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THE INDUSTRIAL RELATIONS BILL, 1979
(Bill No. 6 of 1979)

MEMORANDUM IN TERMS OF THE STANDING ORDERS OF PARLIAMENT

The object of this Bill is to establish a new industrial relations system in Swaziland, including the creation of an Industrial Court vested with exclusive jurisdiction in all industrial disputes and related matters.

The Bill also seeks to repeal and replace the Trade Unions and Employers Organisations Act, 1966 and the Industrial Conciliation and Settlement Act, 1963.

D. LUKELE
Attorney-General.

INDUSTRIAL RELATIONS BILL, 1979

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INDUSTRIAL RELATIONS ACT

An Act to provide for the collective negotiation of terms and conditions of employment and for the establishment of an Industrial Court for the settlement of disputes arising out of employment.

PART I:

PRELIMINARY

Short Title.

1. This Act may be cited as the Industrial Relations Act and shall come into operation on a day to be appointed by the Minister by notice in the Government Gazette.

Interpretation.

2. In this Act, unless the context otherwise requires:—

“casual employee” means any employee the terms of whose engagement provide for his payment at the end of each day and who is not engaged for a longer period than twenty four hours at a time;

“certificate of registration” means a certificate issued under section 18;

“collective agreement” means an agreement in writing covering terms and conditions of employment and procedures for the settlement of disputes and grievances, concluded by a joint industrial council, or by a works council; or by an employer, a group of employers, or an employers association on the one hand, and an industry union or staff association on the other hand;

“collective employee representative” means an industry union or staff association which has been designated by the Court as the collective representative of all employees or categories of employee in a particular industry included in the designation, or which has been recognised as such under the provisions of section 36;

“collective employer representative” means an employers association which has been designated by the Court as the collective representative of all employers in the industry named in the designation, or which for the time being provides the employer representation in a joint industrial council;

“collective representative” means “collective employee representative” or “collective employer representative” as the context may require;

“company” means a body corporate and includes a partnership;

“Court” means the Industrial Court established by section 4;

“dispute” includes a grievance, a trade dispute and means any dispute over —

- (a) the entitlement of any person or group of persons to any benefit under an existing collective agreement or works council agreement;
- (b) the existence or non-existence of a collective agreement or works council agreement;
- (c) the dismissal, employment, suspension from employment, re-employment or re-instatement of any person or group of persons;

- (d) the recognition or non-recognition of an organization seeking to represent employees in the determination of their terms and conditions of employment;
- (e) the application or the interpretation of any law relating to employment; or
- (f) the terms and conditions of employment of any employee or the physical conditions under which such employee may be required to work;

“employee” means a person, whether or not he is an employee at common law, who works for pay or other remuneration under a contract of service or under any other arrangement involving control by, or sustained dependence for the provision of work upon another person;

“employer” means a person who employs another person who is an employee under this Act and includes the Government, the Swazi National Council or anyone acting on behalf of an employer;

“employers association” means an association of employers which seeks to provide collective representation for employers in the negotiation and regulation of relations between employers and employees or between employers and employees;

“federation” means an organisation which is wholly comprised of a combination of employers associations, industry unions or staff associations as the case may be;

“immediate family” means, in relation to a person, such person’s father, mother, grand-father, grand-mother, step-father, step-mother, son, daughter, grandson, grand-daughter, step-son, step-daughter, brother, sister, half-brother, half-sister, wife, husband, common law wife or common law husband;

“industry” means a sector of economic activity wherein the employers provide a similar service, or are engaged in the manufacture, processing, purchase or sale of a similar product or similar products;

“industry union” means a combination of employees, other than staff, the principal purpose of which is the regulation of relations between employees and employers in a particular industry;

“joint industrial council” means a body constituted for an industry under section 38 and having the duty of negotiating terms and conditions of employment for all employees, other than staff, in that industry;

“Labour Commissioner”, “Deputy Labour Commissioner” and “Senior Labour Officer” means any person appointed to the public service as Labour Commissioner, Deputy Labour Commissioner or Senior Labour Officer as the case may be;

“lockout” means a total or partial refusal by an employer or group of employers to allow his or their employees to work, if such refusal is done with a view to inducing compliance with any demand or with a view to inducing the abandonment or modification of any demand;

“Minister” means the Minister for the time being responsible for labour;

“office” means an official position in an industry union, staff association or employers association;

“officer” means a person who holds an office in an industry union, staff association or employers association and is deemed to include a member of a committee of an industry union, staff association or employers association, or a person employed by such a body as its secretary in a full time or part time capacity;

“organisation” means an industry union, or staff association or an employers association as the context may require;

“President” means the President of the Court;

“recognition” means recognition as collective employee representative as provided by section 36;

