



SWAZILAND GOVERNMENT GAZETTE

VOL. XLVI]

MBABANE, Friday FEBRUARY 22nd, 2008

[No. 14

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PUBLISHED BY AUTHORITY

NOTICE

Notice is hereby given that **I, Sam Ntosolo Mamba of Shiselweni Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Ntshangase** 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 **Ntshangase** is because it is my natural surname.

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

Etjedze Primary School
P.O. Box 278
Nhlangano

J166 4x29-02-2008

NOTICE

Notice is hereby given that **I, Petros Mduduzi Mbusiseni Masuku of Ebulekeni - Shiselweni Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Ndzinisa** 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 **Ndzinisa** is because it is my natural surname.

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

P.O. Box 48
Nhlangano

J131 4x22-02-2008

NOTICE

ESTATE LATE: JOSEPH JABULANE HLOPHE ESTATE NO. EL154/2007

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.

SIPHIWE PHILISIWE DLAMINI
P.O. Box 16
Siteki

J224 22-02-2008

NOTICE

Notice is hereby given that **I, Mfanawani Patrick Maphanga of Hhohho Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Mhlabane** 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 **Mhlabane** is because it is my natural surname.

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

Cetjwayo Primary School
P.O. Box 292
Piggs Peak

J160 4x29-02-2008

NOTICE

Notice is hereby given that **I, Lungile Faithful Simelane of Mbabala - Shiselweni Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Hlatshwayo** 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 **Hlatshwayo** is because it is my natural surname.

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

P.O. Box 350
Nhlangano

J170 4x29-02-2008

NOTICE

ESTATE LATE: VINCENT MBUSO XABA ESTATE NO. EM407/2007

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.

NCAMSILE DLAMINI
P.O. Box 5467
Mbabane

J225 22-02-2008

NOTICE

Notice is hereby given that **I, Bathokozile Samkelisiwe Mathabela of Phonjwane - Lubombo Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Hlanze** 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 **Lubombo Region** and in the government Gazette.

The reason I want to assume the surname **Hlanze** is because it is my natural surname.

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

P.O. Box 289
Malkerns

J179 4x07-03-2008

NOTICE

Notice is hereby given that **I, Bruce Sibusiso Nkambule of Manzini Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Els** 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 **Els** is because it is my natural surname.

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

P.O. Box 21
Piggs Peak

J194 4x07-03-2008

NOTICE

ESTATE LATE: ETHEL SIPHIWE DLAMINI ESTATE NO. EH310/2007

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 YVONNE SIMELANE
P.O. Box A247
Swazi Plaza
Mbabane

J226 22-02-2008

NOTICE

Notice is hereby given that we intend applying for the cancellation of an entry in the Deeds Office register relating to: Surety Mortgage Bond No.357/1988 dated the 1st day of July, 1988 for an amount of E740,000.00 (Seven Hundred and Forty Thousand Emalangeni) passed by **DOUBLE DIAMOND (PROPRIETARY) LIMITED** in favour of **SWAZILAND DEVELOPMENT AND SAVINGS BANK**.

Any person having objection to the cancellation of such entries in the Deeds Register 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 11th DAY OF FEBRUARY, 2008.

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

J202 2x22-02-2008

NOTICE

Notice is hereby given that we intend applying for the cancellation of an entry in the Deeds office register relating to Mortgage Bond No. 115/1958 dated the 28th day of October 1958 for an amount of E3 000.00 (Three Thousand Emalangeni) passed by **PHYLLIS DIAMOND** in favour of **MEDELENE MEEK**.

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

DATED AT MBABANE ON THIS THE 12TH DAY OF FEBRUARY, 2008.

ZONKE MAGAGULA & CO.
1st Floor, Bhunu Mall
Nkoseluhlaza Street
Manzini

J219 2x22-02-2008

NOTICE

ESTATE LATE: BONGANI MLUNGISI CHIYA ESTATE NO. EM124/2007

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.

MALUNGELO CANATUS SIKHUBA CHIYA
P.O. Box 814
Matsapha

J227 22-02-2008

NOTICE

Notice is hereby given that I, Eric Nsele Zwane of Lushikishini - Manzini Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Eric Musa Dlodlu 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 Eric Musa Dlodlu is because it is my natural surname.

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

P.O. Box 336
Mankayane

J249 4x14-03-2008

NOTICE

ESTATE LATE: JOHN NDABEZIMBI MAHLALELA ESTATE NO. EL182/2007

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.

MSOMBULUKO BHANYA MAHLALELA
P.O. Box 1
Simunye

J223 22-02-2008

NOTICE

ESTATE LATE: MICHAEL MTHENJWA NDLANGAMANDLA ESTATE NO. EM122/2007

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.

THEMBINKOSI NDLANGAMANDLA
P.O. Box 3929
Manzini

J231 22-02-2008

NOTICE

ESTATE LATE: BONSILE THABSILE ZIKALALA ESTATE NO. EM273/2007

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.

SIPHO NTONGO ZIKALALA
P.O. Box 25
Luve

J232 22-02-2008

NOTICE

ESTATE LATE: KENNETH NKULULEKO MASEKO ESTATE NO. EM307/2007

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.

SIZWE TOM MASEKO
P.O. Box 3149
Mbabane

J234 22-02-2008

NOTICE

ESTATE LATE: BONGANI SICELO KHUMALO ESTATE NO. ES81/2006

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.

PHINDILE LESSIAH KHUMALO NEE MKHONTA
P.O. Box 351
Nhlangano

J238 22-02-2008

NOTICE

**ESTATE LATE: NORAH NOMVULA MAVUSO NEE MKHONTA
ESTATE NO. ES194/2004**

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.

ELVIS SANDILE MAVUSO
P.O. Box 20
Luyengo

J239 22-02-2008

NOTICE

ESTATE LATE: BINDZILE MARGARET DLAMINI ESTATE NO. ES184/2007

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.

PAULOS MKHONTA DLAMINI
P.O. Box 70
Kubuta

J241 22-02-2008

NOTICE

ESTATE LATE: NOMTHANDAZO PATRICIA MDLULI ESTATE NO. EM473/2006

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.

BELLINAH MPHELELAPHI MDLULI
P.O. Box 2393
Manzini

J242 22-02-2008

NOTICE

ESTATE LATE: MAKHOSI LOZINGELA DLAMINI ESTATE NO. EH40/2007

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.

JULIANA THOKOZILE SHOYISA
P.O. Box 49
Mbabane

J243 22-02-2008

NOTICE

ESTATE LATE: REUBEN SABELO MLIPHA ESTATE NO. ES181/2005

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.

HAMILTON MLIPHA
P.O. Box 3244
Mbabane

J246 22-02-2008

NOTICE

ESTATE LATE: COSMOS ALGERNON GAMEDZE ESTATE NO. EM309/2006

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.

PATRICK V. GAMEDZE
P.O. Box 3626
Manzini

J247 22-02-2008

NOTICE

ESTATE LATE: BONGINKOSI JABULANE SIMELANE ESTATE NO. EH92/2006

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 Offices of the Master of the High Court of Swaziland at Mbabane and at the office of the Regional Administrator for the District of Hhohho for a period of Twenty One (21) days from the date of appearance of this notice.

