense that -
  - (i) so long as a road or bridge is open or broken up it is adequately protected and guarded, and lighted in such manner as to give warning to the public during the hours of darkness; and
  - (ii) no greater width or length of a road or bridge than is reasonably necessary is open or broken up at any time; and
  - (iii) there is no greater obstruction of traffic on any road or bridge than is reasonably necessary; and
- (e) reinstate and make good any road or bridge, broken or opened up in connection with the works, and keep the same in good repair for three months after reinstatement and making good, and, for such further time, if any, not exceeding six months in all, as the soil broken up shall continue to subside; and
- (f) reinstate and make good any sewer, drain or tunnel opened or broken up in connection with the works.

(6) In the case of works to which this section applies which are emergency works, the licensee -

- (a) may execute the works without submitting a plan for the works to the authorised person; and
- (b) shall as soon as may be after such execution furnish the authorised person with a plan for the works.

(7) Where an authorised person -

- (a) objects to any works executed by the licensee which have been executed in contravention of any provision of subsections (2), (3) and (4), or which are emergency works; or
- (b) complains that the licensee has failed or is failing to fulfil any obligations imposed upon it under subsection (5),

the authorised person may, after giving the licensee notice of the objection or complaint and an opportunity to enter into an agreement with it for meeting the objections or complaint, refer the matter to the Authority, which may approve the works or uphold the complaint or give such other directions (including directions for the works to be altered or for reinstatement to be carried out by the licensee at its own expense or by the authorised person at the licensee's expense) as the authorised person thinks fit.

***Alteration of pipes etc***

59. (1) A licensee may by notice in writing call upon any authorised person permanently or temporarily to alter at the expense of the licensee the position of any pipe, wire, or drain (except a main drain) controlled by the authorised person which is likely to interfere with the exercise of the powers of the licensee under this Act.

(2) The authorised person may in like manner call upon the licensee permanently or temporarily to alter at the expense of the authorised person the position of any electric line or apparatus of the licensee which may interfere with the exercise of the lawful powers of that authorised person.

(3) Where the party on which a notice has been served under this section does not within a reasonable time agree to carry out the alteration called for by the notice, the Authority on the application of the party serving the notice may, and subject to such terms and conditions as the Authority thinks fit, (not being pecuniary terms or conditions as to compensation), authorise the party serving the notice to make the alteration at the expense of the party serving the notice.

(4) Where the Authority is satisfied that as a result of the exercise of lawful powers by the authorised person it is necessary for the licensee to move any of its electric lines or apparatus, the Authority may on the application of the licensee require the authorised person to defray the cost of that removal.

(5) In this section "main drain" means a sewer or drain used for the drainage of two or more buildings which are not in the same curtilage

***Works which affect other lawful works***

60. (1) Where, in exercise of its powers, the works of a licensee are likely to affect any lawfully placed sewer, drain, pipe or wire belonging to or controlled by an authorised person, or where, in exercise of any lawful powers in relation to the laying of a sewer, drain, pipe or wire, the works of any authorised person are likely to affect any lawfully placed electric line, distributing main or apparatus belonging to the licensee, then subject to the provisions of this section, the party executing the works in this section referred to as the "user" shall -

- (a) not begin any works until it has given to the party controlling or owning the sewer, drain, pipe, wire, line, distributing main or apparatus likely to be affected by such works (in this section referred to as the "owner") notice of the intention of the user to execute the works, including a plan showing the nature of the works and the place where the user intends to execute the works, and until seven days have expired from the date on which notice was given; and
- (b) during the execution of any works, give to the owner reasonable facilities for supervising the execution of the works; and
- (c) in the execution of any works, comply with any requirements as to the nature of the works or as to the things to be done or avoided in the execution of the works which is made by the owner and compliance which is reasonably necessary for the protection of any sewer, drain, pipe, wire, line, distributing main or apparatus for the access thereto and is reasonably practicable having regard to the time when the requirement is made; and
- (d) in the case of any works which include tunnelling or boring under any sewer, drain, wire, line or apparatus, secure that there is proper temporary support for

the sewer, drain, pipe, wire, line or apparatus during the execution of the works and that a permanent foundation is provided for these works; and

- (e) in the case where the user is the licensee and the works include the laying of an electric line crossing or near any sewer, drain, pipe or wire, secure that such electric line is so laid as not to be capable of touching such sewer, drain, pipe or wire and is effectively insulated; and
- (f) in the case where the user is an authorised person and the works include the laying of a sewer, drain, pipe or wire across or near any electric line, secure that such sewer, drain, pipe or wire is so laid as not to be capable of touching such electric line, and is effectively insulated.

(2) Subsection (1) (a), (b) and (c) shall not apply in the case of minor works.

(3) In the case of emergency works the user shall be deemed to have complied with the requirements of subsection (1) if -

- (a) the user takes all reasonably practicable steps towards satisfying those requirements as are consistent with meeting the circumstances for which those works are required; and
- (b) the user supplies the owner as soon as practically possible with information reasonably sufficient to indicate the nature of the works which it has executed.

(4) Where the owner complains that the user has failed or is failing to fulfil any obligation imposed upon the user under this section, the owner may, after giving the user notice of the complaint and an opportunity to enter into an agreement with the owner for meeting it, refer the matter to the Authority who may dismiss the complaint or give such directions on the complaint (including directions for works to be executed or for works already executed to be altered either by the user at its own expenses or by the owner at the user's expense) as the Authority thinks fit.

***Health, safety and environmental matters***

61. Installations for the generation, transmission, distribution and supply of electricity, as well as alterations or extensions to existing installations, shall be built and operated in accordance with legislation on health, safety and environmental standards.

***Other agreements***

62. (1) An agreement may not contravene any -

- (a) provision of this Act; or
- (b) rule or directive made or issued under this Act.

***Application of Mines, Works and Machinery Act, 1960***

63. Where an inspector of machinery, acting in terms of the Mines, Works and Machinery Act, 1960, tests electrical installations or machinery of a licensee, the licensee shall be held responsible for any interruption in the supply of electricity which may be occasioned by or required by the inspector of the machinery for the purpose of the test.

**PART XIII**

MISCELLANEOUS AND SUPPLEMENTAL

***Licensee's lines not subject to execution, etc.***

64. (1) Notwithstanding the provisions of any law, any electrical plant or electrical fittings belonging to a licensee which are placed in or upon any premises not in the possession of the licensee for the purpose of supplying electricity under this Act-

(a) shall not be subject to attachment at the suit of any person, nor be subject to a hypothec for rent, nor be subject to attachment or seizure by the trustee of an insolvent person in whose possession they may be; and

(b) shall at all times continue to be the property of and removable by the licensee, whether or not they are fixed or fastened to any part of the premises in or upon which they are placed or to the soil under such premises.

(2) Nothing in this section shall affect the amount of the assessment for rating of any premises on which any electrical plant or electrical fittings belonging to a licensee are fixed.

(3) The fact that a consumer has paid to a licensee the cost, or a sum representing the cost, of providing any electrical line or has otherwise paid any sum to the licensee to meet the capital cost or part of the capital cost of providing him with a supply of electricity shall not confer upon the consumer any right of property or ownership in any electrical plant or electrical fittings of the licensee.

***Stamp duty.***

65. Electricity shall be deemed to be goods, or merchandise for the purpose of exemption (a) of Item 2 of the Schedule to the Stamp Duties Act, No. 38 of 1931.

***Powers of Minister***

66. (1) The Minister has the following powers in terms of this Act-

(a) to set out requirements obliging licensees to facilitate co-ordination with existing or future electricity undertakings in terms of section 3(3)(b) of this Act;

(b) to make regulations to give effect to any provision of this Act; and

(c) to amend Schedule II of this Act by adjusting the criteria for exemption from the requirements of licensees to hold licences.

***Regulations.***

67. (1) The Minister may make regulations, in consultation with the Authority, to give effect to any of the provisions of this Act and without prejudice to the generality of such power may make regulations -

(a) for securing that the distribution and supply of electricity are regular, safe and efficient;

- (b) for protecting the public in so far as practicable from any personal injury, fire or other dangers arising from the use of electricity;
  - (c) for prioritisation of fuels and technologies for electricity supply;
  - (d) prescribing anything (including fees) to be prescribed under this Act;
  - (e) prohibiting, controlling or restricting the importation, disposal, sale or exposure for sale of defective or dangerous electrical fittings;
  - (f) providing for the registration and control of electricians;
  - (g) for the testing of meters and the adjustment of accounts where meters are found to be defective;
  - (h) prescribing the rate of interest, or a mechanism to determine the rate of interest, to be charged by licensees and suppliers on the late payment of electricity accounts, and the rate of interest, or a mechanism to determine the rate of interest, payable by licensees or suppliers on deposits held by such licensees on behalf of customers;
  - (i) prescribing reconnection fees to be payable by consumers to licensees and suppliers to reconnect the supply of electricity after such supply has been terminated in terms of section 52 (1);
  - (j) for the regulation of off-grid and mini-grid supplies of electricity, including the economic and technical regulation of such supplies, and the granting of an exclusive right to a particular licensee or supplier to supply electricity by way of off-grid and mini-grid supplies in respect of particular geographic areas of Swaziland.
  - (k) for the exemption of any off-grid and mini-grid supply schemes from the regulatory requirements as set out in paragraph (j);
  - (l) prescribing fees or levies payable by licensees, suppliers, end-users of electricity or customers for the funding of rural electrification programmes, renewable energy programmes, energy efficiency programmes, and demand side management programmes as approved by the Minister;
  - (m) providing for matters incidental to and connected with the matters mentioned in the preceding paragraphs;
- (2) Without prejudice to the generality of subsection (1) -
- (a) regulations made under the provisions of subsection (1) (a) may empower the licensee to discontinue the supply of electricity to a consumer, a licensee or a person whose electrical plant or electrical fittings are in the opinion of the licensee defective or dangerous;
  - (b) regulations made under the provisions of subsection (1) (b) may prescribe a fee to be charged by a licensee for inspecting electrical plant in connection with an application for or the grant of a licence, and may authorise such inspection;
  - (c) regulations made under the provisions of subsection (1) (c) may-
    - (i) prohibit, control or restrict the importation, disposal, sale or exposure for sale of any electrical fittings unless it conforms with such standards or descriptions as

are specified in those regulations; and

- (ii) empower a court to seize and dispose of any electrical fittings in respect of which any person has been convicted of an offence under the provisions of those regulations; and
- (d) regulations made under the provisions of subsection (1) (d) may contain provision for -
  - (i) establishing a register of electricians;
  - (ii) admitting persons to and removing persons from the register;
  - (iii) prohibiting unregistered persons from working as electricians;
  - (iv) issuing licenses to registered electricians; and
  - (v) charging fees for an admission to the register and the issue of a licence.

***Savings***

68. Anything done in terms of the provisions of the Electricity Act, 1963, prior to the commencement of this Act, and which may be done in terms of the provisions of this Act is deemed to have been done in terms of this Act.

***Repeal***

69. The Electricity Act No. 10 of 1963 is hereby repealed.

**SCHEDULE I**

**AMENDMENT OF LAWS**

Electricity Act No. 10 of 1963

Repeal the Whole Act

**SCHEDULE II**

**EXEMPTION FROM OBLIGATION TO APPLY  
FOR AND HOLD A LICENSE**

1. Any person who generates, transmits or distribute electricity for the use of that person approved and authorised by the Authority.
2. Any person who sells less than 1 GWh of electricity per annum to customers: Provided that the condition relating to the supply of electricity thus sold and the tariffs charged are not less favourable than the conditions of supply and tariffs that would have been applicable if such customers were directly supplied with electricity by the Licensee who sells electricity to the person supplying such customers with electricity under this exemption.
3. Off-grid and mini-grid supply schemes specifically exempted by the Minister in terms of subsection 64 (1) (j).

# PART C

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## LEGAL NOTICE NO. 10 OF 2007

THE SEEDS AND PLANT VARIETIES ACT, 2000  
(Act No. 7 of 2000)

### THE PUBLICATION OF THE NATIONAL SEEDS VARIETIES LIST NOTICE, 2007 (Under Section 15)

In exercise of the powers conferred by Section 15 of the Seed and Plant Varieties Act No. 7 of 2000, the Minister for Agriculture and Cooperatives issues the following Notice:-

#### *Citation and Commencement*

This Notice may be cited as the Publication of the National Seed Varieties List Notice, 2007 and shall come into force on date of publication.