“staff” means an employee who —

- (a) has authority on behalf of the employer to employ, transfer, suspend, lay off, recall, promote, dismiss, reward, or discipline other employees or deal with their grievances, or to authorise or recommend such action, when the exercise thereof is not solely of a routine or clerical nature, but requires the use of independent judgment;
- (b) participates in the making of general company policy;
- (c) works in a capacity which requires him to have full knowledge of the financial position of the employer;
- (d) has free personal access to other confidential information substantially affecting the conduct of the business of the employer;

“staff association” means any combination of staff, the principal purpose of which is the regulation of relations between staff and employers, either within one industry or with the employer by whom they are employed as may be required by the constitution of the association;

“strike” means a complete or partial stoppage of work carried out in concert by two or more employees, or any other concerted action on their part designed to restrict their output of work, if such action is done with a view to inducing compliance with any demand or with a view to inducing the abandonment or modification of any demand;

“undertaking” means —

- (a) mines, quarries or other works for the extraction of minerals from the earth;
- (b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in the generation, transformation or transmission of electricity or motive power of any kind;
- (c) undertakings engaged in building and civil engineering work, including constructional repair, maintenance, alteration and demolition work;

- (d) undertakings engaged in the transport of passengers or goods by road, rail or air including the handling of goods at warehouses or airports;
- (e) any establishment or office, including establishments engaged wholly or mainly in the sale, purchase, distribution, insurance, negotiation, loan or administration of goods or services of any kind;
- (f) any establishment or administrative service in which the persons employed are mainly engaged in clerical work;
- (g) any newspaper undertaking;
- (h) any establishment for the treatment or care of children or aged, destitute, infirm, mentally unfit or sick persons;
- (i) any broadcasting, postal or telecommunication service, or establishment for the production of cinematographic films;
- (j) any boarding house, cafe, club, hotel, restaurant, or other establishment for public refreshment or public entertainment;
- (k) any undertaking employing more than ten persons engaged in —
 - (i) the clearing, felling or stripping of trees, or the construction of roads, bridges or tunnels in a forest area;
 - (ii) the cultivation of land and the use of land for the purpose of husbandry, horticulture, fruit growing, seed growing, dairy farming, livestock or poultry keeping, or breeding, grazing of livestock and the preparation of food for livestock;
 but shall not include —
 - (i) any undertaking, other than an undertaking in which any harmful or dangerous trade or occupation is carried on, in which only members of the immediate family of the proprietors are employed, or
 - (ii) domestic service in a private house;

“works council” means a body established under Part V;

“works council agreement” means an agreement reached by a works council under the provisions of Part V.

Power of Minister to exempt.

3. The Minister may, by order published in the Government Gazette, exempt any person or public authority or class of persons or public authorities from the operation of all or any of the provisions of this Act or any regulation or rule made thereunder:

Provided that no exemption shall be made under this section which is incompatible with any international labour Convention to which Swaziland is a party.

PART II:

ESTABLISHMENT AND ADMINISTRATION OF INDUSTRIAL COURT

Establishment and composition of Industrial Court.

4. (1) An Industrial Court is hereby established with all the powers and rights set out in this Act or any other law for the furtherance, securing and maintenance of good industrial relations in Swaziland.

(2) The Court shall consist of a person qualified to be a judge of the High Court who shall be President of the Court and who shall be appointed in the same manner as a judge of the High Court, and of two other members to be known as nominated members to be appointed by the President.

(3) One nominated member shall be chosen by the President in consultation with the Labour Commissioner from a panel of six names nominated by the Federation of Swaziland Employers or its successor body and one from a panel of six names nominated by industry unions or staff associations.

(4) In the exercise of its powers under this Act the Court shall take into consideration any guidelines relating to wage and salary levels and other terms and conditions of employment that may from time to time be issued by the Government and published in the Government Gazette.

Jurisdiction and right of appeal.

5. (1) The Court shall have exclusive jurisdiction in every matter properly before it under this Act, including jurisdiction —

- (a) to hear and determine trade disputes and grievances;
- (b) to register collective agreements and to hear and determine matters relating to the registration of such agreements;
- (c) to enjoin any organisation or employee or employer from taking or continuing strike action or lockout.

(2) Any matter of law arising for decision at a sitting of the Court and any question as to whether a matter for decision is a matter of law or a matter of fact shall be decided by the President.

(3) Upon all issues other than matters of law the decision of the majority of the Court shall be the decision of the Court; but where the nominated members are not in agreement on any such issue, the decision of the President shall be the decision of the Court.

(4) Save that the President's decision made in terms of sub-section (2) shall be appealable to the High Court and from there to the Court of Appeal, no decision or order of the Court shall be subject to appeal to any other Court, but the High Court shall, at the request of any interested party, be entitled to review the proceedings of the Court on grounds permissible at common law.

Power of Court to remit matters to parties, order parties to attend etc.

6. (1) If in the Court's opinion the points in issue in any matter before it are not clearly enough defined to allow the matter to be heard or determined, or if in the opinion of the Court the parties have not made sufficient attempt to reach agreement, the Court may remit the matter to the parties, or to the parties and the Labour Commissioner, with such directions or advice as it may deem appropriate.