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

ROBINSON BERTRAM
Attorneys for Executor/Executrix
P.O. Box 24
Mbabane

J237 22-02-2008

NOTICE

ESTATE LATE: LUCY PHINDILE NOBELA ESTATE NO. EM156/2005

Notice is hereby given in terms of Section 51 bis (1) of the Administration of Estates Act No. 28 of 1902 that the First and Final Liquidation and Distribution Account for the Estate Late: LUCY PHINDILE NOBELA will lie open for inspection at the Office of the Master of the High Court of Swaziland at Mbabane for a period of twenty one (21) days from the date of appearance of this Notice.

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

DATED AT MANZINI ON THIS 30TH DAY OF JANUARY, 2008.

CINDY SIMANGELE MSIBI
Executrix
C/O Masina Mazibuko and Company
Attorneys for the Estate
Office No. 10, Presidents Place
Meintjies Street
P.O. Box 592
Manzini

J221 22-02-2008

NOTICE

ESTATE LATE: ZEBLON LONDELA DLAMINI ESTATE NO. EM457/2007

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.

THEMBEKILE ALBERTINAH DLAMINI
P.O. Box 473
Bhunya

J228 22-02-2008

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 1936/2007

In the matter between:

NEDBANK (SWAZILAND) LIMITED

Plaintiff

and

MASTERPLAN INVESTMENTS (PTY) LIMITED
SHITABU SHYAMALA

1st Defendant
2nd 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 New High Court Building, Hospital Hill, Mbabane at 11:30a.m. on **FRIDAY** the 14th day of **MARCH, 2008**.

CERTAIN : Lot No. 1172 situate in Mbabane Extension No. 11 (Thembelihle Township) Mbabane Urban Area, District Hhohho, Swaziland;

MEASURING : 1458 (One Four Five Eight) Square Metres;

RESERVE PRICE : Without Reserve

IMPROVEMENTS : A Three Bedroom Dwelling House.

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

Further particulars may be obtained from the undersigned.

DATED AT MBABANE ON THIS THE DAY OF FEBRUARY, 2008.

LORRAINE HLOPHE
Sheriff of Swaziland
c/o Registrar of the High Court
Mbabane

J220 22-02-2008

NOTICE

ESTATE LATE: BEAUTY LAMKHOLO MATSEBULA ESTATE NO. ES27/2008

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.

LINDIWE O. B. MSIBI
P.O. Box 2399
Mbabane

J229 22-02-2008

NOTICE

ESTATE LATE: ELIAS NDAMASE SHONGWE ESTATE NO. EP74/2007

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.

SABELO SIMON SHONGWE
P.O. Box 37
Msahweni

J230 22-02-2008

NOTICE

ESTATE LATE: MORRIS DUMSANE NTSHINGILA ESTATE NO. ES25/2008

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.

SIPHIWE NOZIPHO NTSHINGILA
P.O. Box 296
Hlathikhulu

J233 22-02-2008

NOTICE

ESTATE LATE: ROSELINAH TSINI KUNENE ESTATE NO. EM58/2007

Debtors and Creditors in the above mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within twenty one (21) days after the date of publication of this Notice.

ELIZABETH NOMSA HLOPHE
P.O. Box 3232
Manzini

J235 22-02-2008

NOTICE

ESTATE LATE: ALEXINAH NOLICHWA NKAMBULE ESTATE NO. EM209/2007

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.

JAPHTER BOMBER NKAMBULE
P.O. Box 1150
Manzini

J236 22-02-2008

NOTICE

ESTATE LATE: ALBERT NANA NKOMO ESTATE NO. EH111/2007

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.

ALBERTINAH HAZEL NKOMO
P.O. Box 743
Mbabane

J240 22-02-2008

NOTICE

ESTATE LATE: DAVID DAN MASANGO ESTATE NO. EH132/2007

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.

THANDI MASANGO
P.O. Box 293
Mbabane

J244 22-02-2008

NOTICE

ESTATE LATE: SIBONGILE MILLICENT MAVIMBELA ESTATE NO. EM89/2006

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.

MBUSO SIMELANE &
PHATFWAYINKHOSI MNDZEBELE
P.O. Box 293
Mbabane

J245 22-02-2008

NOTICE

ESTATE LATE: BONGI GORDON DLAMINI ESTATE NO. EM36/2008^A

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.

WINNIE MAZIBUKO &
NOMATHAMSANQA T. DLAMINI
P.O. Box 876
Mbabane

J248 22-02-2008

NOTICE

ESTATE LATE: SIMON FANYANA TSABEDZE ESTATE NO. ES24/2005

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.

NONHLANHLA TSABEDZE
P.O. Box 650
Hlathikhulu

J250 22-02-2008

NOTICE

ESTATE LATE: VUSUMUZI MAGEBHU MSIBI ESTATE NO. EL164/2007

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.

BAGEZILE SIBONGILE MSIBI
P.O. Box 194
Siphofaneni

J252 22-02-2008

NOTICE

ESTATE LATE: MANDLA MFUNWA LUKHELE ESTATE NO. EM464/2007

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.

SAMUEL SIKHONDZE
P.O. Box 231
Malkerns

J253 22-02-2008

NOTICE

ESTATE LATE: JOHN MSAZWANE SIMELANE ESTATE NO. EH14/2008

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.

PHUMZILE SIMELANE
P.O. Box 23
Ntfontjeni

J255 22-02-2008

NOTICE

ESTATE LATE: SAM JOHN KHUMALO ESTATE NO. EM425/2004

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.

BANANA JOHANNES KHUMALO
P.O. Box 199
Malkerns

J251 22-02-2008

NOTICE

ESTATE LATE: NOKUTHULA DUDUZILE MAVUSO ESTATE NO. EH281/2007

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.

SIVE DAVID MOLEFE
P.O. Box 4349
Mbabane

J254 22-02-2008

NOTICE

ESTATE LATE: AARON DINGI DLAMINI ESTATE NO. EM187/2006

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.

NONHLANHLA K. DLAMINI
P.O. Box 54
Luyengo

J259 22-02-2008

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 434/07

In the matter between:

SWAZILAND DEVELOPMENT AND SAVINGS BANK

Plaintiff

and

DUMISAS ESTATE (PTY) LTD

Defendant

NOTICE OF SALE

NOTICE is hereby given that pursuant to a Writ of Execution issued in the above matter, the under-mentioned property will be sold by Public Auction by the Deputy Sheriff for the District of Lubombo, outside the Siteki Magistrate's Court, District of Lubombo, at **12:00 noon on Friday the 14th day of March, 2008.**

The property to be sold is:

CERTAIN : Portion 24 of Farm No. 69, situate in the District of Lubombo, Swaziland;

MEASURING : 398, 7514 (three ninety eight comma seven five one four) hectares;

HELD : By Defendant under Deed of Transfer No. 313/1980 dated the 11th day of December, 1980;

RESERVED PRICE : E3, 100,000.00 (Three Million One Hundred Thousand Emalangeni).