#### SCHEDULE

##### WHITE MAIZE VARIETIES

1. PAN 6777
2. PAN 6701
3. PAN 6549
4. PAN 6479
5. PAN 6573
6. PAN 6243
7. PAN 6363
8. PAN 473
9. PAN 77
10. PAN 67
11. RO 413
12. TX 379
13. SNK 2969
14. SNK 2665
15. SNK 2147

16. SNK 2021
17. CG/CRN 4141
18. CRN 3549
19. CRN 3505
20. PHB 3253
21. PHB 3435
22. SC 709
23. SC 701
24. SC 633
25. SC 627
26. SC 625
27. SC 621
28. SC 521
29. SC 405
30. SC 403
31. SR 52
32. CAP 341 NG
33. CAP 724

**YELLOW MAIZE VARIETIES**

1. SC 602
2. PAN 6480
3. PHB 3412
4. NS 9100
5. PHB 3442
6. ZS 206 (BABY CORN)
7. PAN 6528
8. SNK 2778

**OPEN POLLINATED MAIZE VARIETIES**

1. Nelson's Choice
2. Grace
3. Afric 1

**NEW RELEASES**

1. PAN 63
2. PAN 57
3. ZM 521 (Open Pollinated Variety)
4. ZM 611 (Open Pollinated Variety)

**GRAIN LEGUMES SEED VARIETIES BEANS**

1. PAN 159
2. PAN 148
3. PAN 146
4. Umngeni
5. Enseleni
6. Sabie
7. Seminole
8. Contender
9. Bonus

**NEW RELEASES**

1. Jenny
2. Cal 143
3. PAN 150
4. Teebus RR
5. Alubia Cerrillos
6. Kranskop
7. Gadra

**COWPEAS**

1. Umtilane
2. TVX194801F (TVX)
3. Local spotted grey (emakholo)

**MUNG BEANS**

1. Nyandza

**GROUNDNUTS**

1. ICGV-92090
2. ICG 6232
3. ICG 11215
4. ICG 221
5. Sellie
6. Natal common
7. Inyanda

**COTTON VARIETIES**

1. Albacala
2. CBB 95
3. SLS 99/39
4. Delta Opal

**SWEET POTATO CULTIVARS**

1. Lagwalagwala
2. Lamngititi
3. Kenya
4. Magutse
5. Tainung 57
6. Tau Yen 1
7. Khathamuzi 1

8. Khathamuzi 2
9. Nkambule 1

**CASSAVA CULTIVARS**

1. Mnyasa
2. Cultivar 65
3. Cultivar 48
4. Cultivar 160
5. Smart
6. Cultivar M 7
7. Cultivar 160142
8. Cultivar 1920326

N. M. NKAMBULE  
*PRINCIPAL SECRETARY*  
*MINISTRY OF AGRICULTURE AND COOPERATIVE*

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LEGAL NOTICE NO. 11 OF 2007

THE CONSTITUTION ACT, 2005  
(Act No. 001 of 2005)

THE STANDING ORDERS OF THE HOUSE OF ASSEMBLY  
(Under Section 121)

This Notice may be cited as the Standing Orders of the House of Assembly (the Standing Orders) and shall be deemed to have come into force on the 20<sup>th</sup> day of February, 2006.

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(Standing Order No. 42)

**PART 1**

**INTRODUCTION**

***Interpretation***

1. In these Standing Orders, unless the context otherwise requires -

“Alternate Member” means a Member who takes part in portfolio committee debates without being a Member of that portfolio committee;

“Chairman” in the case of a Committee of the whole House means the person presiding in terms of Standing Order No.21 (Chairman of Whole Committee) and in the case of a Sessional, Portfolio or Select Committee the Chairman of that committee;;

“Chair of Chairpersons” means a person elected by the Chairpersons of Committees;

“Clerk” means the Clerk to Parliament or of the House of Assembly and includes any person carrying out the duties of the Clerk when that person is at the Table;

“Constitution” means the Constitution of the Kingdom of Swaziland Act No. 001 of 2005;

“House” means the House of Assembly of the Parliament of Swaziland;

“King” includes any person acting as Regent in terms of section 7 or 8 of the Constitution;

“meeting” means any sitting or sittings of the House commencing on the first day of a session or on a day determined as provided in Standing Order No.22 (Meetings) and terminating when the House is adjourned to a day to be determined;

“Member” includes the Attorney-General or an officer of the Attorney General’s office and a Senator who is a Minister;

“Minister” includes an Assistant or Deputy Minister and the Attorney General;

“Parliament” means the Parliament of the Kingdom of Swaziland as defined in the Constitution;

“print” means to produce words in a visible form by any mechanised or photographic method but excludes the photographic reproduction of manuscript; “printing” shall have a corresponding meaning;

“Sergeant-at-Arms” means any person appointed to perform the functions of the Sergeant-at-Arms;

“Session” means a period commencing at the time appointed by His Majesty the King for the commencement of a session of Parliament in terms of section 133 of the Constitution and terminating on the date when Parliament is dissolved or prorogued in terms of section 134;

“sitting” means a period during which the House is sitting continuously without adjournment and includes any period during which the House is in Committee of the Whole House;

“Speaker” includes any person presiding in terms of the Constitution; and,

“Whip” means a person who assists the Speaker in enforcing discipline as well as the general upkeep of the House in terms of Standing Order No. 123 (2).

***Language and Official Reports of Speeches***

2. (1) The oral proceedings and debates of the House including those of any committee (unless the committee shall otherwise resolve) shall be recorded in an official report produced in the English or siSwati language or both.

(2) The Minutes of Proceedings, Order Papers, every notice and every other document or paper belonging to the House shall be in English.

**PART II**

**PROCEEDINGS AT FIRST SITTING OF A NEW PARLIAMENT.**

***Notice Read***

3. On the first day of the meeting of the House after a general election, the Members being assembled at the time and place appointed, the Clerk shall read the notice summoning Parliament to meet for the despatch of business.

***Names of Members Read***

4. The Clerk shall then read out the names of the newly elected or nominated Members.

***Members Sworn***

5. The Members then present shall make and subscribe the oath or affirmation of allegiance prescribed by section 128 of the Constitution, which shall be administered by the Clerk.

***Speaker to be Elected***

6. The House shall, when all the Members who are present have been sworn in terms of Standing Order No.5 (Members Sworn), and provided that a quorum is present, and before the despatch of any other business, proceed to elect a Speaker (as provided for under Section 102 of the Constitution) and until a Speaker is elected, the Clerk shall act as Chairman.

***Proposal of Speaker***

7. (1) A member addressing himself to the Clerk, shall propose some person, within or outside the House, sworn or not sworn, as Speaker and move "That .....(naming the person) be elected to take the Chair of this House as Speaker", which motion shall then be seconded by another member

(2) The Member making the proposal shall produce and hand to the Clerk the written consent of that person accepting the office of Speaker if elected.

***If unopposed, Speaker called to Chair***

8. (1) If only one person be proposed and seconded as Speaker, that person, if then present in the House, shall be called to the Chair by the Clerk without question put.

(2) If the person elected as Speaker is then not present in the House or the precincts of the House, the House shall immediately proceed to elect the Deputy Speaker or an Acting Speaker.

***Where more than one person is proposed as Speaker***

9. (1) If more than one person is proposed and seconded as Speaker, the election shall be by secret ballot and a simple majority of the Members present and voting shall decide the matter.

(2) Where no candidate obtains the required majority or in the event of a tie, a second ballot shall be conducted but shall be restricted to the two or three candidates who obtained the highest number of votes at the previous ballot.

***Speaker-elect submits himself to House***

10. (1) The Speaker Elect, on being called to the Chair, if then present, shall submit himself to the House, whereupon he shall be declared elected.

(2) The person declared elected as Speaker shall then be conducted to the Chair by his proposer and seconder and, before taking his seat, shall express his sense of the honour conferred upon him.

***Speaker is Sworn***

11. Unless he shall already have been sworn as a Member in terms of Standing Order No.5 (Members Sworn) the Speaker shall immediately upon taking the Chair, make and subscribe an oath or affirmation of allegiance, which shall be administered to him by the Chief Justice or the Attorney General or the Clerk.

***Election of Senators***

12. The House shall thereafter proceed to elect the required number of Senators at least half of whom shall be female, elected in such manner as may be prescribed by or under any law at their first meeting so as to represent a cross section of the Swazi society in terms in section 94 (2) of the Constitution and thereafter shall adjourn to a date to be determined by the Speaker.

***Presentation of Speaker to His Majesty***

13. The Speaker, accompanied by the Deputy Speaker, if then elected, the proposer of the Speaker and three other Members of the House nominated by the Speaker shall, as soon as practicable after his election and after the declaration of the results of the election of Senators, present himself to His Majesty the King and, on returning to the House, shall report such presentation.

***Announcement of time of His Majesty's Address***

14. (1) The Speaker shall inform the House of the date on which His Majesty will open Parliament and the meeting will then stand adjourned until after His Majesty's Opening Address has been delivered.

(2) If the meeting has been adjourned without a day fixed for the next meeting then the Speaker shall issue a notice requiring the House to sit as provided in the Standing Orders, and shall in such notice state when His Majesty will open Parliament.

***Opening Address Reported***

15. The Speaker shall report to the House His Majesty's Opening Address, and thereafter consideration of that address may be made an order of the day for a future day on which a motion for an Address in Reply may be moved.

**PART III**

**PROCEEDINGS AT OPENING OF SESSION OF PARLIAMENT  
(NOT BEING A NEW PARLIAMENT)**

***Notice Read***

16. On the first day of the meeting of any session of Parliament, not being the first session following a general election, the Clerk shall read the notice summoning Parliament to meet for the despatch of business.

***New Members***

17. (1) The Clerk shall then produce and read the returns of new Members (if any), and each new Member who presents himself shall be brought to the Table by two Members, and shall make and subscribe the oath or affirmation of allegiance referred to in Standing Order No.5 (Members Sworn), after which some business as a formality may be taken.

(2) Thereafter the same procedure as prescribed by Standing Order Nos.14 (Announcement of time of His Majesty's Address) and 15 (Opening Address Reported) shall be followed.

**PART IV**

**PRESIDING OFFICERS**

***Deputy Speaker***

18. The House shall at its first meeting after any general election, or at any other time elect from among the Members of the House a person to be Deputy Speaker of the House Assembly in

terms of section 103 of the Constitution.

***Member Presiding for a Sitting***

19. Whenever the House is informed by the Clerk that the Speaker, the Deputy Speaker and Acting Speaker (if any) are absent from a sitting, the House shall elect a Member (not being a Minister) for the purpose of presiding at that sitting.

***Method of Election of Deputy and Acting Speaker and Member Presiding***

20. The provisions of these Standing Orders relating to the election of the Speaker shall apply as nearly as possible to the election of a Deputy Speaker, an Acting Speaker or a Member to preside at a sitting.

***Chairman of Whole House in Committee***

21. The Chairman of a Committee of the whole House shall be the Speaker, or if the Speaker is absent from the chamber, the Deputy Speaker (if any) or if the Deputy Speaker is also absent, the Acting Speaker (if any) or if the Acting Speaker is also absent then a Member who has been elected to preside at a sitting in terms of Standing Order No.19 (Member Presiding for a Sitting).

***PART V***

**MEETINGS, SITTINGS AND ADJOURNMENTS**

***Meetings***

22. (1) Meetings of the House other than the first meeting of any session shall begin on such day and at such hour as the Speaker may determine in consultation with the Assembly Sessional Committee.

(2) Written notice of the meeting shall be given by the Clerk to members at least fourteen days before the day of the meeting, but if the Speaker is satisfied that the public interest or public business requires that the House should sit urgently, the Speaker may dispense with such notice and in that event the longest possible notice shall be given.

(3) The Speaker may at any time after determining the day and hour upon which a meeting is to begin, change the day or hour so determined to a later day or hour or, to an earlier day or hour if the Speaker is satisfied that the public interest or public business requires that the House should meet either earlier or later, as the case may be.

***Sitting Days and Times***

23. (1) Unless otherwise determined by a resolution on a motion by a Minister or the Leader of the House, the House shall sit every day during a meeting except Saturdays, Sundays and Public Holidays and the time for the commencement of sitting shall be 2.30 p.m., Monday to Thursday, and 10 a.m. on Fridays.

(2) Paragraph (1) does not apply to the first sitting of a meeting, the day on which His Majesty the King delivers his Opening Address, or the first sitting after the House has adjourned.

(3) The Speaker may at anytime suspend the sitting for a stated period for the convenience of the House.