(2) For the purpose of considering any matter before it, the Court may require any person to —

- (a) furnish, in writing or otherwise, such particulars as the Court may require in relation to any matter before it;
- (b) attend before it;
- (c) give evidence on oath or affirmation;
- (d) produce any relevant document.

(3) Any person, who without reasonable cause fails to comply with any order given under subsection (2) shall be liable to a fine of 250 emalangi or in default of payment thereof, to three months imprisonment.

(4) Any person who is required by an order made under subsection (2) to furnish information, provide documents or particulars or give evidence before the Court, furnishes information, provides documents or particulars or gives evidence which he knows or has reasonable cause to believe to be false or misleading in a material particular shall be liable to a fine of 250 Emalangi or 30 days imprisonment or both.

(5) The witness fees and any rules laid down by the High Court in connection therewith payable to any person subpoenaed to give evidence in a criminal case before the High Court shall, *mutatis mutandis*, apply to any person ordered to attend the Court in terms of subsection 2(b).

Orders of the Court.

7. (1) Without prejudice to the provisions of this Act or any other law, the Court shall have the right to order the payment to any person of any sum of money it finds to be due to him under this Act.

(2) Without affecting the generality of subsection (1), any order by the Court may provide for —

- (a) the payment of an amount equal to the wages in lieu of notice that has not properly been given;
- (b) the payment of any wages, leave pay, or other money due to an employee under his contract of employment;
- (c) the adjustment and set off one against the other of claims on the part of the employer or of the employee arising out of or incidental to a contract of employment as the Court may find to be subsisting, whether such claims are liquidated or unliquidated, or for wages, damage to property or other cause and to direct the payment of such sum as it finds due by one party to the other party;

- (d) the termination of a contract of service upon such terms as to the payment of compensation and otherwise as it thinks fit;
- (e) the assessment of the fair value of services rendered by an employee in any case where the wages or other benefits to which an employee is entitled have not been agreed between the employer and employee or it is uncertain what was agreed;
- (f) the determination of the relative rights and duties of employers and employees in regard to any matter referred to the Court under the provisions of this or any other Act;
- (g) designating an organisation as collective employer representative or collective employee representative as the context may require.

(3) Any decision or order by the Court shall have the same force and effect as a judgment of the High Court and a certificate signed by the President shall be conclusive evidence of the existence of such decision or order.

Retroactive orders.

8. The Court may make any decision or order retroactive to such date as the Court deems just in the circumstances of the particular case, but no such decision or order shall be dated to apply prior to the commencement of this Act.

Enforcement of Court orders.

9. (1) An order of the Court made under this Act and directing the payment of money or the delivery of any property shall be enforceable by execution in the same manner as an order of the High Court.

(2) An order of the Court directing the performance or non-performance of any act shall be enforceable by contempt proceedings in the Court in the same manner as an order of the High Court.

Penalty for contravention of Act or Order of Court.

10. Unless a different penalty is provided for elsewhere in this Act, a person or organisation held by the Court to have contravened any provision of the Act or to have breached an order of the Court shall be liable to a fine not exceeding 250 Emalangeni, or in default of payment thereof imprisonment not exceeding thirty days:

Provided that each day of a continuing contravention or breach may be considered as a separate contravention or breach.

Costs.

11. (1) No costs shall be awarded by the Court except against a party held by it to have acted frivolously or vexatiously, or with deliberate delay in the bringing or defending of a proceeding.

(2) The tariff of costs laid down from time to time under the Rules of the High Court shall apply *mutatis mutandis* to the costs awarded by the Court in accordance with subsection (1).

Rules and regulations by the Industrial Court, and the Court's procedure.

12. The Chief Justice in consultation with the Attorney-General shall, by notice in the Gazette, make rules to govern the Courts practice and procedure.

Remedial powers of Court in cases of dismissal or discipline.

13. (1) If the Court, in settling any dispute or grievance, finds that an employee has been dismissed or disciplined contrary to a collective agreement or to any law relating to employment, the Court shall make an order granting such remedy as it may deem just.

(2) Without restricting the generality of subsection (1) the Court, in settling a dispute or grievance under this section may —

- (a) order the employer to pay compensation to the employee; or
- (b) recommend the reinstatement of the employee in substitution for, or in addition to, any compensation it may order under paragraph (a).

(3) In assessing the amount of compensation it may order to be paid under subsection (2) the Court shall take the following factors into account —

- (a) the actual and future financial loss likely to be suffered by the employee as a result of the dismissal;
- (b) the age of the employee;
- (c) the prospects of the employee obtaining other equivalent employment;
- (d) the circumstances of the dismissal; and
- (e) the acceptance or rejection by either the employer or the employee of any recommendation made by the Court for the reinstatement of the employee.