Conditions of Sale are available for inspection at the office of the Sheriff at the High Court of Swaziland, Mbabane

Further particulars may be obtained from the undersigned.

DATED AT MBABANE ON THIS THE 12TH DAY OF DECEMBER, 2007.

LORRAINE HLOPHE
Sheriff of Swaziland
c/o High Court of Swaziland
Mbabane

J256 22-02-2008

NOTICE

ESTATE LATE: PHINEAS SIPHO MSIBI ESTATE NO. EP111/2007

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.

PHUMZILE LINDIWE SHABANGU
P.O. Box 12
Mbabane

J258 22-02-2008

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 430/07

In the matter between:

SWAZILAND DEVELOPMENT AND SAVINGS BANK

Plaintiff

and

DUMISAS PROPERTIES LIMITED

Defendant

NOTICE OF SALE

NOTICE is hereby given that pursuant to a Writ of Execution issued in the above matter, the under-mentioned property will be sold by Public Auction by the Deputy Sheriff for the District of Lubombo, outside the Siteki Magistrate's Court, District of Lubombo, at **12:00 noon on Friday the 14th day of March, 2008.**

The property to be sold is:

CERTAIN : Remaining Extent of Farm No. 589 situate in the District of Lubombo, Swaziland;

MEASURING : 927, 6656 (Nine Twenty Seven comma Six Six Five Six) hectares;

HELD : By Defendant under Deed of Transfer No. 130/1979 dated 24th January, 1979;

RESERVED PRICE : E8, 000,000.00 (Eight Million Emalangeni).

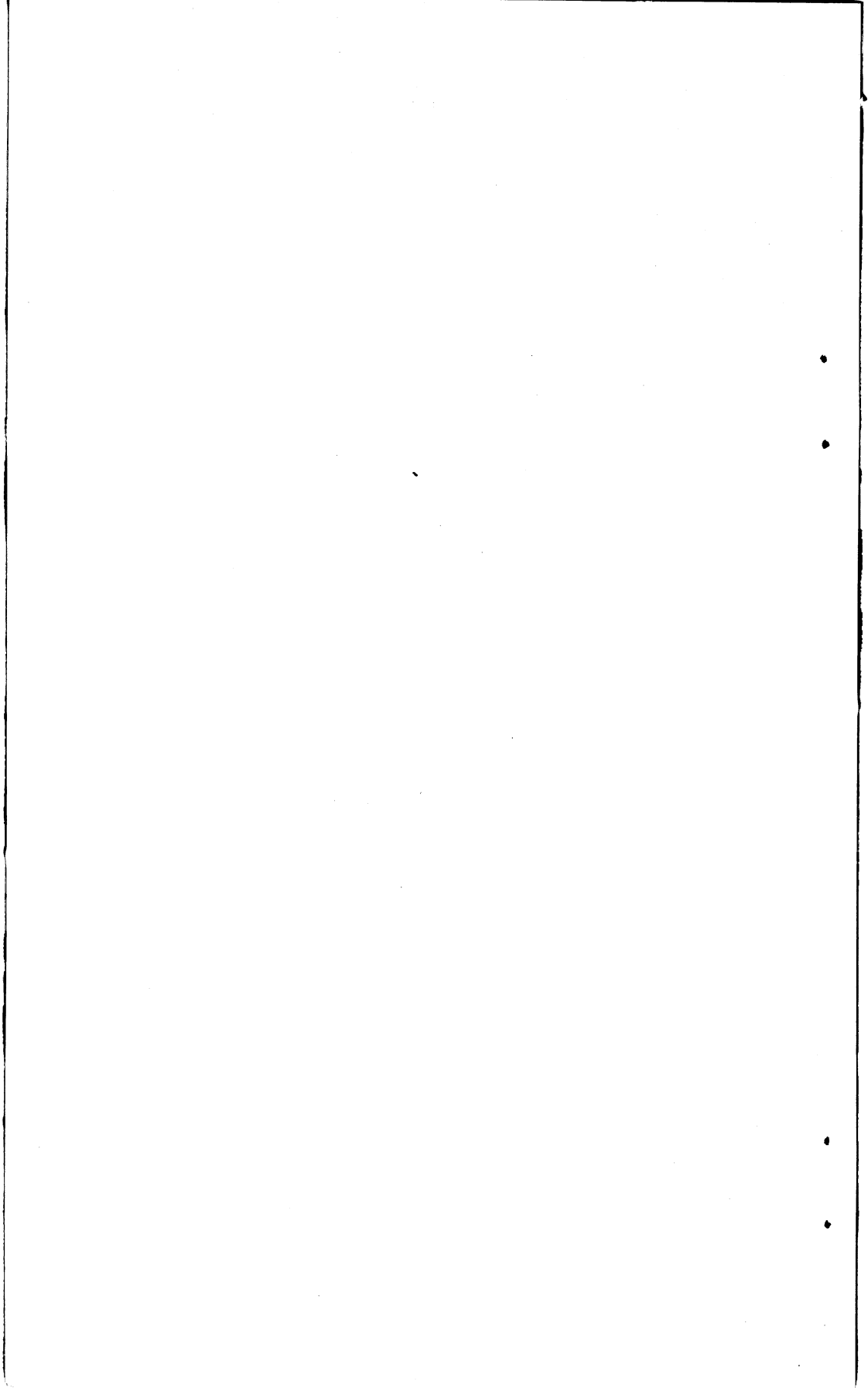
Conditions of Sale are available for inspection at the office of the Sheriff at the High Court of Swaziland, Mbabane.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE ON THIS THE 12TH DAY OF DECEMBER, 2007.

LORRAINE HLOPHE
Sheriff of Swaziland
c/o High Court of Swaziland
Mbabane

J257 22-02-2008



SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

VOL. XLVI]

MBABANE, Friday, FEBRUARY 22nd 2008

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PUBLISHED BY AUTHORITY

PART C

S1

LEGAL NOTICE NO. 18 OF 2008

THE COMMISSIONS OF ENQUIRY ACT, 1963
(Act No. 35 of 1963)

THE COMMISSION OF ENQUIRY TO INVESTIGATE THE USE
OF THE EDUCATION FUND FOR THE ORPHANED AND VULNERABLE
CHILDREN AND ALL FINANCIAL MATTERS INCIDENTAL THERETO
(EXTENSION OF TIME) NOTICE, 2008
(Under Section 3)

In exercise of the powers conferred by Section 3 of the Commissions of Enquiry Act, 2008, the Minister for Education issues the following notice -

Citation

1. This notice may be cited as the Commission of Enquiry to investigate the use of the Education fund for the Orphaned and Vulnerable Children and all Financial matters Incidental Thereto (Extension of Time), Notice 2008.

Extension of time

2. The period of operation of the Commission and the date at which it is to submit its report is extended from the 25th January, 2008 to the 25th February, 2008.