***Termination of Sittings and Time of Interruption***

24. A sitting of the House shall terminate by the adjournment of the House in terms of these Standing Orders and for the purpose of such adjournment in certain circumstances there shall be a "time of interruption" which shall be 4 p.m. on any other day on which the House has been sitting in the morning and 7 pm on other days.

***Adjournment of House when Business completed before Time of Interruption***

25. (1) If all the business on the Order Paper is disposed of before the time of interruption any Member may move the adjournment of the House.

(2) If a motion for adjournment in terms of paragraph (1) is not moved, the Speaker shall adjourn the House without question put.

(3) If a Member moves the adjournment of the House in terms of paragraph (1) and if by reason of matters being raised under Standing Order No.32 (Adjournment on Matters of Urgent Public Importance), or for any other reason, the adjournment has not been agreed to within half an hour of its being moved, the Speaker shall adjourn the House without question put and the motion shall lapse.

***Late Sittings***

26. A Minister or the Leader of the House may, at the time appointed in Standing Order No.39 (Routine of Business) or at any other time between two items of public business, move that the proceedings on any specified business, or on all business for that day, shall continue, or may be entered upon, after the time of interruption, and any such motion shall be decided without amendment.

***Procedure if no Quorum at Hour of Sitting***

27. (1) The Speaker shall take the Chair as soon after the hour appointed for a sitting of the House as there shall be a quorum of 30 Members present, exclusive of the Speaker (unless the Speaker is a Member).

(2) If at the expiration of fifteen minutes after the hour appointed there be no quorum present, the Speaker shall take the Chair and adjourn the House to its next sitting day.

(3) Where the Speaker has adjourned the House under paragraph (2), the hour of that adjournment and the names of the members present shall be entered in the Minutes of Proceedings.

***Adjournment if no Quorum***

28. If it shall appear during any time of a sitting on notice being taken, or on the report of a division that a quorum is not then present, the Speaker shall, if after an interval of five minutes a quorum is still not present, adjourn the House, without question put, until its next sitting day, and a similar entry shall be made in the Minutes of Proceedings as referred to in Standing Order No. 27 (Procedure if no Quorum at Hour of Sitting).

***Bells Ring during "a Count"***

29. Whenever the Speaker is engaged in counting the House, the bells shall be rung as on a division.

***Member notifying "No Quorum" included***

30. Any Member calling the attention of the Speaker to the fact that there is not a quorum present, shall be held to be present during the counting of the House, whether that member be so present or not.

***House failing to Meet on Appointed Day***

31. Should the House, from any cause whatever, fail to meet upon any day appointed for its sitting, it shall stand adjourned to its next sitting day, and an entry as provided for in Standing Order No.27 (Procedure if no Quorum at Hour of Sitting) shall be made in the Minutes of Proceedings.

***Adjournment on Matters of Urgent Public Importance***

32. (1) A motion for the adjournment of the House on a definite matter of urgent public importance may be made where the Speaker has been furnished with a written copy of that motion before noon on days when the House meets at 2.30 p.m. or at least one hour before the time fixed for the meeting of the House when it meets at an earlier or a later time.

(2) A Member who desires to have such a motion shall at the time appointed in Standing Order No.39 (Routine of Business) rise in his place and state that he asks leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, whereupon that member shall state the matter.

(3) The Speaker shall, after the matter (referred to in paragraph (2) has been stated, if the Speaker is satisfied that such matter will not cause a delay and is otherwise in order, desire the Members who support the motion to rise in their places, and if at least fifteen rise accordingly the Speaker shall call on the Member to move the motion.

(4) A matter submitted to the House in pursuance of this Standing Order which fails to obtain the requisite support, cannot during the current session be again brought forward under this Standing Order.

(5) A motion for adjournment under this Standing Order may not be made during any debate nor may more than one such motion be made at the same sitting or more than one matter be discussed on the same motion.

(6) A motion in terms of this Standing Order may not-

- (a) revive a discussion on a matter which has been discussed in the same session, whether upon a previous motion for adjournment, a distinct motion, an amendment or an order of the day;
- (b) anticipate a matter which has been previously appointed for consideration by the House or with reference to which a notice of motion has been previously given, although the order or notice may previously have been withdrawn at the same sitting;
- (c) raise a question of privilege;
- (d) raise a matter under adjudication by a court of law;
- (e) raise a matter forming the subject of an inquiry by a select committee of the House; nor

- (f) raise any question which according to the rules of the House can only be debated upon a distinct motion after notice.

***Adjournment at all other times***

33. Except in the case mentioned in these Standing Orders when the Speaker adjourns the House without question put, the House may only be adjourned upon its own resolution, and in case no time be fixed, such adjournment shall be until the hour appointed by Standing Order No.23 (Sitting Days and Times) for commencement on the following sitting day.

***Restriction on Dilatory Motions***

34. When a motion is made for the adjournment of a debate, or that the Chairman do report progress or do leave the Chair, the debate shall be confined to the matter of that motion, and a Member, having moved or seconded any such motion, shall not be entitled to move or second any similar motion during the same debate.

***Dilatory Motion when an Abuse of Standing Orders***

35. If the Speaker or the Chairman is of the opinion that a motion for the adjournment of a debate, or of the House or that the Chairman do report progress or do leave the Chair, is an abuse of the Standing Orders, the Speaker or the Chairman may decline to propose the question.

***Right of Speech of Mover and Seconder of Motion for Adjournment of Debate***

36. (1) When a Member has moved a motion for the adjournment of a debate without discussing the main question, the mover and the seconder (if any) of the motion for the adjournment, shall whether such motion be carried or not, be entitled to subsequently speak to the main question.

(2) When a Member speaking to the main question moves a motion for the adjournment of the debate and that motion is negative, neither the mover nor the seconder, if any, may subsequently speak to the main question.

(3) If the motion for the adjournment of the debate is agreed to, the mover shall be entitled to continue his speech when the debate is resumed and the seconder may subsequently speak to the main question.

***Speaker leaving Chair on Adjournment***

37. When the Speaker leaves the Chair on the adjournment of the House, Members shall rise and bow in their places.

**PART VI**

**REGULATION OF BUSINESS**

***Prayers***

38. The proceedings of the House shall be opened each day by prayer.

***Routine of Business***

39. The ordinary daily routine of business shall be as follows:-

- (a) administration of the Oath or Affirmation of Allegiance;
- (b) communications from the Chair;
- (c) obituary and other ceremonial speeches;
- (d) statements by Ministers;
- (e) petitions;
- (f) questions for information and replies to these questions limited in all to one-and-a-half hours from the time this item is reached;
- (g) reports of sessional, portfolio and select committees;
- (h) other reports and papers;
- (i) motions for adjournment under Standing Order No. 32 (Adjournment on Matters of Urgent Public Importance);
- (j) motions for the postponement or discharge of any order of the day;
- (k) motions in the name of a Minister relating to the business of the House;
- (l) motions for leave to introduce bills, whether public or private;
- (m) motions for instructions to committees on bills: and
- (n) other motions and orders of the day (in the order set out in the Order Paper).

***Business undisposed of***

40. All business undisposed of at the adjournment of the House shall be postponed until the next sitting day without a motion to that effect: provided that such business shall be placed at the end of the Order Paper for the next day upon which the House shall sit.

***Orders to be Read***

41. On reaching the orders of the day, the Speaker shall direct the Clerk to read the orders without question put.

**PART VII**

**PETITIONS.**

***Form of Petition (Appendix)***

42. Every petition shall be fairly written, typed or printed without interlineation or erasure and in the form shown in the Appendix, and shall be signed by at least one person on the sheet on which the prayer is set forth.

***No Application for Grant of Money or Remission of Duties Received***

43. An application may not be made to the House by petition for a grant of public money, or for compounding a sum of money due to the State, or for the remission of a duty payable by any person.

***Petition To be signed***

44. (1) Every petition shall be signed by the petitioner or petitioners whose name or names should be appended to the petition and by no one else except in case of incapacity by illness or otherwise, in which case some other person may sign the petition at the request of the petitioner or petitioners and any of the aforementioned signatures shall be witnessed by two witnesses.

(2) A person who does not know how to write shall affix a mark, which shall be witnessed by two witnesses.

(3) An agent producing a power of attorney authorising that agent to do so may affix the name of the principal of that agent to any petition.

***No reference to Debate and to intended Motion***

45. A reference shall not be made in a petition to any debate in Parliament nor to any intended motion unless a notice of that motion stands upon the order paper.

***Petition To be Presented by Member***

46. A petition may only be presented to the House by a Member and it shall not be competent for a Member to present a petition from that Member, although such petition may be presented by some other Member.

***Petition To be Deposited Two Clear Days with Clerk for Examination***

47. (1) Every petition shall, before it is presented, be signed at the beginning by the Member in charge of it, and deposited for at least two clear days with the Clerk, who after examining such petition shall submit it for the Speaker's approval, and a petition shall not be presented to the House until such approval has been obtained.

(2) The approval of a petition shall be conveyed by the petition being endorsed as follows:-

"The House of Assembly, passed by the Speaker"

***Member to peruse Petition before Presentation***

48. It shall be incumbent on every Member presenting a petition to acquaint himself with the contents of that petition, and to ascertain that it does not contain language disrespectful to Parliament or either House of Parliament.

***Member to be Confined to Statement of facts***

49. Every Member offering to present a petition to the House shall confine himself to a statement of the parties from whom the petition comes, of the number of signatures attached to it, of the material allegations contained in it, and to the reading of the prayer of such petition.

***No Debate on Presentation***

50. Every petition not containing matter in breach of the privileges of the House, and which, according to the rules or usual practice of the House, can be received, shall be brought to the Table by the direction of the Speaker, who shall not allow any debate, nor any Member to speak on that petition or in relation to that petition; but the petition may be read by the Clerk at the Table on motion without notice.

***Reference to Select Committee***

51. Where a Member in charge of a petition intends to move that it be referred to a select committee, that Member shall, when depositing the petition with the Clerk, endorse on the petition and above his aforesaid signature, the name of the committee to which the member intends to refer the petition; and notwithstanding any Standing Order to the contrary a petition shall not be referred to any committee unless the petition is so endorsed, except upon notice duly given.

**PART VIII**

**NOTICES, QUESTIONS, MOTIONS, ETC.**

***Notices to be in Writing and Delivered at Table***

52. (1) Every Member, giving notice of a motion or a question, shall deliver to the Clerk during normal office hours a copy of that notice, fairly written, and subscribed with the name of that Member and the day proposed for bringing on that motion or question.

(2) Subject to Standing Orders Nos. 53 (Revision of Notices by Speaker), 54 (Contents of Questions,) and 66 (Questions asked not to be Debated), it shall be the duty of the Clerk to place the motions and questions on the order paper in the order in which they are handed to him.

(3) A notice of question shall not be read to the House by the Member who hands it in, unless the consent of the Speaker to the reading of any particular question has been previously obtained, in which case such question shall be read before the Speaker proceeds in terms of Standing Order No.39 (Routine of Business) to motions or orders of the day, as the case may be.

(4) A motion or question shall not be asked sooner than the third day after the day on which notice of that motion or question is given.

***Revision of Notices by Speaker***

53. Any notice which contains unbecoming expressions or offends against any Standing Order of the House may be amended by Mr. Speaker before it appears on the order paper.

***Content of Questions***

54. (1) A question shall conform to the following rules:-

(a) A question shall not include -

- (i) the names of persons, or statements which are not strictly necessary to make the question intelligible;
- (ii) any statement which the Member who asks the question is not prepared to

substantiate;

- (iii) arguments, inferences, opinions, imputations or epithets, or tendentious, ironical or offensive expressions;
  - (iv) a reference to debates or answers to questions in the current session;
  - (v) a reference to proceedings in a committee before that committee has reported to the House; or
  - (vi) a reflection on the decision of a court of law or language or expressions likely to prejudice a case pending before a court of law;
- (b) A question shall not be asked -
- (i) for the purpose of obtaining an expression of opinion, the solution of an abstract case or the answer to a hypothetical proposition;
  - (ii) whether statements in the press, or by private individuals or private concerns are accurate;
  - (iii) about the character or conduct of His Majesty the King or Indlovukazi or about the character or conduct of any other person except in the official or public capacity of that other person;
  - iv) seeking information which can be found in accessible documents or ordinary works of reference.
- (c) A question which has been fully answered shall not be asked again during the same session.

(2) The Speaker may direct that the language of a question be changed if it seems to the Speaker unbecoming and not in conformity with these Standing Orders and if it be not so changed may refuse to place the question on the Order Paper.