(4) Compensation ordered by the Court shall not exceed twenty six times the wages of the dismissed employee if he was paid by the week; if the pay period of the employee is more or less than one week, compensation shall be assessed *pro rata*.

(5) Compensation ordered to be paid by the Court under this section shall be in addition to and not in derogation of any payment to which the employee may be entitled under the provisions of any other law.

Fine may be ordered to be paid to person suffering loss.

14. If the Court imposes a fine under this Act, and if the Court is satisfied that any person has suffered monetary loss as a result of the breach which led to the fine, the Court may order the whole or any part of the fine to be paid to that person.

Representation of parties.

15. Subject to any rules made under section 12, any party to any proceedings brought under this Act may be represented before the Court by a legal practitioner or any other person authorised by such party.

Evidence and technical irregularities.

16. (1) The Court shall not be bound by the rules of evidence or procedure which apply in civil proceedings and may disregard any technical irregularity which does not or is not likely to result in a miscarriage of justice.

(2) Without restricting the generality of subsection (1), the President may in his discretion admit as *prima facie* evidence a report filed under this Act, or a written report prepared in the course of his duties by the Labour Commissioner, the Deputy Labour Commissioner, or a Senior Labour Officer.

PART III:

EMPLOYEE, STAFF AND EMPLOYER ORGANISATIONS,
FEDERATIONS AND INTERNATIONAL ORGANISATIONS

Adoption and registration of constitutions.

17. (1) Subject to section 24(2), within three months after its formation, an organisation shall prepare and adopt a written constitution which shall be submitted to the Labour Commissioner for registration immediately after its adoption.

(2) An organisation of employees shall be deemed to have been formed on the date on which six or more employees agree in writing to form such organisation.

(3) An organisation of employers shall be deemed to have been formed on the date on which two or more employers agree in writing to form such organization.

Restriction on activities until constitution registered.

18. No organisation may nominate any candidate for election to a joint industrial council, or carry on any activities for or against any candidate in any such election until the constitution of that organisation has been registered with the Labour Commissioner and a certificate has been issued by him to the organisation that such constitution complies with this Act.

Constitution.

19. The constitution of an organisation shall include the following —

(a) the name of the organisation and the undertaking or industry in which its activities on behalf of employers or employees will be carried on;

- (b) the offices in the organisation among which shall be the offices of president, secretary and treasurer;
- (c) provision for an election by secret ballot to all offices at least once every two years, and for the naming of a temporary replacement if an office holder becomes disqualified or incapacitated from holding office;
- (d) provision for a general meeting open to all members at least once a year and for the giving of at least twenty one days notice of that meeting to all members;
- (e) a provision that any member may propose a resolution or question an officer at a general meeting;
- (f) a provision that —
 - (i) the general meeting shall be the forum for deciding the policies of the organisation and for reviewing the officers' conduct of the organisation's affairs;
 - (ii) the organisation's officers and representatives are to be bound by decisions of a general meeting,
 - (iii) a general meeting may authorise a Committee of its members to act on its behalf on all or any of the matters referred to in this paragraph for a specific period;
- (g) the fees and other subscriptions payable, and the maximum period of arrears permitted before a member loses his good financial standing;
- (h) provision that subject to the terms of this Act and to the constitution of the organisation, only a fully paid up member may vote in the election of officers, nominate a candidate for any office, be nominated for, or be elected to any office, or express his views on candidates and issues;
- (i) the grounds on which an officer or member may be suspended or expelled from office or from membership, each ground being specific;
- (j) the procedure for suspension or expulsion from office or from membership, including provision that the affected officer or member be fully informed in writing of the allegations against him, that he shall have a reasonable opportunity to meet those allegations, and that he shall have a right of appeal to a special or general meeting of the organisation;
- (k) provision for the keeping of full and accurate accounts by the treasurer or other appropriate officer, for the annual audit of those accounts by a suitable and competent person appointed by the organisation who shall not be a member of that organisation, and for the availability to all members of a full, audited annual statement of account;
- (l) provision for the banking and investment of the organisation's funds;
- (m) provision for the paying out of the organisation's funds, including the authority to sign cheques;
- (n) provision for terms and conditions of service including the payment of the expenses and salaries, if any, of officers and employees of the organisation and provision that no other payments may be made to any officer or employee without the prior approval of a general meeting;

- (o) the conditions under which a member may become entitled to any financial benefit provided by the organisation;
- (p) provision for amending the constitution;
- (q) the duration of its financial year;
- (r) provision for the appointment of trustees;
- (s) the inspection of the register of members and other books of the organisation by any member;
- (t) the manner of dissolving the organisation.

Organisations to be confined to one industry.

20. (1) An industry union may have as members, and may purport to represent, only persons who are currently or usually employed in the industry in which that industry union is active or who have distinct occupational qualifications for employment in that industry.

(2) A staff association may have as members, and may purport to represent, only staff who are currently or usually employed in the industry in which that staff association is active or who have distinct occupational qualifications for employment in that industry.