T. MSIBI
MINISTER FOR EDUCATION

LEGAL NOTICE NO. 19 OF 2008

THE PREVENTION OF CORRUPTION ACT, 2006
(Act No. 3 of 2006)

THE APPOINTMENT OF THE DEPUTY COMMISSIONER OF ANTI-
CORRUPTION COMMISSION - ADMINISTRATION NOTICE, 2008
(Under Section 4)

In exercise of the powers conferred by Section 4 of the Prevention of Corruption Act No. 3 of 2006, I **MSWATI III, KING AND INGWENYAMA** of Swaziland appoint -

LILLIAN XOLILE ZWANE

as Deputy Commissioner of the Anti Corruption Commission Administration for a period of four years with effect from the date of assumption of duty.

THUS SIGNED UNDER MY HAND AT LOZITHEHLEZI ON THIS 31ST DAY OF JANUARY, 2008.

MSWATI III
KING AND INGWENYAMA OF SWAZILAND

LEGAL NOTICE NO. 20 OF 2008

THE PREVENTION OF CORRUPTION ACT, 2006
(Act No. 3 of 2006)

THE APPOINTMENT OF THE DEPUTY COMMISSIONER OF ANTI-
CORRUPTION COMMISSION - INVESTIGATIONS AND ASSET
RECOVERY NOTICE, 2008
(Under Section 4)

In exercise of the powers conferred by Section 4 of the Prevention of Corruption Act No. 3 of 2006, I **MSWATI III, KING AND INGWENYAMA** of Swaziland appoint -

TEBOGO FRUHWIRTH

as Deputy Commissioner of the Anti Corruption Commission - Investigations and Asset Recovery for a period of four years with effect from the date of assumption of duty.

THUS SIGNED UNDER MY HAND AT LOZITHEHLEZI ON THIS 31ST DAY OF JANUARY, 2008.

MSWATI III
KING AND INGWENYAMA OF SWAZILAND

S3

LEGAL NOTICE NO. 21 OF 2008

THE PREVENTION OF CORRUPTION ACT, 2006
(Act No. 3 of 2006)

THE APPOINTMENT OF THE COMMISSIONER OF ANTI-CORRUPTION
COMMISSION, NOTICE, 2008
(Under Section 4)

In exercise of the powers conferred by Section 4 of the Prevention of Corruption Act No. 3 of 2006, I **MSWATI III, KING AND INGWENYAMA** of Swaziland appoint -

HARRIS MICHAEL MTEGHA

as Commissioner of Anti-Corruption Commission for a period of four years with effect from the date of assumption of duty.

THUS SIGNED UNDER MY HAND AT LOZITHEHLEZI ON THIS 31ST DAY OF JANUARY, 2008.

MSWATI III
KING AND INGWENYAMA OF SWAZILAND

LEGAL NOTICE NO. 22 OF 2008

THE INDUSTRIAL RELATIONS ACT, 2000
(Act No. 1 of 2000)

RULES OF CONDUCT OF PROCEEDINGS BEFORE THE
CONCILIATION, MEDIATION AND ARBITRATION
COMMISSION NOTICE, 2008
(Under Section 64)

In exercise of the powers conferred by Section 64 of the Industrial Relations Act, 2000, the Minister for Enterprise and Employment makes the following rules:-

Citation and Commencement

1. (1) These rules may be cited as the Rules of Conduct of Proceedings before the Conciliation, Mediation and Arbitration Commission Notice, 2008.
2. These rules shall come into force on the date of publication.

BERTRAM B. STEWART
PRINCIPAL SECRETARY
MINISTRY OF ENTERPRISE AND EMPLOYMENT

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PART A

Interpretation

- 2. In these rules, unless the context otherwise requires -

“**Act**” means the Industrial Relations Act Number 1 of 2000, as amended;

“**Arbitration**” means the process provided for under Part VIII of the Act;

“**Arbitrator**” means a person who is appointed to arbitrate a dispute under the Act and these rules;

“**Commission**” means the Conciliation, Mediation and Arbitration Commission established under section 62 of the Act;

“**Commissioner**” means a person who is recruited or appointed under the Act to resolve a dispute;

“**Conciliation**” means the process of settling disputes under Part VIII of the Act and Part C of these rules;

“**Court**” means the Industrial Court established under section 6 of the Act including any Judge of the Industrial Court;

“**CMAC Day**” means any day other than a Saturday, Sunday or Public Holiday, and only CMAC days shall be included in the computation of any time expressed in days by these rules or fixed by any order of Court.

“**dispute**” means a dispute as defined in section 2 of the Act;

“**deliver**” means serve on other parties and file with the Commission;

“**Executive Director**” means the Executive Director of the Commission appointed in terms of section 67 of the Act, and includes any person delegated by the Executive Director to perform any of the functions of the Executive Director;

“file” means to lodge with the Commission in terms of rule 10;

“month” means a period commencing on any day in a calendar month and expiring on the day preceding the corresponding date in the succeeding calendar month;

“party” means any party to proceedings before the Commission;

“public holiday” means any day declared as such by publication in the Government Gazette;

“rules” means these rules;

“serve” means to serve in accordance with rule 8 and “service” has a corresponding meaning.

Application of the rules

3. These Rules shall apply to any matters or proceedings which are brought before the Commission under the Act or any other law which gives the Commission the jurisdiction to deal with that matter or proceedings.

Purposes

4. (1) The purposes and objectives of these Rules are to -

- (a) promote fairness and equity in the practice and conduct of proceedings before the Commission;
- (b) provide a mechanism and procedure for the speedy resolution of conflicts in labour relations;
- (c) ensure compliance with the provisions of the Act;
- (d) ensure uniformity in the practice and conduct of proceedings before the Commission;
- (e) provide a clear procedure of dealing with the Commission;
- (f) provide for a clear procedure of dealing with matters and proceedings before the Commission.

PART B **SERVING AND FILING DOCUMENT**

How to contact the Commission

5. (1) The addresses, telephone and telefax numbers of the offices of the Commission are listed in the first schedule.

(2) Documents may only be filed with the Commission at those addresses or telefax numbers.

Opening hours of the offices of the Commission

6. (1) The head office in Mbabane and all the regional offices of the Commission in Nhlanguano. Mbabane and Manzini will be open every day from Monday to Friday, excluding public holidays, between the hours of 08h00 and 16h45, or as determined by the Commission, except that on Fridays they shall close at 16h30.

(2) The offices of the Commission in Siteki will be open every day from Monday to Friday, excluding Wednesday and public holidays, between the hours of 08h00 and 16h45, or as determined by the Commission, except that on Fridays they shall close at 16h30.

(3) The offices of the Commission in Piggs Peak and Matsapha will be open on Tuesday and Thursday excluding public holidays, between the hours of 08h00 and 15h00, or as determined by the Commission.

(4) The dispute reporting offices of the Commission in Mbabane and Manzini will be open every day from Monday to Friday, excluding public holidays, between the hours of 08h00 and 16h45, or as determined by the Commission, except that on Fridays they shall close at 16h30.

(5) Documents may only be filed with the Commission during the hours referred to in sub-rules (1), (2), (3) and (4).

(6) Notwithstanding sub-rule (5), documents may be telefaxed at any time to the Commission.