***Notices, etc, on behalf of absent Members***

55. If so authorised by another Member not then present, a Member may give notice on behalf of that other Member of a question or motion, ask a question or postpone or move a motion on an order of the day.

***Notices Postponed***

56. A Member desiring to change the day for bringing on a motion may give notice of that motion for any day subsequent to the day first-named but not earlier.

***Motions without Notice***

57. (1) Subject to paragraph (2), every motion requires a notice.

(2) The following motions do not require a notice, namely -

- (a) a motion by way of amendment to a question already proposed from the Chair;

- (b) a motion for the adjournment of the House or of a debate;
- (c) a motion for the adjournment of the House on a definite matter of urgent public importance;
- (d) a motion in Committee of the whole House;
- (e) a motion raising a question of order or privilege;
- (f) motions of the following character, namely -
  - (i) for the postponement or discharge of any order of the day;
  - (ii) the appointment of a Committee of the whole House on a future day; or,
  - (iii) for the introduction of a new bill of the same title as a bill which has been withdrawn on second reading;
- (g) motions communicating a resolution to the House of Assembly by message; or,
- (h) motions where notice is dispensed with under any Standing Order, or by leave of the House.

***Privilege***

58. (1) An urgent motion directly concerning the privileges of the House will take precedence over all other motions as well as over the orders of the day.

(2) The proceedings of the House may be interrupted at any moment, save during the progress of a division, by a motion based on a matter of privilege, when a matter has recently arisen which directly concerns the privileges of the House.

***When Motions to be Seconded***

59. A motion shall require a seconder except if the Speaker otherwise directs and except:-

- (a) a motion made by a Minister or the Leader of the House; or,
- (b) a motion of which a notice is not required.

***When Motions Lapse***

60. (1) If a Member does not move the motion which stands in the name of the member, when called on, that motion shall lapse, unless moved by some other Member duly authorised by that Member.

(2) If after a motion which requires a seconder has been moved, but another Member does not rise to second it, that motion shall lapse.

***Motions withdrawn***

61. (1) A Member who has made a motion may withdraw that motion by leave of the House.

(2) A motion which has, by leave of the House, been withdrawn may be made again during the

current session on notice given.

***Amendments***

62. (1) An amendment shall be relevant to the question to which it is proposed.

(2) After a decision has been given on an amendment to any part of a question, an earlier part cannot be amended.

(3) An amendment on a question shall be consistent with a previous decision on the same question given at the same stage of any bill or matter.

(4) Unless the Speaker or the Chairman otherwise directs, and subject to Standing Order No. 98 (Notice of Amendment in Committee), an amendment to any question before the House, or a Committee of the whole House, shall be in writing, signed and handed to the Clerk by the proposer, at any time before it is moved.

***Amendments to Motions***

63. (1) An amendment to a motion shall take one of the following forms -

(a) To leave out one or more of the words of the motion.

(b) To insert one or more words in the motion.

(c) To add one or more words at the end of the motion.

(d) To leave out one or more words of the motion and insert one or more words instead.

(e) To leave out one or more words at the end of the motion and add one or more words instead.

(2) On every amendment the question to be proposed shall be "That this amendment be made"

(3) When two or more amendments are proposed to be moved to the same motion the Speaker or the Chairman shall call on the movers in the order in which their amendments relate to the text of the motion, or in cases of doubt in the order decided by the Speaker or the Chairman.

**PART IX**

**RULES OF DEBATE.**

***Member to address Himself to Chair – Obeisance***

64. (1) A Member who desires to speak shall rise, be uncovered and address the Speaker, or, in Committee, the Chairman.

(2) Every Member shall make obeisance to the Chair, and shall be uncovered, when passing to and from the seat the Member occupies.

(3) A Member shall not pass between the Chair and any Member who is speaking, or stand in any of the aisles.

***Member Rising to Speak***

65. When a Member rises to speak that Member shall be called by the Speaker or the Chairman, and if more than one Member rise at the same time, the decision as to who is entitled to speak shall rest with the Presiding Officer.

***Right of Member to Speak to Question***

66. (1) A Member may speak to the question before the House, and upon any amendment proposed to that question, and upon any question or amendment to be proposed by that Member, and upon any question of order arising out of the debate, but not otherwise.

(2) A Member speaking to an amendment, who has not already addressed the House on the original question, shall be allowed when so speaking to cover the ground both of the original question and the amendment.

(3) A Member who has already spoken to the original question shall speak only to the subject of the amendment.

***Time Limit to Speeches***

67. (1) Except as elsewhere provided in these Standing Orders in any debate in the House a Member shall not speak for more than fifteen (15) minutes.

(2) A Member shall speak only once on a matter before the House.

(3) Notwithstanding the provisions of paragraph (1) or (2) -

(a) a Member who has spoken to a question may be heard again to offer explanation of some material part of the speech which has been misunderstood, but shall not introduce a new matter; and,

(b) a reply shall be allowed to a Member who has moved a substantive motion but not a Member who has moved an amendment.

(4) This Standing Order shall not apply to the Prime Minister, the Leader of the House, the Leader of the Opposition if any in the House or to Members in charge of bills or motions who shall not be restricted in regard to the length of time they may speak.

(5) In Committee of the whole House a Member, not being a Member in charge of a bill or motion, shall not speak more than three times on any question before the Committee, whether such question be the main question or a subsidiary question, nor shall such Member speak for more than ten minutes on each occasion.

***Personal Explanation***

68. By the indulgence of the House, a Member may explain matters of a personal nature although there be no question before the House, but such matters may not be debated, and the explanation shall be confined strictly to the vindication of the conduct of that Member.

***Speaking after question is put to vote***

69. A Member shall not speak on any question after it has been put by the Presiding Officer and decided or after the reply of the mover of the original question.

***Irrelevance or Repetition***

70. The Speaker or the Chairman, after having called the attention of the House, or the Committee, to the conduct of a Member who persists in irrelevance or tedious repetition either of arguments by the Member or of the arguments used by other Members in debate, may direct to discontinue speech.

***Rules for Members Speaking -***

- (a) interrupt another Member whilst speaking;
- (b) read a speech but may refresh memory by reference to notes;
- (c) speak against or reflect upon any vote of the House, except for the purpose of moving that such vote be rescinded;
- (d) use the name of His Majesty the King, irreverently in debates, nor for the purpose of influencing the House in its deliberations;
- (e) refer to any Minister by name, but shall speak of him as "the honourable (name of Minister) .....the Minister for (stating the office)".
- (f) as far as possible refer to another Member by name, but shall refer to that Member as "the Member for".....(stating the Inkhundla or constituency of that Member) or "sitting" ..... (in a particular part of the House) or "who spoke".....(at a certain period of the debate);
- (g) use offensive words against the character or proceedings of either House of Parliament or in reference to any Member of either House;
- (h) allude to debates of the current session in the Senate, except to a speech made by a Minister, nor refer to matters on which a judicial decision is pending;
- (i) allude to proceedings of committees not yet reported;
- (j) while debating read from a printed newspaper or book, the report of any speech made in Parliament during the same session, nor read extracts from newspapers or other documents referring to debates in the House during the same session;
- (k) whilst present in the House converse aloud and during a debate read any book, newspaper or document, except in connection with the business of that debate.

(2) The provisions of paragraph (1) (j) shall not apply to the official report of the debates of the House.

(3) Notwithstanding the provisions of paragraph (1), a Member may interrupt another Member for the purpose of -

- (a) calling attention to -
  - (i) a point of order or privilege suddenly arising;
  - (ii) the want of a quorum; or,

- (iii) the presence of strangers; or,
- (b) moving for closure.

***How Members not Explaining or Retracting Dealt with***

72. (1) Any Member having used objectionable words and not explaining or retracting such words, or offering apologies for the use of those words to the satisfaction of the House, shall be censured or otherwise dealt with as the House may think fit.

(2) Exception to any objectionable words may only be taken at the time such words have been used, and shall not be afterwards entertained.

***Motion for Closure of Debate***

73 (1) At any time after a question has been proposed and debated in the House or in Committee of the whole House, a Member may move "That the Question be now put" and, unless it appears to the Presiding Officer that the motion is an abuse of the Standing Orders or an infringement of the rights of any Member or the minority, the motion that "The Question be now put" shall be put immediately and decided without amendment or debate.

(2) Where the question of closure is agreed by a simple majority of the Members voting, the question on the motion which was being discussed when the closure was moved shall be put forthwith without further discussion.

(3) Where the motion for closure of the debate has been agreed to, the Member in charge of the matter before the House or the Committee of the whole House may be permitted to reply, should that Member so desire, before the question is put.

***Precedence of the Speaker and Chairman***

74. Whenever the Speaker or the Chairman rises during a debate any Member then speaking or offering to speak, shall sit down, and Members shall be silent so that the Speaker or the Chairman may be heard without interruption.

**PART X**

**DIVISIONS**

***Division may be demanded by a Member***

75. After the Speaker, or the Chairman, has declared the result of the putting of any question, any Member may demand a division upon that question, whereupon a division shall take place without debate.

***Division Bells rung and Entry Barred***

76. (1) When a division is demanded the division bells shall be rung and entry to the House shall be barred so soon after the lapse of two minutes as the Speaker or the Chairman shall direct, but if further divisions are required to dispose of the question before the House or a Committee and those divisions follow immediately upon the first division, the division bells shall again be rung and entry shall again be barred so soon after the lapse of thirty seconds as the Speaker or the Chairman shall direct.

(2) After entry has been barred a Member shall not enter or leave the Chamber until the division has been taken.

***Members Present after Entry Barred shall Vote***

77. Every Member present in the House or a Committee of the House when the question is put and while entry to the House is barred is required to vote, provided that this shall not apply to a Minister who is a Senator.

***How Question put***

78. (1) In putting any question to the vote, the Speaker or the Chairman, as the case may be, shall first state the question, and then desire that as many Members as are in favour of it shall say "Aye" and after the "Ayes" have been given, the Speaker or the Chairman shall then desire that as many Members as are of the contrary opinion shall say "No", and after the voices of the "Noes" have been given, the Speaker or the Chairman, as the case may be, shall declare to the best of his judgment whether the "Ayes" or the "Noes" have it.

(2) When on a division taking place while entry to the House is barred, the Speaker or the Chairman, as the case may be, shall again put the question and the votes shall then be taken by the Clerk, who will ask each Member separately in such order as may be convenient how that Member wishes to vote. Upon the name of a Member being called that Member shall vote by saying "Aye" or "No".

***Clerk hands Division List to Presiding Officer***

79. The Clerk, having recorded the votes against the names of the Members, shall sign the list and hand it to the Speaker or the Chairman, as the case may be, who shall declare the result to the House or Committee.

***In the case of Confusion or Error***

80. (1) If any confusion or error concerning the numbers reported cannot be otherwise corrected, a further division shall be taken.

(2) If the numbers have been inaccurately reported or an error occurs in the names on the divisions lists, the House on being informed of the error or inaccuracy, shall order such lists to be corrected.

***No Member may Vote unless Present when Question put***

81. A Member shall not be entitled to vote in any division unless that Member is present in the Chamber when the question is put and while entry to the House is barred, and the vote of any Member not so present shall be disallowed.

***Question decided by Majority Vote***

82. (1) All questions in the House shall be decided by a majority of the votes of the Members present.

(2) The Speaker shall be entitled to vote if the Speaker is a Member elected from the House, but shall not have a casting vote in the case an equality of votes, in which case the question shall be decided in the negative.

*Members shall Vote according to Call*

83. A Member calling for a division shall not leave the Chamber until after the division has been taken and shall vote with those who, in the opinion of the Speaker or the Chairman, were in the minority.

*Opposition to Question formally Recorded*

84. Whenever a question is put for decision by the presiding officer, any Member may, instead of demanding a division, inform the presiding officer that the Member wishes the opposition of that Member or that of the Party (if any) to which the Member belongs, to be formally recorded in the Minutes of Proceedings.

**PART XI**

ACCOUNTS, AUDITS, RETURNS, PAPERS, ETC.

*Accounts Returns And Papers Ordered*

85. Accounts, audits, returns, papers and other reports may be ordered to be laid before the House, and it shall be the duty of the Clerk to communicate to the Government Ministries all orders for such accounts, audits, returns, reports or papers made by the House, as well as all resolutions of the House affecting the Executive Government.

*How Papers Presented*

86. Other papers or reports may be tabled pursuant to statute, by direction of His Majesty the King, by order of the House or by a Minister.

*Delivery of Papers to Members*

87. A copy of every printed paper laid upon the Table and of every paper ordered by the House to be printed, shall be delivered or sent to every Member.