(3) An employer's association may have as members, and may purport to represent, only those persons or business associations who are engaged in a pursuit within the industry in which that employers' association is active and which usually has one or more employees working in that industry.

Right to be or not to be a member and prohibited provisions and practices.

21. (1) Any person eligible for membership in an organisation under section 20 has a right to membership in that organisation if he pays any fees that are properly payable to it, and he has a right to remain a member as long as he complies with the rules of the organisation.

(2) Any person eligible under section 20 has the right not to join such organisation.

(3) No employer shall require membership of any organisation as a condition of employment or offer any form of inducement or deterrent to any employee or prospective employee designed to influence his decision to join or not to join an organisation.

(4) The constitution of an organisation shall not impose any condition, obligation or restriction which is oppressive, unreasonable or unjust.

(5) Without restricting the generality of subsection (4) no organisation shall discriminate, in its constitution, against any person on the ground of race, colour, creed, marital status, sex, tribal or clan extraction, political opinion or affiliation, or social status.

Annual return from organisations.

22. (1) Within six calendar months after the end of each financial year, every organisation shall submit to the Labour Commissioner a return which shall include —

- (a) the organisation's current postal address;
- (b) the names and postal addresses of its current officers;
- (c) the details of any amendments made to its constitution since the preceding return;
- (d) its audited accounts for the preceding financial year.

(2) No organisation which is in breach of subsection (1) may nominate any candidate for election to a joint industrial council, or carry on any activities for or against any candidate in any such election, nor shall such organisation participate in the activities of the joint industrial council until the breach is remedied.

Powers of Labour Commissioner concerning constitutions and returns of organisations.

23. (1) If the Labour Commissioner is of the bona fide opinion that an organisation's constitution, or any amendment thereto, or any return required by it under this Act does not comply, in whole or in part, with this Act, he shall forthwith and in writing advise the organisation concerned of his opinion and direct it to have the matter rectified in the manner indicated by him.

(2) In the event of the organisation concerned failing to comply with the Labour Commissioner's directive in terms of subsection (1) within the term prescribed by him and to his satisfaction, he may refer the matter to the Court for its determination:

Provided that the Labour Commissioner shall, prior to so doing, give consideration to any representations, including counter proposals to his directive, made to him by the organisation.

Powers of Court in regard to constitution and returns etc.

24. (1) Upon application by an affected party or by the Labour Commissioner, the Court may —

- (a) strike out any provision in the constitution of an organisation which violates any requirement of this Act, or amend the provision to bring it into compliance with this Act;
- (b) alter or amend the constitution to provide any of the particulars required by section 19 which may be lacking;
- (c) order the Labour Commissioner to suspend the registration of the organisation until such time as it complies with any order of the Court, or with any notice issued by him under section 19 or directive issued in terms of section 23(2) as the case may be.

(2) Notwithstanding subsection (1), an organisation which was registered under the Trade Unions and Employers' Organisations Act, 1966, on the date of coming into force of this Act shall have twelve months thereafter to bring its constitution into conformity with this Act, after the expiry of which period subsection (1) shall apply.

(3) Any alteration or amendment of an organisation's constitution ordered by the Court under subsection (1) shall take effect on a date specified by the Court.

Compliance with constitution.

25. (1) Subject to sections 23 and 24 and to any other provisions of this Act, every officer, member or employee of an organisation shall comply with the constitution of the organisation, and every former officer, member and employee of an organisation who is required to do or refrain from doing anything by such constitution shall comply with such requirement.

(2) Upon application by an affected party or by the Labour Commissioner, the Court may make any order which it deems necessary to prevent or stop a violation of any provision of the constitution of an organisation.

Improper practices in election of officers.

26. (1) No person shall attempt to affect the outcome of an election for any office in an organisation by fraud, threats, bribery or other improper means.

(2) Upon application by any member of the organisation affected by any unlawful conduct referred to in subsection (1), or by the Labour Commissioner, the Court may declare such election null and void, determine a date for the holding of a fresh election and make provision for the filling of the office concerned, pending the outcome of such fresh election, or make such other order relating to such election or fresh election as it may deem fit.

Criminal conviction a disqualification for office.

27. (1) No person shall hold office in an organisation if he has been convicted within ten years prior to the date of his election of a crime involving dishonesty, for which he was sentenced to imprisonment without the option of a fine, including a suspended sentence of imprisonment.

(2) Any person who, while holding office in an organisation, is convicted of a crime involving dishonesty shall be deemed to lose the said office at the time of conviction.

Disqualification from holding office etc.

28. (1) No person shall at any one time hold office in more than one organisation or at any one time hold office in an organisation and in a political party or be a Minister, Assistant Minister or Deputy Minister in the Government.

(2) Any person whose acquisition of an office places him in breach of this section or section 27, shall be disqualified from holding that office and he shall not represent himself, or be represented by anyone, as holding it.