How to calculate time periods

7. (1) For the purpose of calculating any period of time in terms of these rules -

(a) a day means any day of the week excluding Saturday, Sunday, a public holiday and the period during the month of December of the current year and January in the following year during which period all the offices of the Commission will be officially closed as determined by the Commission for the end of the year save for a standby team to attend to emergency issues.

(b) the first day is excluded and the last day is included, subject to sub-rule (2).

(2) The last day of any period shall be excluded if it falls on a Saturday, Sunday, public holiday or any day during the month of December in the current year and January in the following year during which period the offices of the Commission will be officially closed as determined by the Commission for the end of the year.

How to serve documents

8. (1) A party shall serve a document on the other party or parties to the dispute -

(a) by handing a copy of the document to -

(i) the person if that person is a party to the dispute;

(ii) a person authorized in writing to accept service on behalf of a party to the dispute;

(iii) a person who appears to be at least sixteen (16) years old and in charge of a party's place of residence, business or employment;

(b) by telefaxing a copy of the document to that party;

(c) by sending a copy of the document by registered post or telegram to the last-known address of the party or to an address chosen by the party to receive service.

(2) Notwithstanding rule (1) above the Commission may order service in a manner other than provided for in these rules.

Proof of service

9. (1) A party shall prove to the Commission or a commissioner that a document was served in terms of these rules, by providing the Commission or a commissioner:

- (a) with a copy of proof of mailing the document by registered post to the other party;
- (b) with a copy of the telegram communicating the document to the other party;
- (c) with a copy of the telefax transmission report indicating the successful transmission to the other party of the whole document; or
- (d) if a document was served by hand -
 - (i) with a copy of a receipt, form 1, signed by or on behalf of, the other party clearly indicating the name and designation of the recipient and the place, time and date of service; or
 - (ii) with a statement confirming service made under oath and signed by the person who delivered a copy of the document to the other party or left it at any premises.

(2) If proof of service is provided in accordance with sub-rule (1), it is presumed that the party on whom it was served has knowledge of the contents of the document.

(3) The Commission or a commissioner may accept proof of service in a manner other than prescribed in these rules, as sufficient if in the opinion of the Commission or commissioner it meets the requirements of proof of service.

How to file documents with the Commission

10. (1) A party shall file documents with the Commission -

- (a) by handing the document in at any office of the Commission;
- (b) by sending a copy of the document by registered post to the Commission; or
- (c) by telefaxing the document to the Commission.

(2) A document is filed with the Commission when -

- (a) the document is handed to the office of the Commission and the official stamp of the Commission affixed thereon confirming receipt of the document;
- (b) a document sent by registered post is received by the Commission; or
- (c) the transmission of a telefax is completed.

Documents and notices sent by registered post

11. A document sent by registered post is presumed to have been received by the person to whom it was sent ten days after it was posted, unless the contrary is proved.

PART C
CONCILIATING DISPUTES

How to report a dispute to the Commission for conciliation

12. (1) A party shall report a dispute to the Commission for conciliation by completing the prescribed report to dispute form and serving it on the Commission. The report of dispute form is form 1 and in the case of organizations under essential services form 16.

(2) The Commission may assist a party to complete the form.

(3) The referring party shall -

(a) sign the report of dispute form;

(b) attach written proof, that the report of dispute form was served on the other party or parties to the dispute in accordance with Rule 8; and

(c) attach written proof of the dispute where such exists.

(4) If there is more than one party to the dispute the details of the other parties shall be attached to the report of dispute form on a separate sheet stating their full names, addresses, contact numbers and the capacity upon which they are cited in the report of dispute.

(5) The Commission shall refuse to accept a referral until sub-rule (3) has been complied with.

What the Commission does upon receipt of a report of dispute

13. (1) Upon receipt of a report of dispute by a party the Commission may -

(a) request further particulars of any of the matters referred to in the report of dispute;

(b) in so far as suitable internal procedures for settling the disputes which exist between the parties have not been followed, refer the dispute back to the parties for those procedures to be followed; or

(c) reject the report if it is frivolous, vexatious or time wasting.

(d) acknowledge and accept the report of dispute.

(2) If the Commission requests further particulars under sub-rule (1)(a) -

(a) the further particulars shall be supplied by the party reporting the dispute within a period of fourteen (14) days after being so requested by the Commission;

(b) the Commission may extend such a period if reasonable circumstances exist for the party not being able to provide such further particulars within the stipulated period;

(c) the dispute shall be treated as reported only on the date on which the particulars are supplied; and

(d) the particulars shall be read as one with the matters reported under rule 12.

(3) If the Commission refers the dispute back to the parties under sub-rule (1)(b) the dispute shall only be treated as reported on the date that either of the parties again reports the dispute to the Commission.

(4) The Commission may again refer a dispute back to the parties if it is still convinced that internal procedures for settling the dispute as exist between the parties have still not been followed. The dispute may not be referred to the Commission until such procedures have been followed or reasonable steps have been taken by the party reporting the dispute to follow these procedures.

(5) If the Commission acknowledges and accepts a report of dispute under sub-rule (1)(d) from a party reporting a dispute the Commission shall -

- (a) appoint a commissioner within a period of four (4) days of receipt of the report of dispute who shall attempt to resolve the dispute through conciliation;
- (b) the appointed commissioner shall attempt to resolve the dispute within a period of twenty-one (21) days from the date of appointment;
- (c) Notwithstanding sub-rule (5)(b) parties to a dispute may, if they agree, extend the 21 days conciliation period for any reasonable period agreed between them by completing form 3; and
- (d) The extension referred to in sub-rule (5)(c) shall be limited to two extensions at the instance of any one party to the dispute and that if more than two extensions are to be granted such will be at the discretion of the commissioner considering all the circumstances of the case.

Conciliation notice

14. (1) The Commission shall give the parties at least seven (7) days notice in writing of a conciliation hearing, unless the parties agree to a shorter period of notice.

(2) The notification to attend a conciliation hearing shall be in the manner in form 2.

How to postpone a conciliation

15. (1) The Commission may postpone a conciliation without the parties appearing if -

- (a) all the parties to the dispute agree in writing to the postponement; and
- (b) the written agreement for the postponement is received by the Commission more than four (4) days prior to the scheduled date of the conciliation; and

(2) Any party may apply to postpone a conciliation by completing the prescribed application for postponement form and serving it on the other party or parties to the dispute and filing the original copy with the Commission at least four (4) days before the scheduled date of the conciliation.

(3) The conciliator shall only postpone a conciliation in special circumstances such as -

- (a) if there is good reason to do so;
- (b) the parties to the dispute are not unduly prejudiced as a result; or

(c) there are prospects that the dispute may be settled as a result of the postponement.

(4) Notwithstanding sub-rule (1), (2) and (3), the Commission or commissioner shall not allow more than two postponements at the instance of any one party to the dispute.

Commission may seek to resolve dispute before and after a conciliation hearing

16. (1) The Commission or a commissioner may contact the parties by telephone or by other means, prior to the commencement of the conciliation in order to seek to resolve the dispute.