*Statutory Reference in Tabled Papers*

88. Whenever any proclamation, regulation, report, paper, or other document is laid upon the Table in accordance with the provisions of an Act of Parliament, such proclamation, regulation, report, paper or other document, shall have attached to it a memorandum in duplicate stating the Act and section of the Act under which it is tabled.

**PART XII**

PUBLIC BILLS

*Introduction of Bills*

89. (1) Subject to the provisions of paragraph (2), every bill shall be ordered to be brought in upon notice given, motion made and question put that leave be given to present that bill, and upon such leave being given the Member in charge of the bill shall then bring to the Table a fair copy of that bill, after which the bill shall by direction of the Speaker, be read a first time.

(2) Bills may be introduced without motion for leave when-

- (a) introduced by a Minister;
- (b) received by this House from the Senate; or
- (c) brought up by a committee appointed to draft that bill in accordance with a resolution of the House.

(3) A bill except an appropriation bill originating in the House shall not be presented unless it has been published once in the Gazette and -

- (a) thirty days has elapsed since the date of publication; or
- (b) a certificate signed by the Prime Minister certifying that the bill is urgent has been laid on the Table by a Minister.

(4) A memorandum, by the Attorney General in the case of bills brought in by a Minister or by the Member in charge in the case of other bills, shall be attached to every bill stating the object of the bill

#### ***First Reading***

90. (1) After a message from the Senate transmitting a bill for the concurrence of this House has been read, or after the tabling of a bill by a Minister, or by a Committee appointed to draft that bill, the Speaker shall direct the Clerk to read the short title of the bill and such bill shall then be deemed to have been read for the first time.

(2) Bills transmitted from the Senate shall after first reading, be proceeded with in the same manner as public bills originating in this House:

(3) Private bills transmitted from the Senate, and accompanied by the examiners' report and a copy of the report of the select or portfolio committee of the Senate together with the proceedings and evidence thereon, shall, if unopposed in this House, be proceeded with in the same manner as a public bill, unless the House otherwise orders, but if opposed in this House such bill shall be referred to a select or portfolio committee.

#### ***Stages***

91. Not more than one stage of a bill shall be taken at the same sitting without leave of the House.

#### ***Distribution of Bills Transmitted from the Senate***

92. (1) The Clerk shall cause a copy of every gazette in which a bill is published in terms of Standing Order No. 89 (3) to be posted on the date of publication to each Member.

(2) As soon as may be after the receipt by the Clerk of a bill passed by the Senate, with amendments, and in any case on or before the day fixed for the second reading of that bill, the Clerk shall transmit or deliver a copy of that bill as amended by the Senate to each Member.

(3) If the amendments made by the Senate in a bill referred to in paragraph (2) are of such a nature that they can readily be indicated in a suitable form without preparing a complete copy of the bill, the Speaker may, unless the House otherwise directs, instruct the Clerk to distribute the amendments only in such form as the Speaker may direct.

***Second Reading***

93. (1) The second reading of the bill shall be introduced by the Member in charge of the bill as follows: "That this bill be now read a second time".

(2) Motions may be made to amend the question: "That this bill be now read a second time" as follows -

- (a) by deleting all or some of the words after the first word "That" and substituting words which state some special reason or reasons against the second reading of the bill; or,
- (b) by deleting all the words after "That" and substituting "the order for the second reading of the bill be discharged and that the subject of the bill be referred to a select or portfolio committee for enquiry and report" with or without the power to take evidence and call for papers (documents).

***Committal***

94. (1) When a bill, not being an Appropriation Bill (other than a Part Appropriation Bill), or a bill which under Standing Order 95 (Consolidating Bills) the House has resolved shall not be committed, has been read a second time, it may either be ordered to be considered in Committee of the whole House on a day proposed by the Member in charge of it or be referred to some other committee.

(2) When an Appropriation Bill (other than a Part Appropriation Bill) has been read a second time, a day for the third reading of the Bill shall be appointed by a Minister.

***Consolidating Bills***

95. (1) A bill which purports to re-enact the existing law without amending it and which is accompanied by a certificate to that effect signed by the Attorney General, may be taken through all its stages without amendment or debate.

(2) In Committee of the whole House or at the report stage amendments may be offered which seek to express more clearly the law as it stands.

(3) A period of at least three sitting days shall elapse between the first and second readings of the bill, unless such bill is received from the Senate.

(4) The Speaker may on good cause shown direct that the bill shall be referred to a select or portfolio committee after the first reading.

(5) When a bill so certified has been read a second time, the next question which may be put in connection with that bill is - "Whether this Bill shall be committed" - and if this question (which shall be put immediately after the second reading has been agreed to and shall only be moved as an unopposed motion) pass in the negative, the next stage of such bill shall be third reading.

***Putting of Clauses in Committee***

96. (1) The Chairman, upon seating at the Table, shall proceed to put each clause in succession.

(2) The interpretation clause and the short and long titles and preamble (if any) of the bill

stand postponed until after the consideration of the other clauses and schedules, if any, without question put.

- (3) The words of the enactment shall not be put to the Committee
- (4) In order to save time the Chairman may in cases where that is appropriate: -
  - (a) call and put groups of successive clauses together ; or,
  - (b) allow a single discussion to cover a series of interdependent amendments.

***Amendments in Committee***

97. (1) Amendments may be made to a clause, or new clauses inserted, provided the amendments and the new clauses are relevant to the subject matter of the bill, but if any such relevant amendments are not within the title of the bill, the title shall be amended accordingly, and reported specially to the House:

(2) An amendment shall be relevant to the subject matter of the clause to which it relates.

(3) An amendment shall not be inconsistent with any previous decision of the Committee or in conflict with the principle of the bill as agreed to upon the second reading.

(4) When the question has been put upon an amendment in a later line of a clause an amendment may not be proposed in an earlier part of that clause.

***Notice of Amendment in Committee***

98. (1) Notwithstanding the provisions of Standing Order No 57 (Motions Without Notice) an amendment to a bill may not be moved during the committee stage unless notice has been given in the manner provided in Standing Order 52 (Notices to be in Writing and Delivered at Table), not later than the sitting day before the day when the amendment is moved.

(2) Notwithstanding the provisions of paragraph (1) -

- (a) if the Committee stage is taken on the same day as the second reading of the bill, a notice of amendment shall not be required;
- (b) the Chairman may choose to allow a shorter period of notice or waive the requirement of a notice entirely.

***Principle not Discussed in Committee***

99. The principle of a bill shall not be discussed in Committee, but only the details of that bill.

***Procedure on Bill amended by Select or Portfolio Committee***

100. (1) In going through a bill in Committee of the whole House amendments made in that bill by a select or portfolio committee shall not be moved nor shall any question be put on those amendments unless exception be taken to those amendments.

(2) Upon exception being taken by any Member to an amendment proposed by a select or portfolio committee, the Chairman shall forthwith put the amendment for discussion.

***Verbal Corrections***

101. (1) Corrections of a verbal or formal nature (that is, spelling or obvious grammatical mistakes or typographical errors) may be made in a bill by the Clerk under direction of the Speaker or the Chairman.

(2) Except as is provided for in paragraph (1), all other corrections shall be made by way of motion and dealt with as with any other amendment.

***Progress Reported***

102. The Minister or Member in charge of a bill may be ordered to report progress and ask leave to sit again at any time during the uncompleted proceedings of a bill in Committee.

***Resumption of Progress***

103. On the order of the day being read for the House to resume in Committee on a bill on which progress has been reported, the Speaker shall leave the chair without question put.

***Report of Bill***

104. At the close of the proceedings of a Committee of the whole House on a bill, the Member in charge of the bill shall report the bill forthwith to the House with or without amendment.

***Amendments on Report and Re-Committal in case of Increase of Expenditure or Taxation***

105. (1) Subject to the provisions of Standing Order No. 101 (Verbal Corrections), upon the report stage of any bill an amendment of which notice has not been given may not be proposed without the consent of the whole House unless the amendment is only consequential.

(2) After a bill has been reported a clause or amendment which involves any increase in expenditure or taxation may not be offered unless the bill is re-committed in respect of that clause or amendment.

***Third Reading***

106. (1) The debate on the third reading of a bill, excluding the reply of the Member in charge, shall be limited to two hours, unless the Speaker decides to extend the period to three hours.

(2) Subject to Standing Order No. 101 (Verbal Corrections), verbal amendments and an amendment to the title of the bill may be made on the third reading, and the bill may be recommitted on motion made.

(3) After the third reading of a bill further question shall not be put on the bill, and the bill shall be deemed to have passed the House.

***Reading of Bills***

107. On the order for the first and second reading of a bill, the Clerk shall only read the short title of the bill and on the order for the third reading of a bill the Clerk shall read the long and short titles of the bill.

***Bill Withdrawn only with Leave and Same Bill not Twice Introduced in Current Session***

108. (1) A bill introduced into the House shall not be withdrawn without the leave of the House.

(2) When a bill is ultimately passed, or has been rejected, a bill of the same substance shall not be introduced again during the current session

***Resumption of Proceedings upon Lapsed Bills***

109. (1) Provided a general election has not taken place a public bill in the possession of the House which lapsed by reason of a prorogation may be restored to the order paper only in the next ensuing session.

(2) If the bill originated in this House, it may be restored to the order paper by resolution of this House.

(3) If the bill originated in the Senate it may be restored to the order paper by resolution of this House on receiving a message from the Senate requesting that the consideration of the bill be resumed.

(4) Unless otherwise ordered, the bill shall be proceeded with at the commencement of the particular stage which it reached during the preceding session.

(5) Should the motion for restoring a bill to the order paper be not agreed to, a new bill may be introduced.

**PART XIII**

**HYBRID BILLS**

***Hybrid Bills***

110. A public bill which adversely affects or may adversely affect the private interests of particular persons or bodies as distinct from the private interests of all persons or bodies in the particular category to which those individuals or bodies belong, shall be treated as a hybrid bill.

***Reference to Examiners***

111. (1) A hybrid bill shall, after first reading, be referred to the examiners of petitions for private bills for the purpose of ascertaining whether the Standing Orders relative to private bills (Legal Notice No. 53 of 1968) have been complied with in the case of such bill.

(2) A reference in terms of paragraph (1) does not prevent the order for the second reading from appearing on the order paper, but the bill cannot be read a second time until the report of the examiners has been received.

(3) If the examiners report that the Standing Orders have been complied with, or if on the report of the examiners that the Standing Orders have not been complied with, the bill has been referred by the House to the Sessional Committee on Standing Orders and, if such Committee having taken evidence for the purpose of this and the preceding Standing Order, report that the bill may be proceeded with notwithstanding non-compliance with the Standing Orders, the bill may be read a second time, or else the order for the second reading shall be discharged unless the House otherwise orders.

***Reference to Select/Portfolio Committee***

112. (1) An opposed hybrid bill shall be referred to a select or portfolio committee after the second reading, and the committee may be empowered to hear suitors, their agents and counsel for and against the bill; and such bill, when reported from the select or portfolio committee shall be proceeded with as a public bill.

(2) A bill shall be regarded as being opposed if a petition or petitions in opposition to it are presented to the House within five sitting days from the date on which the bill was read a second time.

**PART XIV**

**COMMITTEE OF WHOLE HOUSE**

***House Resolves itself into Committee***

113. (1) A Committee of the whole House is appointed by resolution: "That this House resolve itself into a committee"

(2) When the resolution has been agreed to, or an order of the day is read for this House to resolve itself into committee the Speaker shall leave the chair without question put.

***Quorum***

114. The quorum in Committee of the whole House consists of the same number of Members, as is requisite to form a quorum of the House and provisions of Standing Order No. 30 (Member notifying "No Quorum" included) shall apply.

***When Quorum not Present***

115. If it appears on notice being taken or on the report of a division in Committee of the whole House that a quorum is not present, and, if after an interval of five minutes – during which time the bells shall be rung for two minutes as on a division – a quorum be still not present, the Chairman shall leave the Chair, and the Speaker shall resume the Chair of the House.

***Report of "No Quorum" by Speaker***

116. (1) Upon resuming the Chair, the Speaker shall report that a quorum is not present, whereupon the Speaker shall, at the expiration of five minutes – the bells having been rung - count the House, and if a quorum is still not present, the Speaker shall adjourn the House without question put until the next sitting day.

(2) The hour of the adjournment and also the names of the Members present shall be entered in the Minutes of Proceedings.

(3) If, however, a quorum is present the House shall again resolve itself into Committee.

***Procedure***

117. (1) The rules as to procedure in Committee of the whole House are with necessary changes those which apply to procedure when the Speaker is in the Chair of the House.