(3) Nothing in this section shall prevent an organisation from utilising secretarial services, advisory services, or similar assistance from a central or communal source.

Deposit and safeguarding of funds.

29. (1) All funds received by or on behalf of an organisation shall forthwith be deposited to the organisation's bank account, with a bank in Swaziland duly licensed as a financial institution under the Financial Institutions (Consolidation) Order, 1975 (Order No. 23 of 1975).

(2) Every expenditure of funds by or on behalf of an organisation shall be evidenced by a written receipt or voucher, which shall be kept with the organisation's accounts.

(3) The treasurer or other officer responsible for the custody of the organisation's funds and property shall hand over such funds and property to the organisation when he leaves office, or earlier if so directed by the Chairman and Secretary of the organisation or a general meeting.

(4) The Court may make such order as it deems necessary to secure compliance with this section.

Legal status of organisation and officers.

30. (1) Whether or not its constitution has been registered under this Act, an organisation shall be deemed to be a body corporate with the capacity to contract and to hold property, and with the capacity to sue and be sued.

(2) Notwithstanding subsection (1), no civil proceedings except those expressly allowed by this Act may be brought against an organisation or against any officer, representative or member thereof, in respect of any act bona fide done by or on behalf of such an organisation in the furtherance or purported furtherance of the interests of its members or of anyone whose interests are substantially similar to those of its members.

(3) Subsection (2) shall not be construed to exempt an organisation or any of its officers, representatives or members from contractual liability for goods or services, from obligations incurred in respect of property, from any civil liability or from liability for any criminal, malicious or negligent act.

Defunct organisations.

31. (1) Upon application by an affected person or by the Labour Commissioner, the Court may, after making such enquiries as it may consider necessary, declare an organisation to be defunct if the organisation has not filed a return under section 22 or if the Court is satisfied that the organisation is no longer carrying on any of the activities of an organisation.

(2) Any declaration made under this section shall include such directions for the disposal of the organisation's assets, if any, as the Court may deem just, having regard to the constitution of the organisation.

No compulsion to join or support organisation.

32. No person shall seek, by the use of any threat or intimidation, to compel or coerce any other person to join or not to join or support any organisation.

Provision for federations.

33. (1) Organisations may form, participate in, be affiliated to or join a federation which has as its principal objects the functions of advice, consultation and the provision of services to its members.

(2) No federation shall act, either by instruction to its members, or by taking instructions from its members in any way that might be held as being in restraint of trade, or in support of a political party, or in any other manner that might be construed as giving the federation the status or function of an industry union, staff association or employers association.

International workers' and employers' organisations.

34. (1) An organisation or a federation comprised solely of employee or employers' organisations, may affiliate with and participate in the affairs of bona fide international workers' or employers' organisations, may make financial and other contributions to such organisations, and may receive financial and other assistance from them, provided that all applications for membership of any such international bodies shall first be approved by the Minister.

(2) No person shall interfere with or impede the exercise of any right recognised by subsection (1).

(3) The Court may make such order as it deems necessary to prevent or remedy a breach of subsection (2).

Limitation on non-occupational activities of organisations and federations.

35. (1) Unless its constitution provides otherwise, and subject to the specific approval of a general meeting, the officers of an organisation or federation may express views on behalf of the organisation or federation on any matter of public policy or public administration.

(2) If upon application by a member of any organisation or by the Labour Commissioner, the Court determines that an organisation has, during the twelve months immediately preceding the application, devoted more funds and more of the time of its officers to campaigning on issues of public policy than to protecting the occupational rights and advancing the occupational interests of its members, the Court may, as it sees fit —

- (a) suspend any rights acquired by the organisation to exclusive bargaining;
- (b) issue an order limiting the non-occupational activities of the organisation, or
- (c) order the winding up of the organisation.

Recognition as collective employee representative.

36. (1) An industry union or staff association which has been issued with a certificate under section 18, may apply in writing to an employer for recognition as the exclusive collective employee representative for such categories of employee as are named in the application concerning all terms and conditions of employment including wages and hours of work.

(2) A copy of the application referred to in subsection (1) shall be served on the Labour Commissioner.

(3) If less than forty per cent of the employees in respect of which the industry union or staff association seeks recognition are fully paid up members of the organisation concerned, recognition shall be at the discretion of the employer and the employer shall, within thirty days of the receipt of the application, reply in writing to the organisation.

(4) Where an employer decides to recognise an industry union or staff association in terms of subsection (3) the conditions under which the employer agrees to recognise the organisation shall form part of the reply to be given to the organisation under the paragraph.

(5) If forty per cent or more of the employees in respect of which the industry union or staff association seeks recognition are fully paid up members of the organisation concerned, the employer shall, within thirty days of the receipt of the application and in writing —

- (a) grant recognition to the organisation; or
- (b) if he decides not to grant such recognition, lodge with the Court his reasons for the refusal to grant recognition and shall serve a copy thereof on the industry union or staff association, as the case may be.