(2) The commissioner appointed to resolve the dispute may contact the parties by telephone or by other means, after a certificate has been issued indicating that the dispute is not resolved, in order to assist in resolving the dispute.

Representation at conciliation

17. (1) It is mandatory that a party be personally present at the conciliation of a dispute involving that party irrespective of whether that party is represented or not.

(2) A party to a dispute may appear in a person or be represented only by a -

(a) member, office bearer or an official of that party's organization; or

(b) co-employee if the party to the dispute is an employee; or

(c) director or employee of a juristic person, if the party to the dispute is such a body.

(3) Notwithstanding sub-rule (2), a party may be represented by any other person in a conciliation if this is agreed between the parties to the dispute.

(4) If a party to the dispute objects to the representation of another party to the dispute or to the commissioner suspects that the representative of a party does not qualify in terms of this rule, the commissioner shall determine the issue.

(5) The commissioner may call upon the representative to establish why the representative should be permitted to appear in terms of this rule.

(6) A representative shall tender any documents requested by the commissioner in terms of sub-rule (5), including constitutions, payslips, contracts of employment, documents, and forms, recognition agreements and proof of membership of a trade union or employer's organization.

What happens if a party fails to attend or is not represented at conciliation

18. (1) If a party is not present at the date and time advised by the Commission for the commencement of the conciliation, the commissioner shall first be satisfied that the party was properly notified of the conciliation.

(2) Once the Commissioner is satisfied that the party was properly notified, the commissioner shall wait for at least a period of 30 minutes from the scheduled time for the conciliation to give the absent party an opportunity to arrive.

(3) If the party does not arrive after this period and the dispute concerns the application to any employee of existing terms and conditions of employment or the denial of any right applicable to any employee in respect of dismissal, employment reinstatement or re-engagement, the commissioner may -

- (a) by completing the prescribed rejection of dispute form which is form 11; and
- (b) at the request of the applicant may automatically refer the matter to arbitration, prescribe over it and grant a default judgement against any other party that fails to attend by completing the prescribed default judgment form which is form 6.

(4) If the party does not arrive after this period and the dispute concerns matters other than those referred to in sub-rule (3), the commissioner may, at the request of a party in attendance -

- (a) issue a certificate stating that the dispute has not been resolved; or
- (b) extend the period contemplated for conciliation by up to twenty-one (21) days.

What shall happen at the end of the conciliation

19. (1) At the end of any conciliation, the commissioner shall -

- (a) issue a certificate of outcome, form 12, of the conciliation stating whether the dispute was rejected, resolved, unresolved or referred to arbitration, whichever the case may be, irrespective whether both parties attend or not;
- (b) where the dispute is rejected the Commissioner shall give precise reasons stating why the dispute was rejected by completing form 11 and lodge the original with the Commission soon after the conciliation; or
- (c) if at the end of the conciliation the dispute between the parties is resolved the commissioner has to assist the parties prepare a memorandum of agreement, form 4, which shall set out the terms upon which the agreement was reached.

(2) The memorandum of agreement shall be signed by all the parties to the dispute or their authorized representatives and witnessed by the commissioner immediately after the agreement is reached and the commissioner shall then lodge the original of the memorandum of agreement with the Commission.

(3) The Commission shall lodge the memorandum of agreement with the Court at least within a period of thirty (30) days after it was lodged with the Commission by the commissioner through any procedure which may be agreed between the Commission and the Court for lodging such memorandums of agreement.

(4) If the dispute remains unresolved after conciliation the commissioner shall issue a certificate of unresolved dispute, form 5, within seven days after the dispute is declared an unresolved dispute stating that the dispute was not resolved after conciliation.

(5) The commissioner shall give a copy of the certificate of unresolved dispute to each of the parties to the dispute and lodge the original of the certificate with the Commission.

Conciliation proceedings may not be disclosed

20. (1) Conciliation proceedings are private and confidential and are conducted on a without prejudice basis. A person shall not refer to anything said at conciliation proceedings during any subsequent proceedings, unless the parties agree in writing.

(2) A person, including a commissioner, shall not be called as a witness during any subsequent proceedings in the Commission or any court to give evidence about what transpired during conciliation.

(3) Notwithstanding sub-rule (2), a person, including a commissioner, may be called as a witness during any subsequent proceedings in the Commission to give evidence strictly into any question regarding the manner in which the conciliation was conducted and not the merits of the the dispute.

(4) For the purpose of sub-rule (2) subsequent proceedings shall not include any subsequent conciliation proceedings of the dispute.

PART D
ARBITRATING DISPUTES

Referral of disputes to arbitration

21. (1) If a dispute remains unresolved after conciliation, and a certificate of unresolved dispute has been issued by the commissioner under rule (19(4), the parties to the dispute may, if they agree, request the Commission to arbitrate the dispute.

(2) If the parties agree to have the dispute arbitrated by the Commission the parties shall -

(a) complete form 8 which has to be signed by all the parties to the dispute or their authorized representative; and

(b) the parties shall then submit the request for arbitration form to the office of the Commission where the dispute was conciliated.

(3) The Commission shall appoint a Commissioner to arbitrate the dispute within a period of four (4) days of receipt of the request for arbitration form.

(4) The commissioner who is appointed by the Commission to arbitrate the dispute shall complete the arbitration within a period of forty-five (45) days of his appointment and his arbitration award shall be issued within a period of thirty (30) days after the arbitration proceedings were completed, provided that the parties may agree to a longer period.

(5) The Commission shall refuse to accept a request for arbitration until sub-rule (2) has been fully complied with.

When parties may be directed to file statements

22. (1) The Commission or a commissioner may direct -

(a) the referring party in an arbitration to file a statement of case within a specified time period; and

(b) the other parties to file an answering statement within a specified time period.

(2) A statement in terms of sub-rule (1) shall -

- (a) set out the material facts upon which the party relies and the legal issues that arise from the material facts;
- (b) be filed within the time-period specified by the Commission or commissioner.

Pre-arbitration conference

23. (1) The parties to an arbitration may, at the discretion of the commissioner, be directed to hold a pre-arbitration conference dealing with the matters referred to in sub-rule (2).

(2) In a pre-arbitration conference, the parties shall attempt to reach consensus on the following -

- (a) any means by which the dispute may be settled;
- (b) the facts which are agreed between the parties;
- (c) the facts which are in dispute between the parties;
- (d) the issues that the Commission is required to decide;
- (e) the precise relief claimed and if compensation is claimed, the amount of the compensation and how it is calculated;
- (f) the sharing and exchange of relevant documents, and the preparation of a bundle of documents in chronological order with each page numbered;
- (g) the manner in which documentary evidence is to be dealt with, including any agreement on the status of the documents and whether documents, or parts of documents, will serve as evidence of what they appear to be;
- (h) whether evidence on affidavit will be admitted with or without the right of any party to cross-examine the person who made the affidavit;
- (i) which party must begin;
- (j) the necessity of any on the spot inspection;
- (k) securing the presence at the Commission of any witness;
- (l) the resolution of any preliminary points that are intended to be taken;
- (m) the exchange of witness statements;
- (n) expert evidence;
- (o) any other means by which proceedings may be shortened;
- (p) an estimate of the time required for the hearing;
- (q) the right of representation;
- (r) whether an interpreter is required and, if so, for how long and for which languages.