(2) Notwithstanding the provisions of paragraph (1) in Committee -

- (a) a Member may speak more than once to the same question; and
- (b) the previous question cannot be moved.

***Powers***

118. A Committee of the whole House shall only consider such matters as shall have been referred to it by the House.

***How Report brought up***

119. Every report from the Committee of the whole House shall be presented without any question being put.

***Speaker resumes Chair – Disorder***

120. If any disorder arises in Committee of the whole House, the Speaker shall resume the chair without question put.

***Speaker resumes Chair – King's Messenger***

121. The Speaker shall also resume the chair if a messenger from His Majesty the King is announced.

***Question of Sums and Time***

122. When a question arises as to a greater or lesser sum or a longer or shorter time, the lesser sum and the longer time shall first be put to the Committee.

**PART XV**

**COMMITTEES OF THE HOUSE**

***Assembly Sessional Committee***

123. (1) At the beginning of every session and subject to Standing Order No. 124 (Other Sessional, Portfolio and Select Committees), the House shall elect an Assembly Sessional Committee which shall be the business committee of the House consisting of not less than five nor more than seven members inclusive of the Speaker and of which the Speaker shall be the Chairman.

(2) The Assembly Sessional Committee will among other members include: -

- (a) a Whip who will -
  - (i) assist the Speaker in enforcing discipline among the Members and in the general upkeep of the House; and,
  - (ii) be elected by the House by secret ballot after nominations conducted in the House.
- (b) the Chair/Convener of Chairmen of Portfolio Committees who shall be elected by the Chairmen of Portfolio Committees by secret ballot (from among the Members).

(3) The Speaker shall be the convener and chairman of the Assembly Sessional Committee and will take part in its deliberations but will have no vote if not a Member in own right.

***Other Sessional, Portfolio and Select Committees***

124. (1) The Assembly Sessional Committee shall appoint the members of the following sessional committees and for all other committees and select committees appointed by the House -

- (a) a Committee on Standing Orders consisting of not less than five members nor more than twelve, charged with reviewing, amending and drafting of Standing Orders, and related matters; the Speaker shall be Chairman but have no vote if he is not a Member of his own right.
- (b) a House Committee of not less than four nor more than eight members, shall sit jointly on matters of common interest with the Senate House Committee and is charged with all internal arrangements for the convenience of members and to advise on staffing and on allowances to Members.
- (c) a Government Assurance Committee of not less than seven and nor more than twelve members, shall consider, inquire into and or follow up on House resolutions, undertakings made by the Government and any other matter referred to it by the Speaker or by a resolution of the House; shall call for evidence, summon Cabinet Ministers, Officials and any other persons to appear before it and produce any documents required by it in the exercise of its functions.
- (d) The Finance Committee consisting of twelve members,
  - (i) shall consider and make contributions on the draft of the national budget as proposed by government, prior to the formulation of same into an Appropriation Bill, in consultation with the Minister for Finance; and
  - (ii) shall consider and report to the House on any supplementary estimate showing sums required or spent in the circumstances set out in sub-section (2) of section 209 of the Constitution or showing any advance made or proposed to be made from the Contingencies Fund laid or proposed to be laid, before the House for inclusion in a motion or motions seeking approval for such supplementary expenditure; and
  - (iii) shall consider and report to the House any matter relating to finance as the House may, by resolution, refer to the Committee, or any matter relating to finance as the House may finance and;
- (e) Public Accounts Committee.

(2) The Chairman and half of the members shall form a quorum of each sessional committee.

(3) Each Committee may sit between sessions of Parliament but not after Parliament has been dissolved.

(4) In all other cases the Assembly Sessional Committee shall determine the number of and appoint the Members who shall serve in those other committees.

***Public Accounts Committee***

125. (1) The Public Accounts Committee consists of twelve members.

(2) The duties of the Public Accounts Committee is to examine and report to the House on the accounts of the Government tabled in terms of the Constitution and the Finance and Audit Management Act, 1967 (as amended).

(3) Five members shall form a quorum.

***Portfolio Committees***

126. (1) There shall be at least one portfolio committee for every Government Ministry and or Department.

(2) A portfolio committee shall consist of three and not more than eight members appointed by the Assembly Sessional Committee for one or more sessions of Parliament.

(3) Subject to the provisions of section 129 (5) of the Constitution, a portfolio committee shall consider, amend or replace bills other than money bills, initiate or introduce legislation, investigate and report on issues of its own or as referred to it.

(4) A portfolio committee may publish a bill before it, call for public submissions or comments and hold public hearings on the bill.

***Portfolio Committees debate Appropriation Bill***

127. (1) After the second reading, the portfolio committees may meet as soon as practicable, and adhere to the schedule set by the Speaker for the meetings of such committees.

(2) Portfolio committees shall meet after the debate of the Budget Speech, consider and report to the House on the budgetary estimates of the respective ministries, as they are reflected in the Appropriation Bill.

(3) In considering the budget estimates for each ministry, and before debate ensues, the chairman of the portfolio committee, shall first give the Minister responsible the opportunity to present the expenditure outlook of the budget estimates for the relevant Ministry.

(4) Every chairman of a portfolio committee shall table the report on the budget estimates debates in the House, within 48 hours after closure of debate.

(5) If the report of the portfolio committee has been tabled not less than one clear sitting day before the motion is moved and if that committee has recommended that the budget estimates be approved, the estimates shall not be considered by the House in Committee of Supply, unless any Member indicates, when the motion is moved that the Member opposes any item of expenditure in that report.

(6) If a report of the portfolio committee has been tabled as provided in paragraph (5) and that committee has not recommended that the expenditure or any item of the expenditure be approved; or a Member has indicated that the Member opposes any item of expenditure in the budget estimates or the item of expenditure which has not been approved or is opposed as the case may be, the estimates shall stand referred to the Committee of Supply without a motion to that effect, either forthwith or at a time to be determined by the House.

(7) The provisions of Standing Order 154 (Procedure in Committee of Supply) shall be applied as closely as possible in the portfolio committee debates on the budget estimates.

***Alternate Members***

128. Members can participate in other portfolio committee debates with the concurrence of the chairperson as alternate members, but shall have no voting rights.

***Appointment of other Committees***

129. (1) Members of a committee shall be appointed by the Assembly Sessional Committee, unless the House decides otherwise.

(2) Members of a select committee may be appointed by the House for a particular function, whenever the House deems it necessary and for a definite period and the select committee shall dissolve on reporting to the House.

(3) In the case of a sessional or portfolio committee, members may be appointed for the entire duration of a parliament, subject to the provisions of the Standing Orders.

(4) The Assembly Sessional Committee, with the leave of the House, may appoint members to serve in committees on HIV-Aids, NEPAD and on any other committee as the House may resolve.

(5) The election of members to serve in international bodies such as SADC, PF, CPA, PAP and others, shall be done in accordance with the rules as set out by those bodies.

***Announcement of Sessional, Portfolio and Select Committees***

130. The Assembly Sessional Committee shall meet within three days after the House has ordered the appointment of a sessional, portfolio or select committee, when it shall determine the number of and select the members who shall serve on any such committee and every committee so constituted shall be announced by the Speaker to the House at the next sitting of the House.

***Ministers' Membership of Sessional, Portfolio and Select Committees***

131. A Minister, who is not a Member of this House, shall not be appointed as a member of a sessional committee, and any such Minister appointed a member of a select committee shall have no further or other powers as a member of such committee than the Minister has in the House itself.

***Order of Reference***

132. Every resolution of the House for appointing a select committee shall contain specially set forth in the order of reference the powers under which such select committee is to proceed and where other or greater powers than those defined in the order of reference are desired by any select committee, the chairman shall make a special request to the House.

***How First Meeting convened***

133. The first meeting of any select committee shall be convened by the Clerk in consultation with the mover within three days of the constitution of the committee.

***Quorum of sessional, portfolio, etc committee***

134. (1) In all sessional, portfolio and select committees, unless otherwise ordered by the House or unless otherwise provided in these Standing Orders, an attendance of no less than fifty percent inclusive of the Chairman or the Deputy shall form a quorum.

(2) A committee shall not proceed to business unless a quorum be present and if a quorum be not present within fifteen minutes of the appointed hour of meeting, the clerk or Secretary attending the committee shall, in consultation with the Chairman of the committee, convene the next meeting of that committee.

(3) If at any time during the sitting of the committee a quorum be not present, the Chairman shall either suspend business until a quorum be present or adjourn the committee to some future day.

***Chairman of sessional, portfolio, etc committee***

135. Subject to the provisions of the Standing Orders, every sessional, portfolio and select committee shall before the commencement of business elect one of the members to be Chairman.

***Proceedings and Report Signed***

136. The minutes of the proceedings of a committee on each day as well as the report of such committee shall be signed by the Chairman of the committee.

***Evidence not Published Before Reported***

137. (1) The proceedings of, or evidence taken by, or the report of any committee, or a summary of such proceedings, evidence or report, shall not be published by any member of such committee, or by any other person until the report of that committee has been printed by order of the House.

(2) Evidence which a committee has resolved should not be made public, shall not be published except by order of the House.

***Report brought up***

138. (1) The report of a sessional, portfolio or a select committee shall be brought up by the Chairman of the committee, and may be ordered to lie upon the Table and be printed.

(2) Upon the presentation of such report discussion shall not take place, nor shall it be competent to move that the report be adopted.

***Summoning of Witness from a Distance***

139. A select or portfolio committee shall not be permitted to summon a witness from a distance of more than thirty-six kilometres from the Houses of Parliament without having first satisfied the Speaker that the evidence so to be obtained will be material to the enquiry and for the examination of every such witness the select or portfolio committee shall sit from day to day until the evidence is taken.

***Payment of Witnesses***

140. (1) The Clerk is authorized to pay witnesses, summoned under Standing Order No. 139 to give evidence before the House or any committee of the House, a fee per diem while traveling to

and from their place of residence and during attendance in accordance with the rates from time to time laid down in the tariff of allowances payable to witnesses in criminal cases prescribed in the Criminal Procedure and Evidence Act, and the Speaker shall exercise the functions conferred on the Registrar of the High Court by such tariff.

(2) The claim of a witness for payment shall state the number of days during which the witness was detained, the time spent in actual traveling and the amount of transport expenses, if any, incurred by the witness.

(3) Before payment is effected the claim shall be certified by the Speaker or by the Chairman of the committee before which such witness was summoned to appear.

***Presence of "Strangers"***

141. Except in the case of sessional or portfolio committees, a "stranger" shall not be present during any of the proceedings of any select committee except by special leave of such committee on motion made or by invitation; but under no circumstances whatsoever shall a "stranger" be allowed to remain in the committee room when the committee is deliberating.

***Committee not to sit while House sitting***

142. Except by order of the House, a committee shall not sit during the sittings of the House.

***Charge against a Member***

143. If any information comes before a select committee charging any Member, the committee shall direct that the House be acquainted with the matter of such information without proceeding further thereupon.

***Counsel to Conform to Rules demanded by Chairman***

144. All counsel appearing before any committee shall be bound to observe such directions and conform to such rules in the conduct of matters before such committee as may be demanded by the Chairman of the committee.

***Attendance of Witness in Custody of Keeper of Prison***

145. Where a witness shall be in the custody of the keeper of any prison, such keeper may be ordered to bring the witness in safe custody in order that the witness may be examined and thereafter, from time to time as often as the attendance shall be thought necessary, the Speaker may issue the warrant for the attendance of that witness.

**PART XVI**

**FINANCIAL BUSINESS**

***Rules for Committees of Whole House to apply to Committees of Supply***

146. Subject to Standing Orders Nos. 147 –156, the Standing Orders governing procedure in Committees of the whole House shall also apply to Committees of Supply.

***Recommendation by the King***

147. The House shall not originate or pass any vote, resolution, address or bill:-

- (a) for the appropriation of any part of the public revenue;
- (b) for the release or compounding of any money due to the State; or
- (c) authorizing the making or raising of any loan,

unless such proposal has been recommended by His Majesty The King during the session in which it is made.

***Communication of Recommendation***

148. Every recommendation by His Majesty the King shall be conveyed to this House by a Minister and shall be entered in the Minutes of Proceedings.

***Money Proposals incidentally involved in Bill***

149. If any proposal mentioned in Standing Order No. 147 (Recommendation by the King) is only incidentally involved in a bill, His Majesty's recommendation shall be conveyed to this House before the clause containing such proposal is considered in Committee of the whole House.