(6) The Court shall, on receipt of the reasons referred to in subsection (5) and any submissions made to it by the parties concerned, make such order as it deems fit.

(7) If for a continuous period of more than three months in any calendar year the percentage of fully paid up members of an organisation which has been granted recognition under subsection (5) falls below forty per cent of the employees concerned, the employer or the organisation may apply to the Court for the withdrawal of such recognition, and the Court may —

- (a) make such order as it deems fit, including an order containing terms of such withdrawal; and
- (b) adjudicate on the validity and duration of any collective agreement existing between the employer and the organisation affected by such withdrawal.

(8) Where an organisation has been granted recognition as the exclusive collective employee representative, it shall be the duty of that organisation to provide full and proper representation of the interests of all employees covered by the recognition agreement whether or not they are fully paid up members of the organisation.

Dues deduction.

37. (1) An employee may deliver to an organisation of which he is a member or of which he is eligible for membership, and which has been recognised under section 36, a written authorisation for the periodic deduction from his wages of fees duly payable by him to that organisation.

(2) An organisation which has received an authorisation under subsection (1) may request the employer, in writing, to make the authorised deduction and remit it to the organisation.

(3) An employer may demand proof of the authorisation referred to in subsection (1) in its original form or a certified copy thereof.

(4) An employer who receives a request in accordance with subsection (2) shall make the authorised deduction and shall promptly remit to the organisation the funds so collected.

(5) Any dispute over the authenticity of a written authorisation under this section shall be determined by the Labour Commissioner, whose decision shall be final.

(6) No employer shall be required at any one time to make deductions from the wages of any employee with respect to the fees of more than one organisation.

(7) An employee may revoke his authorization under this section by giving written notice to the employer and to the organisation concerned and, on the receipt of such notice, the employer shall make the deduction at the end of the month in which such notice is received but shall thereafter cease to make any deduction.

(8) The employer may retain a collection fee not exceeding five per cent of the amount collected.

(9) With each remittance, the employer shall give the organisation a full written account of the amounts collected and remitted.

(10) Upon application by an affected party, the Court shall make such order as it deems necessary to ensure compliance with this section.

PART IV:

NEGOTIATING MACHINERY

Joint Industrial Councils.

38. (1) When an industry union or an employers association considers itself to be sufficiently representative of employees or employers interests in an industry, as the case may be, either party may apply in writing to the Labour Commissioner for the establishment of a joint industrial council for that industry and shall submit a copy of the proposed constitution of the joint industrial council with the application.

(2) On receipt of the application the Labour Commissioner shall consult any other interested party and, after satisfying himself that the establishment of a joint industrial council is desirable and practicable and that the proposed constitution is suitable (subject to any amendments thereto he may wish to recommend to the Minister) he shall request the Minister to establish a joint industrial council for the industry.

(3) The Minister, on being satisfied that all the required conditions under this Act have been met, shall by notice in the Gazette, establish a joint industrial council for the industry concerned.

(4) If the Labour Commissioner does not consider the establishment of a joint industrial council to be desirable or practicable, he shall, within thirty days of receiving the application, so inform the applicant in writing, setting out the reasons for his decision.

(5) If the Labour Commissioner has taken action as in subsection (4), or where the Labour Commissioner has requested the Minister to establish a joint industrial council and the Minister has not done so within sixty days of the date the application was submitted under subsection (1) the party which submitted the application may refer the matter to the Court.

(6) Upon receiving a reference made to it under subsection (5) the Court, after hearing any interested party, and if it is satisfied that the establishment of a joint industrial council in the industry named in the reference is practicable and desirable, and that the proposed constitution of the joint industrial council is suitable (subject to any amendment the Court may make) the Court may direct the Minister to establish a joint industrial council for the industry and the Minister shall thereupon establish the council by notice in the Gazette.

Constitution of joint industrial councils.

39. The constitution of a joint industrial council shall provide for the following matters —

- (a) the industry and class or classes of employee to be covered by the council;
- (b) the appointment, number and method of selection of employer and employee representatives;
- (c) the appointment and method of selection of a chairman and deputy chairman of the council;
- (d) the appointment and method of selection of a secretary or joint secretaries of the council;
- (e) the procedure for the appointment of alternate members of the council;
- (f) the number of members required to form a quorum;
- (g) the procedure for the replacement of members;
- (h) the term of office of members appointed to the council;
- (i) the procedure to be followed in the event of a dispute or deadlock in the council;
- (j) such other matters as may be included in the constitution by the party making application to establish the council and which may be approved by the Labour Commissioner or the Court as the case may be.

PART V:

WORKS COUNCILS

Establishment of Works Councils.

40. (1) In every undertaking employing twenty five or more employees (excluding casual employees) a works council shall be established by the employer within six months of this Act coming into force.