(3) Unless a dispute is settled, the parties shall, with the assistance of the Commission where such is required, draw up and sign a minute setting out the facts on which the parties agree or disagree.

(4) A minute in sub-rule (3) may also deal with any other matter listed in sub-rule (2).

(5) Unless the pre-arbitration conference was facilitated by the Commission, the referring party shall ensure that a copy of the pre-arbitration conference minute is delivered to the appointed commissioner as soon as possible after the pre-arbitration conference but not later than five (5) days after the conclusion of the pre-arbitration conference.

(6) The commissioner may, after receiving the pre-arbitration minute -

- (a) enroll the matter for arbitration;
- (b) direct the parties to hold a further pre-arbitration conference; or
- (c) make any other direction to the parties concerning the conduct of the arbitration.

Notice of arbitration

24. The Commission shall give the parties at least fourteen (14) days notice in writing of an arbitration hearing, unless the parties agree to a shorter period.

How to postpone an arbitration

25. (1) The Commission may postpone an arbitration without the parties appearing if -

- (a) all the parties to the dispute agree in writing to the postponement; and
- (b) the written agreement for the postponement is received by the Commission more than seven (7) days prior to the scheduled date of the arbitration; and
- (c) there are compelling reasons to postpone.

(2) Any party may apply to postpone an arbitration, by completing form 14 and serving a copy on the other party or parties to the dispute and filing the original copy with the Commission at least seven (7) days before the scheduled date of the arbitration.

(3) The arbitrator may only postpone a hearing in special circumstances such as -

- (a) there is good reason to do so; or
- (b) the parties to the dispute are not unduly prejudiced as a result.

Representation at arbitration

26. In any arbitration proceedings, a party to a dispute shall appear in person or be represented by any person of that party's choice.

What happens if a party fails to attend or is not represented at an arbitration hearing

27. (1) If a party to a dispute fails to attend an arbitration hearing or is not represented at an arbitration, and the commissioner is satisfied that the party not in attendance or not represented was properly notified of the arbitration hearing, and that there is no just and reasonable explanation

for that party's failure to attend or non-representation, the commissioner may -

- (a) dismiss the matter, if the party who referred the dispute to the Commission fails to attend the hearing or is not represented.
- (b) proceed to arbitrate the dispute in the absence of that party, if the party against whom relief is sought fails to attend the hearing or is not represented.

Conciliation during arbitration

28. An arbitrator may conciliate the dispute at any time during the arbitration proceedings, if the parties to the dispute agree.

PART E

RULES THAT APPLY TO CONCILIATIONS AND ARBITRATIONS

How to bring an application

30. (1) This rule applies to the following applications brought in terms of these rules.

- (a) applications for joinder;
 - (b) applications for substitution;
 - (c) applications to correct the citation of a party;
 - (d) applications for rescission or variation;
 - (e) applications to consolidate disputes; or
 - (f) application for the reversal of a decision to reject a dispute;
- (2) An application shall be brought on notice to all persons who have an interest in the application using form 7 and including affidavits.
- (3) The party bringing the application shall -
- (a) sign the application;
 - (b) serve a copy of the application, including any attachments on all persons who have an interest in the application;
 - (c) file the original application with the Commission within fourteen (14) days of knowledge of the issue giving rise to the application; and
 - (d) attach written proof that the application was served on the other party or parties to the dispute in accordance with rule 9.
- (4) Any parties opposing the application shall -
- (a) complete the relevant sections of the prescribed form, including answering affidavits;
 - (b) serve a copy of the completed form on the party bringing the application;

(c) file the original completed form with the Commission within seven (7) days of receipt of the copy of the application; and

(d) attach written proof that the answering affidavit was served on the other party or parties to the dispute in accordance with rule 9.

(5) On receipt of the copy of the application completed by the party opposing the application, the party bringing the application may file a replying affidavit, on the prescribed form with the Commission within four (4) days.

(6) The replying affidavit shall address only issues raised in the answering affidavit and may not introduce new issues of fact or law.

(7) The affidavit on the prescribed form shall clearly and concisely set out -

(a) the names, description and addresses of the parties;

(b) a statement of the material facts, in chronological order, on which the application is based, in sufficient detail to enable any person opposing the application to reply to the facts;

(c) a statement of legal issues that arise from the material facts, in sufficient detail to enable any party to reply to the document;

(d) if the application is filed outside the relevant time period, grounds for condonation; and

(e) if the application is brought urgently, the circumstances why the matter is urgent and the reasons why it cannot be dealt with in accordance with the time frames prescribed in these rules.

(8) The Commission may permit the affidavits referred to in this rule to be substituted by a written statement.

(9) In an urgent application, the Commission may -

(a) dispense with the requirements of this rule; and

(b) only grant an order against a party that has had reasonable notice of the application.

(c) The Commission may allocate a date for a hearing of the application once a replying affidavit is delivered or once the time limit for delivering a replying affidavit has lapsed, whichever occurs first;

(d) The Commission shall notify the parties of the date, time and place of the hearing of the application.

(10) Despite this rule, the Commission may determine an application in any manner it deems fit.

How to join or substitute parties to proceedings

30. (1) The Commission or a commissioner may join any number of persons as parties in proceedings, if the right to relief depends on substantially the same question of law or fact.

(2) A commissioner may make an order joining any person as a party in the proceedings if the party to be joined has a substantial interest in the subject matter of the proceedings.

(3) A commissioner may make an order in terms of sub-rule (2) -

(a) of the commissioner's own accord;

(b) on application by a party in terms of rule 29; or

(c) if a person entitled to join the proceedings applies at any time during the proceedings to intervene as a party.

(4) An application to join any person as a party to proceedings or to be substituted for an existing party shall be accompanied by copies of all documents previously delivered, unless the person concerned or that persons representative is already in possession of the documents.

(5) Subject to any order made in terms of sub-rules (2) and (3), a joinder or substitution in terms of this rule shall not affect any steps already taken in the proceedings.

How to correct the citation of a party

31. Any party to proceedings in which a party has been incorrectly or defectively cited, may make application to the Commission to correct the error or defect by using rule 29.

When the Commission may consolidate disputes

32. The Commission or a commissioner, of its own accord or on application, may consolidate more than one dispute so that the disputes may be dealt with in the same proceedings.

Disclosure of documents

33. Any party may request the commissioner to make an order requiring any other party to the dispute to disclose all relevant documents.

**PART F
RECISSION AND VARIATION**

How to apply to rescind default judgments and the rejection of disputes

34. (1) A party whose dispute has been rejected or against whom a default judgment has been awarded, may apply to the Executive Director of the Commission to have the rejection or default judgment rescinded by using rule 29.

(2) The Commission may not accept an application for rescission or application for the reversal of a decision to reject a dispute until the provisions of rule 29 have been complied with.