***Committee of Supply***

150. (1) All estimates of expenditure from the Consolidated Fund which it is proposed to include in an Appropriation Bill shall, upon the motion of the Minister for Finance, be considered by the portfolio committees, before those estimates are presented to the whole House in Committee of Supply.

(2) The estimates and any annexures to those estimates shall be tabled by the Minister upon moving the consideration of those estimates in committee of supply and the debate shall, after the address of the Minister, be adjourned for at least fifteen days.

(3) This Standing Order does not apply to a supplementary estimate which has been the subject of a resolution of the House in terms of sub-section (1) of section 201 of the Constitution and such estimate shall be dealt with as provided in Standing Order No. 157 (Motions seeking Approval for Supplementary Expenditure).

***Day Appointed for Committee of Supply***

151. The day appointed for the consideration of the estimates in Committee of Supply shall not be sooner than the day after the House has resolved to go into Committee of Supply.

***Time Limit for Speeches in Committee of Supply***

152. (1) Subject to the provisions of this Standing Order and to Standing Order No 67 (4) a Member shall not speak in Committee of Supply for longer than 10 minutes at a time, but members shall not be limited in regard to the number of times they may speak.

(2) The Minister in charge of the vote or head under consideration shall not be restricted with regard to the length of time for speaking.

(3) The Chairman may, in respect of each ministerial portfolio in the main estimates of expenditure from the Consolidated Fund, permit two speeches not exceeding 20 minutes each.

(4) The privilege to speak for 20 minutes shall not be granted unless the Member desiring to use the extended period states the intention of doing so on rising to address the Chair or unless the Member subsequently obtains the unanimous consent of the Committee.

***Estimates laid upon Table stand Referred to in Committee of Supply***

153. When the order of the day has been read for this House to go into Committee of Supply on the estimates of expenditure from the Consolidated Fund the estimates and any annexures to those estimates which have been recommended by His Majesty the King and which have been laid upon the Table, shall stand referred to the Committee of Supply.

***Procedure in Committee of Supply***

154. (1) Subject to paragraph (2), the Chairman shall put the estimates head by head.

(2) The Committee of Supply may, on the motion of a Minister to be decided without amendment or debate, give precedence to the heads falling under any ministerial portfolio or portfolios.

(3) The Committee shall not attach a condition or an expression of opinion to a vote or head, nor alter its destination.

(4) When more than one reduction is moved in any vote or head or item of a vote or head, the question shall first be proposed from the Chair on the largest reduction.

(5) At no time during the proceedings in Committee may a Member -

(a) claim to move "That the Chairman leave the Chair"; or

(b) other than a Minister claim to move -

(i) "That the Chairman report progress and ask leave to sit again"; or

(ii) That the further consideration of a vote, head or item be postponed.

(6) When the motions are moved by a Minister the question on those motions shall be put forthwith without debate.

***Interim Reports or Progress Reported***

155. Subject to Standing Order No. 154 (Procedure in Committee of Supply) the Committee of Supply may from time to time direct the Chairman to report a resolution or resolutions or to make a special report to this House or to report progress and ask leave to sit again.

***Final Report***

156. (1) When the proceedings in Committee of Supply have been concluded, the Minister for Finance shall report the estimates, with or without amendment.

(2) When the Committee has brought up its report, that report may be considered forthwith without amendment or debate.

(3) If the report is adopted, the Speaker shall request the Minister to bring up the necessary bill or bills to give effect to that report.

(4) The Minister shall have leave to bring up such bill or bills forthwith or on a future day.

***Motions seeking Approval for Supplementary Expenditure***

157. (1) Whenever the approval of the House is sought for supplementary expenditure as contemplated in sub-section (1) of section 201 and subsection (2) of section 203 of the Constitution, the Minister for Finance may, before moving a motion seeking such approval and without the prior leave of the House, submit the supplementary estimates showing such expenditure to the Finance Committee for their consideration.

(2) If the supplementary estimates and a report of the Finance Committee have been tabled not less than one clear sitting day before the motion is moved and if that Committee has recommended that the supplementary estimates be approved, the estimates shall not be considered by the House in Committee of Supply, unless any Member indicates, when the motion is moved that the Member opposes any item of expenditure.

(3) Where -

- (a) a report of the Finance Committee has been tabled as provided in paragraph (2); or
- (b) the Finance Committee has not recommended that the expenditure or any item of that expenditure be approved; or
- (c) a Member has indicated that the Member opposes any item of expenditure;

the supplementary estimates or the item of expenditure which has not been approved or is opposed as the case may be, shall stand referred to the Committee of Supply without a motion to that effect, either forthwith or at a time to be determined by the House.

(4) In any case touching on any provision of paragraph (3) the Minister shall table the estimates at least one clear sitting day before the consideration in Committee of Supply.

(5) Standing Orders Nos. 152 (Time for Speeches in Committee of Supply) and 154 (Procedure in Committee of Supply) 155 (Interim Reports or Progress Reported) and 156 (Final Report) shall apply with necessary modifications to the consideration of supplementary estimates in Committee of Supply.

(6) Instead of the procedure set out in paragraphs (3) and (4) of Standing Order No. 156 (Final Report), if the report is adopted, the Speaker shall forthwith put the question on the motion seeking approval of the supplementary estimates.

***Appropriation Bills not Committed***

158. When an Appropriation Bill, or a Supplementary Appropriation Bill has been read a second time, it shall not be committed and a day for the third reading shall be appointed by a Minister, and on the third reading the question shall be put without debate.

***Procedure when Message received from Senate relating to Appropriation Bill***

159. (1) Whenever a bill, bearing a certificate, by the Speaker, that it is an Appropriation Bill has been sent to the Senate and thereafter a message is received from the Senate -

- (a) requesting an extension of time for the passing of that bill by the Senate; or,
- (b) transmitting the bill with amendments made by the Senate,

the business then at hand shall, notwithstanding anything elsewhere in these Standing Orders contained, be suspended without question put, and the Speaker shall, if the House is sitting, call upon the Clerk to read the message.

(2) If the House is in Committee when the message is received the Speaker shall resume the Chair and thereafter proceed as in paragraph (1).

(3) If the House is not sitting when the message is sent from the Senate, the Clerk shall inform the Speaker of the message and thereafter summon all Members to the House by whatever means the Speaker may direct as being appropriate, and as soon as thirty Members have presented themselves at the House, the House shall sit and the Speaker shall proceed as in paragraph (1).

(4) When the message has been read a Minister may move, without notice, that the House should grant an extension of time for the passing of the bill by the Senate or that the amendments made by the Senate shall be considered, as the case may be.

(5) Upon the conclusion of the business arising out of the message from the Senate, the business which was suspended when the message was received shall be resumed or if the message was received during an adjournment, the Speaker shall adjourn the House, to the same date and time to which it previously stood adjourned without question put, unless the House, upon the motion of a Minister otherwise resolves.

## PART XVII

### BILLS PASSED

#### *Clerical Errors*

160. (1) Upon the discovery of any clerical error in any Bill in the possession of this House after it has passed both Houses of Parliament, but before it has been presented to His Majesty the King for assent, the Speaker shall with the concurrence of the Attorney General correct such error, or if the Attorney General does not concur, the Speaker shall report that error to the House, and it shall thereupon be dealt with as any other amendment.

(2) For avoidance of doubt, the Attorney-General has the authority to correct any obvious errors in any bill passed (or subsidiary legislation) before the bill is submitted for the Royal Assent and or publication.

#### *Unamended Assembly Bills*

161. (1) When a bill originating in this House has been passed, the Clerk shall certify on the first page that this House has passed the bill without amendment, and a copy of that bill shall be transmitted by message to the Senate for its concurrence.

(2) When such bill has been returned from the Senate without amendment it shall be certified correct by the Speaker and returned by message to the Senate.

#### *Unamended Senate Bills*

162. (1) When a bill originating in the Senate has been passed by this House without amendment,

that bill shall be certified by the Speaker and thereafter returned to the Senate by message informing the Senate that the bill has been passed by the House without amendment and desiring that it may be certified correct by the Senate and returned to this House.

(2) When a message has been received from the Senate returning such bill so certified, this House shall cause a duplicate original copy of that bill to be transmitted to the Senate for its information with a message informing the Senate that the original has been forwarded to His Majesty the King for his assent.

***Bills Presented for Assent***

163. Whenever this House is in possession of any bill which has been returned to it by the Senate, either with or without amendment, at the time when the two Houses shall both agree upon the provisions of that bill, this House shall cause a fair copy of that bill so agreed upon, to be made and after being signed by the President of the Senate and the Speaker, it shall be presented by this House to His Majesty the King for his assent.

**PART XVIII**

**INTERCHANGE OF AMENDED BILLS BETWEEN  
THE HOUSE OF ASSEMBLY AND THE SENATE**

***Bills returned from Senate with Amendments***

164. When a bill is returned from the Senate with amendments those amendments shall be considered by this House or in Committee of the whole House, or may be referred to a portfolio or select committee either then or later on that day or on a future day as the House may decide.

***Amendments to be Relevant***

165. An amendment shall not be proposed to an amendment of the Senate that is not strictly relevant thereto; nor can an amendment be moved to the bill unless it be relevant to, or consequent upon, either the acceptance or rejection of an amendment by the Senate.

***Senate Amendments agreed to***

166. (1) As often as this House shall agree to all the amendments made by the Senate in a bill, the Speaker shall direct the Clerk to write upon the top of such bill "The House of Assembly agrees to the amendments made by the Senate" and to sign this endorsement; and such bill so endorsed shall be transmitted by message to the Senate together with a fair copy of the bill for certificate.

(2) When a bill has been amended by the Senate and those amendments have been agreed to by this House with further amendments, the bill as further amended shall be returned with a message desiring the concurrence of the Senate to those amendments;

(3) If any Senate amendment has been disagreed to by this House, the bill may be again sent to the Senate with a message desiring its reconsideration.

***Speaker and Clerk to Certify at Every Stage***

167. In whatever way this House shall dispose of a bill returned with amendments by the Senate, as above described, or after a bill has been amended by this House, the Speaker and the Clerk shall at every stage certify accordingly on the first page of the bill.

***Certificate when Returned to Senate***

168. When any amended bill has been passed by this House, with or without further amendments, it shall be returned to the Senate by message with the Clerk's certificate that "The House of Assembly agrees to the bill with (or without) further amendment" as the case may be, and the concurrence of the Senate shall be desired to such amendment if any.

***Further Proceedings***

169. In cases where the Senate -

- (a) disagrees to amendments made by this House; or,
- (b) agrees to amendments made by this House with amendment;

this House may,

- (c) as to (a) -
  - (i) insist, or not insist, on its amendment; or
  - (ii) make further amendments to the bill consequent upon the rejection of its amendments; or
  - (iii) propose new amendments as alternative to the amendments to which the Senate has disagreed; or
- (d) as to (b) -
  - (i) agree to the amendments by the Senate on its own amendments, with or without amendment, making consequential amendments to the bill if necessary; or
  - (ii) disagree to the amendments by the Senate and insist on its own amendments which the Senate has amended;

and a message shall be sent to the Senate to such effect as this House has determined.

***When Senate Amendments disagreed to, Reasons to accompany them.***

170. When a bill is returned to the Senate with any of the amendments made by the Senate on the amendments by this House, or with any of the amendments made by the Senate disagreed to, the message returning that bill shall also contain written reasons approved by this House, why it does not agree to the amendments proposed by the Senate.

**PART XIX**

**DISAGREEMENT BETWEEN SENATE  
AND HOUSE OF ASSEMBLY**

***Further Amendments***

171. If the Senate returns a bill with a message informing this House that it -

- (a) insists on its original amendments to which this House has disagreed;

- (b) disagrees to amendments made by this House on the original amendments made by the Senate; or
- (c) agrees to amendments made by this House on the original amendments made by the Senate with further amendments;

the matter shall be dealt with in accordance with the provisions of section 116 of the Constitution.

## PART XX

### COMMUNICATIONS BETWEEN SENATE AND HOUSE OF ASSEMBLY

#### *Modes of Communication*

172. Communication with the Senate may be by message or by sessional, portfolio or select committee having power to confer with a similar committee of the Senate or as a joint committee.

#### *How Messages to Senate Delivered*

173. Every message from this House to the Senate shall be in writing, or partly in writing and partly in print, and delivered by the Clerk without interrupting the business of the Senate during the sitting of both Houses of Parliament, unless this House shall otherwise order.

#### *How Messages from Senate Received*

174. (1) Whenever a message from the Senate shall be brought by the Clerk of that House, it shall be received at the bar of this House by the Clerk at any time while this House is sitting, or is in Committee of the whole House, without interrupting the business proceeding.