(3) The Commission may upon receipt of an application fo rescission;

(a) rescind or not rescind the rejection or default judgment without inviting the parties to appear before the Commission; or

(b) invite the parties by notification to appear before it on a date to be determined by the Commission to make representations as to why the rejection or default judgment should or should not be rescinded.

(4) In event that the Commission invites the parties to appear before it to make representations in terms of sub-rule (3)(b), the Commission shall give the parties at least seven (7) days notice.

(5) (a) If a party fails to appear before the Commission when invited to do so in terms of sub-rule (4), the Commission may proceed and make any decision which it deems appropriate under the circumstances.

(b) the Commission shall first be satisfied that the party who fails to appear before it was properly notified of the application.

(6) The decision of the Commission to rescind or not to rescind a rejection or a default judgement, shall be final.

(7) If the rejection or default judgment is rescinded the Commission shall proceed and conciliate or arbitrate the dispute as the case may be. If the dispute proceeds to conciliation, the twenty-one (21) day conciliation period stipulated under section 81(1) of the Act shall be calculated from the date the rejection or default judgment was rescinded.

How to apply to vary or rescind an arbitration award

35. (1) An arbitration award may be varied or rescinded if -

(a) the award was erroneously sought or erroneously made in the absence of any party affected by the award;

(b) it is ambiguous or contains an obvious error or omission, but only to the extent of that ambiguity, error, or omission; or

(c) it was made as a result of a mistake common to the parties to the proceedings.

(2) A party to a dispute who intends to have an arbitration award varied or rescinded may make an application to have the award varied or rescinded within a period of fourteen (14) days after the that party has knowledge of the arbitration award using the provisions of rule 29.

(3) The Commission may refuse to accept an application for variation or rescission until sub-rule (2) has been complied with.

(4) The Commission may upon receipt of an application for variation or rescission -

(a) vary or rescind the award, or not vary or rescind the award without inviting the parties to appear before the Commission; or

(b) invite the parties by notification to appear before it on a date to be determined by the Commission to make representations as to why the award should or should not be varied or rescinded.

(5) In the event that the Commission invites the parties to appear before it to make representations in terms of sub-rule (4)(b), the Commission shall give the parties at least seven (7) days notice.

(6) If a party fails to appear before the Commission when invited to do so in terms of sub-rule (4), the Commission may proceed and make any decision which it deems appropriate under the circumstances provided it is satisfied that the party who fails to appear before it was properly notified of the application.

(7) The decision of the Commission to vary or rescind or not to vary or rescind an arbitration award, shall be final.

**PART G
GENERAL**

Applicants without postal addresses and telefax numbers

36. (1) An applicant who intends to refer a dispute to the Commission and who does not have a postal address or telefax number shall hand deliver the report of dispute form to the Commission.

(2) If a report of dispute form is hand delivered by an applicant without a postal address or telefax number, the Commission shall provide the applicant with a case number and written instructions to contact the Commission by telephone or in person, within seven days of the date of referral, in order for the Commission to notify the applicant of the details of the hearing.

(3) The administrator who notifies the applicant of the hearing in terms of sub-rule (2) shall record on the case file and on the case management system that the applicant has been notified of the details of the hearing.

(4) The record made in terms of sub-rule (3) shall constitute proof that the applicant was notified of the hearing.

Condonation for failure to comply with the rules

37. (1) The Commission or a commissioner may condone any failure to comply with the time frames in these rules, on good cause shown.

(2) The Commission may consider the following factors in determining whether condonation should be granted -

- (a) the degree of lateness;
- (b) the reasons for the late application;
- (c) the prospects of success of the application; and
- (d) the prejudice to the parties.

Recordings of Commission proceedings

38 (1) The Commission shall keep a record of -

- (a) any evidence given in an arbitration hearing;
- (b) any sworn testimony given in any proceedings before the Commission; and
- (c) any arbitration award or ruling made by a commissioner.

(2) The record may be kept by legible hand-written notes or by means of an electronic recording.

(3) A party may request a copy of the transcript of a record or a portion of a record kept in terms of sub-rule (2), on payment of the costs of the transcription.

(4) After the person who makes the transcript of the record has certified that it is correct, the record shall be returned to the Commission.

(5) The transcript of a record certified as correct in terms of sub-rule (4) is presumed to be correct, unless the Industrial Court decides otherwise.

How to have a subpoena issued

39. (1) Any party who requires the Commission or a commissioner to subpoena a person in terms of section 64(5)(a) or section 64(5)(b) of the Act, shall file a completed subpoena form, requesting a subpoena together with a written motivation setting out why the evidence of the person to be subpoenaed is necessary.

Issues of protest action

40. Where the Commission is chosen as the mechanism to assist parties to resolve issues of protest action it may dispense with any of the relevant rules to ensure that the matter is handled in a manner that fits its magnitude and urgency.

Intervention by the Commissioner of Labour

41. Where the Labour Commissioner intervenes in a matter between parties in terms of the Industrial Relations Act and refers the dispute to the Commission, this matter would be treated in accordance with the rules and procedures for conciliating disputes by the Commission as provided in part C of these rules, and or any other rules stated in these rules which apply after the stage of conciliation.

SCHEDULE 1**HEAD OFFICE**

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e-mail : cmac@cmac.org.sz

Mbabane (Reporting Section)

1st Floor Asakhe House
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Mbabane
Tel : 405 0454/5
Fax : 405 0456

Piggs Peak

New Town Council Building, next to
Piggs Peak Library
Tel : 437 1030
Fax : 437 1032

MANZINI REGION**Manzini Office**

4th Floor SNAT Co-ops Building
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Manzini (Reporting Section)

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Fax : 505 5569

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Simunye

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SHISELWENI REGION**Nhlangano**

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Nhlangano
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SCHEDULE 2

CMAC FORM 1	- Report of dispute
CMAC FORM 2	- Invitation to conciliation
CMAC FORM 3	- Agreement to extend conciliation period
CMAC FORM 4	- Memorandum of agreement
CMAC FORM 5	- Certificate of unresolved dispute
CMAC FORM 6	- Default judgement
CMAC FORM 7	- Application for rescission
CMAC FORM 8	- Request for arbitration
CMAC FORM 9	- Invitation to arbitration
CMAC FORM 10	- Acknowledgment of dispute referred to arbitration by court
CMAC FORM 11	- Rejection of dispute at conciliation
CMAC FORM 12	- Certificate of outcome
CMAC FORM 13	- Subpoena
CMAC FORM 14	- Application for postponement
CMAC FORM 15	- Application to rescind/vary arbitration awards
CMAC FORM 16	- Report of dispute - Essential services
CMAC FORM 17	- Acknowledgment of receipt - DJ
CMAC FORM 18	- Certificate of Perusal
CMAC FORM 18	(a) Certificate of Perusal
CMAC FORM 19	- Confirmation of Receipt of notice of set down / collection of invitation
CMAC FORM 20	- Proof of service - Hand delivery
CMAC FORM 21	- Agreement to postpone conciliation arbitration
CMAC FORM 22	- Invitation to rescind / vary arbitration award