(2) If the Clerk be also the Clerk of the Senate the Clerk shall table the message and inform the Speaker that the message has been tabled.

#### *How Sessional or Select Committee to Confer and Report*

175. (1) A sessional, portfolio or select committee of this House shall not confer with any sessional, portfolio or select committee of the Senate without an order of this House.

(2) Except in regard to sessional committees, whenever any order as referred to in paragraph (1) has been made, that order shall be communicated by message to the Senate with a request that leave be given to a select or portfolio committee of the Senate to confer with a select or portfolio committee of this House.

(3) The proceedings of every conference between a select or portfolio committee of this House and a select or portfolio committee of the Senate shall be reported in writing to this House by its own select or portfolio committee and signed by the Chairman of that select or portfolio committee.

#### *Communication of Resolution to Senate*

176. It shall be in order at any time to move without notice that any resolution of this House be communicated by message to the Senate.

***Members and Officers not to Appear before Senate without Leave***

177. A Member or officer of this House shall not appear before the Senate or any committee of the Senate without leave of this House first had and obtained.

**PART XXI**

**MESSAGES FROM THE KING**

***How Messenger Received and Message Dealt With***

178. (1) Whenever a messenger from His Majesty the King is announced, the business before the House shall be suspended immediately and the messenger, who shall be introduced by the Sergeant at Arms shall deliver the message to the Clerk at the bar, whereupon the Clerk shall hand the message to the Speaker.

(2) The Speaker shall then read the message to the House and thereafter the messenger shall withdraw.

(3) If necessary, a day shall be fixed for taking the message into consideration, or motion may be made without notice to take it into consideration as soon as the business which was suspended by the arrival of the messenger has been concluded.

***When Minister Bearer of Message***

179. A message from His Majesty the King may be presented to the House by a Minister but not during a debate.

**PART XXII**

**ADDRESSES TO THE KING**

***How Proposed***

180. Addresses to His Majesty the King may be presented to the House by a Minister but not during a debate.

***Address to the King***

181. All things which the House shall have to offer to His Majesty the King shall be offered by way of respectful address, and all addresses shall be signed by the Speaker and the Clerk of the House.

***Presentation of Address***

182. Addresses to His Majesty shall be presented or forwarded by the Speaker, unless the House otherwise directs.

***When presented by Whole House***

183. When an address is ordered to be presented by the whole House, the Speaker, accompanied by Members, shall proceed to such place as His Majesty the King may appoint, and, being admitted to His Majesty the King's presence, the Speaker shall read the address to His Majesty.

*His Majesty's Reply*

184. His Majesty's answer to any address so presented by the whole House shall be reported by the Speaker to the House.

*How Messages acknowledged*

185. Every message from His Majesty to the House shall be acknowledged by an address of the House or in such other way as the House shall determine or be otherwise disposed of.

**PART XXIII**

**"STRANGERS"**

*Strangers*

186. "Strangers" may be present in the Chamber in the places set apart for them, but shall withdraw when called upon to do so by the Speaker or the Chairman of a Committee

*Power of the Sergeant-at-Arms with respect to Strangers*

187. The Sergeant-at-Arms shall remove, or cause to be removed, any "stranger" in any part of the Chamber or galleries set aside for the use of Members or Senators and also any "stranger" in any of the public galleries misconducting himself or not withdrawing when "strangers" are directed to withdraw.

*Withdrawal of Strangers*

188. (1) If at any sitting of the House, or in Committee of the whole House any Member takes notice that "strangers" are present, the Speaker or the Chairman shall forthwith put the question, "That Strangers be ordered to withdraw" without permitting any debate or amendment on that question.

(2) The Speaker or the Chairman may, whenever the Speaker or Chairman thinks fit, order the withdrawal of "strangers" from any part of the House.

**PART XXIV**

**ORDER IN HOUSE AND IN COMMITTEE**

*Maintenance of Order in House and in Committee*

189. Order shall be maintained in the House by the Speaker and in a committee by the Chairman, but disorder in a committee may only be censured in the House receiving a report.

*Disorderly Conduct – Power of Withdrawal*

190. (1) The Speaker or the Chairman may order a Member whose conduct is grossly disorderly to withdraw immediately from the House; and the Sergeant-at-Arms shall act upon such orders as he may receive from the Chair in pursuance of this Standing Order.

(2) A Member ordered to withdraw under this Standing Order shall do so forthwith, and shall, during the remainder of the day's sitting, be absent from the precincts of the House, except for the purpose of serving on any committee on a private bill.

(3) If on any occasion the Speaker or the Chairman deems that the powers conferred under this Standing Order are inadequate to deal with the offence, the Speaker or Chairman may, in accordance with the next succeeding Standing Order, either name such member or call upon the House to adjudge upon the conduct of the Member.

***Disorderly Conduct - Power of Suspension***

191. (1) If a Member is named by the Speaker or the Chairman immediately after the commission of the offence of disregarding the authority of the Chair, or of contravening the rules of the House by persistently and wilfully obstructing its business, then -

- (a) if the offence has been committed by a Member in the House, the Speaker shall forthwith put the question on a motion being made, without amendment, adjournment or debate being allowed, "That (naming him) be suspended from the service of the House".
- (b) if the offence has been committed in the Committee of the whole House, the Chairman shall forthwith suspend the proceedings of the Committee and report the circumstances to the House and the Speaker shall thereupon on a motion being made, put the same question as in (a) above, without amendment, adjournment or debate as if the offence has been committed in the House itself.

(2) A Member suspended shall forthwith quit the precincts of the House.

(3) Suspension of a Member does not exempt that Member from serving on any committee for the consideration of a private bill to which that Member has been appointed, but except for the purpose of so serving that Member shall be absent from the precincts of the House during the period of suspension.

(4) Not More than one Member shall be named at the same time unless several Members, present together, have jointly disregarded the authority of the Chair.

(5) If a Member, who has been suspended, refuses to obey direction of the Speaker, then the Sergeant-at-Arms shall act upon such orders as he may receive from the Chair.

(6) If any Member be suspended under this Standing Order, the suspension on the first occasion shall continue for one week, on the second occasion for a fortnight, and on the third or any subsequent occasion for one month.

(7) Where the Speaker receives from the Member so suspended a written and approved expression of regret which shall be entered in the Minutes of Proceedings, the Speaker shall lay it before the House and on motion made, forthwith put the question for the discharge of the order of suspension, without amendment or adjournment, whereupon if the question passes in the affirmative, the order shall be discharged and the Member re-admitted.

***Member to Withdraw while Conduct under Debate***

192. Every Member against whom any charge has been made, after having been heard, shall withdraw while such charge is under debate.

***Contempt***

193. (1) Any Member who willfully disobeys any lawful order of the House, or who willfully or vexatiously interrupts the orderly conduct of the business of the House, shall be guilty of contempt.

(2) Any Member guilty of contempt shall be committed to the custody of the Sergeant-at-Arms by order of the Speaker and be dealt with as the House may direct.

*Power of Speaker to Adjourn or Suspend sitting*

194. In the case of great disorder arising in the House, the Speaker may adjourn the House without question put, or suspend any sitting for a time to be named by him.

**PART XXV**

**CONTEMPT**

*Complaints against Newspapers*

195. Any Member complaining to the House of a statement in a newspaper as a breach of privilege, shall produce a copy of the newspaper containing the statement in question and be prepared to give the name of the printer or publisher, and also submit a substantive motion declaring the person in question to have been guilty of contempt.

*Fines Leviable*

196. The fines leviable under any Act providing for the Privileges of Parliament, for any offence mentioned in that Act as well as for each offence set forth in any Standing Order or any resolution of the House, shall in every case where a penalty is not stipulated in that Act or where in terms of that Act this House is required to determine the penalty, be determined by an order or resolution of the House, but such fine shall in no case exceed the sum of four thousand Emalangeni (E4000.00).

*Fines to be handed to Clerk*

197. All fines shall be paid to the Clerk for transmission to the Accountant-General on account of the Consolidated Fund.

*Fines Remitted and Persons Discharged on Order of House*

198. A fine ordered to be levied as aforesaid, or any portion of that fine may at any time on a further order of the House be remitted and the commitment of any person may be discharged before the conclusion of the session of Parliament on a like order.

**PART XXVI**

**CLERK OF THE HOUSE, RECORDS, ETC**

*Official Records*

199. All proceedings of the House, or in Committee shall be noted by the Clerk and the printed minutes and proceedings after being revised and signed by Clerk and perused by the Speaker shall constitute the official records of the House.

*Daily Circulation of Minutes etc*

200. The Minutes of Proceedings and the Order Paper shall be distributed to Members daily.

***Custody of Minutes Records, etc***

201. (1) The Clerk shall have the custody of all the Minutes, records and other documents belonging to the House and shall neither take nor permit to be taken any such minutes, records and other documents from the chambers or offices without the express leave or order of the House.

(2) In the event of the House being adjourned for any period longer than one week, such leave or order referred to in paragraph (1) may be given by the Speaker, who shall report accordingly to the House upon its re-assembling.

***Extracts of Tabled Papers***

202. (1) Every Member shall have access to and shall be entitled to take extracts from or make copies of all papers laid upon the Table.

(2) If the House has ordered that the contents of any paper laid upon the Table shall not be made public, or if such paper is marked as being confidential, the Member may not divulge such contents under pain of breach of privilege.

***Duties of Clerk***

203. The Clerk, to whom all correspondence shall be addressed, shall be responsible to the House through the Speaker for the regulation of all matters connected with the business of the House and shall have direction and control over all the officers and clerks employed by the House, subject to such orders as the Clerk may from time to time receive from the Speaker or the House.

***Publications***

204. Any publication of the House may be sold to the public at such reasonable price and at such place or places as the Speaker may decide upon.

**PART XXVII**

**MISCELLANEOUS**

***Suspension of Standing Orders***

205. (1) Any Standing or Sessional Order or Orders of the House, except such as relate to private bills, may be suspended upon motion made after notice.

(2) Notwithstanding the provisions of paragraph (1) the House may allow a motion referred to in paragraph (1) to be made by a Minister at any time without notice in a case of urgent necessity.

***Limitation of Suspension***

206. The suspension of Standing Orders is limited in its operation to the particular purpose for which such suspension is sought.

***In cases not Provided for Speaker to Decide***

207. In all cases not provided for in these Standing Orders, or by Sessional or other Orders, the

Speaker shall decide and may take as his guide parliamentary precedents of countries of the Commonwealth or of such other Parliaments as may in his opinion be applied to the proceedings of the House.

***Amendment of the Standing Orders***

208. Amendments to these standing orders shall be forwarded to the Standing Orders Committee and shall be adopted if they secure two-thirds majority votes of all members.

***Repeal of 1968 Standing Orders***

209. The Standing Orders of the House of Assembly, 1968, published under Legal Notice No. 52 of 1968, are hereby repealed.

**APPENDIX**

**FORM OF PETITION TO THE HOUSE OF ASSEMBLY  
(Standing Order No. 42)**

To the Honourable the Members of the House of Assembly in Parliament assembled. **The humble Petition of** (here insert names of Petitioners, together with the town or chiefdom or Inkhundla (Constituency) and Region wherein they reside, or if a great number of Petitioners, the petition of the inhabitants of.....or of John Mamba, carpenter, and Eighty (80) others etc).

**Respectively sheweth that** (here set forth the statement of grievance to be brought to the notice of the House).

**Wherefore your petitioners** (or petitioner) humbly pray (or prayeth) that the above Honourable House will be pleased to (the particular relief expected being here stated). And your petitioners, as in duty bound, will ever humbly pray.

(Signatures to follow immediately)

S121

LEGAL NOTICE NO. 12 OF 2007

THE PREVENTION OF CORRUPTION ACT, 2006  
(Act No. 3 of 2006)

DATE OF COMMENCEMENT (THE PREVENTION OF  
CORRUPTION ACT, 2006) NOTICE, 2007  
(Under Section 1)

In exercise of the powers conferred by Section 1 of the Prevention of Corruption Act, 2006, the Minister for Justice and Constitutional Affairs issues the following Notice -

***Citation***

1. This Notice may be cited as the Date of Commencement (The Prevention of Corruption Act, 2006) Notice, 2007.

***Date of Commencement of the Prevention of Corruption Act, 2006***

2. The Prevention of Corruption Act, 2006 shall come into force on the 1<sup>st</sup> February, 2007.

S. M. DLAMINI  
PRINCIPAL SECRETARY