(2) Every works council shall be appointed and conducted in accordance with a written constitution which shall provide for the following matters —

- (a) the name of the undertaking in which the works council is established;
- (b) equality of representation in the council for employees and for the employer;
- (c) the appointment of a chairman;
- (d) the functions and scope of the council;
- (e) the class or classes of employee to be covered by the council;
- (f) the procedures for dealing with disputes in the council and with individual and collective grievances in the undertaking;
- (g) the status and functions of employee representatives on the council;
- (h) such other matters as may be agreed between employer and employee representatives.

(3) Where a works council is established in an undertaking operating within an industry wherein a joint industrial council has been established under Part IV or in an undertaking where an industry union has been granted recognition under section 36 —

- (a) the functions and scope of the works council shall not include any of the matters dealing with rates of wages, hours of work or terms and conditions of employment which are included in the recognition agreement between the industry union and the employer, or which are included in the scope and functions of the joint industrial council as the case may be;
- (b) the election or appointment of employee representatives on the works council shall be conducted under arrangements to be agreed in writing between the industry union and the employer concerned.

(4) If a works council has been established in an undertaking in respect of which an industry union subsequently obtains recognition in terms of section 36 or which forms part of an industry in respect of which a joint industrial council is subsequently established, the works council shall, from the date on which recognition is granted, or the date on which the joint industrial council is established, as the case may be, cease to exercise any function in respect of any of the matters dealing with rates of wages, hours of work, or terms and conditions of employment which are included in the recognition agreement between the industry union and the employer, or which are included in the scope and functions of the joint industrial council.

(5) Notwithstanding any of the provisions of this section, no collective agreement made between an industry union or an employer, or by a joint industrial council shall provide for the diminution of any of the terms and conditions of employment agreed upon in a works council before the granting of recognition to an industry union or before the establishment of a joint industrial council:

Provided that if such collective agreement does contain any such provision it shall be construed as if the relative provisions of the agreement made in the works council were substituted for it.

Right to submit works council constitution to Court.

41. (1) If any party affected by the establishment of a works council considers that the constitution thereof does not comply with this Act, or does not sufficiently reflect his legitimate interests, he may submit a copy of the constitution to the Court together with his written reasons as to why he considers the constitution should be changed.

(2) The Court shall, on receipt of the submissions to it referred to in subsection (1) call upon the parties concerned to make such representations as may be deemed necessary by any of them and shall thereupon adjudicate on the matter, including making an order affecting such amendments to the constitution as it thinks fit.

(3) When the constitution of a works council has been submitted to the Court under subsection (1), the constitution, duly amended by the Court, or unamended as the case may be, shall be the substantive constitution of the works council.

Enforcement of agreements reached by a works council.

42. (1) An agreement made by a works council shall take effect from the date and shall subsist for the period stipulated in the agreement except as may otherwise be required by this Act or as may be agreed by the works council.

(2) Where any party fails to comply with the provisions of an agreement made by a works council, the council or any employee or employer affected by the agreement may apply to the Court for redress and the Court, after considering all the circumstances of the matter, may, if it sees fit so to do, make such order as appears just and reasonable.

PART VI:

COLLECTIVE AGREEMENTS

Collective agreements.

43. (1) A collective agreement shall —

- (a) contain effective procedures for the avoidance and settlement of disputes within the industry and in individual undertakings covered by the agreement;
- (b) be for a specific period of not less than twelve months and not more than twenty four months;
- (c) contain provisions for the settlement of all differences arising out of the interpretation, application and administration of the agreement;
- (d) provide for such other matters as may be agreed between the parties to the agreement.

(2) Nothing in this section shall affect or be deemed to affect the validity of a collective agreement which is valid and subsisting immediately before the coming into force of this Act and such agreement shall remain in force until it lapses by effluxion of time, or until it is replaced by a collective agreement registered under the provisions of section 44, whichever is the earlier.

(3) A collective agreement shall be in writing and when it has been signed by both parties thereto it shall be submitted to the Court, with a copy to the Labour Commissioner, together with a request by the parties for the registration of the agreement by the Court.

(4) No collective agreement shall provide that it is to take effect on a date less than ten days after it is received by the Court under subsection (3).

Procedure by Court on receipt of agreement.

44. (1) On receipt of the collective agreement, the Court shall consider the agreement and thereafter may —

- (a) register the agreement without amendment;
- (b) with the consent of both parties thereto, register the agreement with such amendments or modifications as it may consider necessary;
- (c) subject to such terms and conditions as it may impose, refer it back to the parties to the agreement for further negotiation on matters which the Court considered sufficient grounds for refusal to register the agreement.

(2) Where the Court has referred a collective agreement back under paragraph (c) of subsection (1), and the parties fail to reach agreement, the Court shall then register the agreement with such modifications as it thinks just.

(3) The Court may refuse to register a collective agreement on any of the following grounds —

- (a) conflict with any of the provisions of this Act or any other law;
- (b) that the agreement does not reflect the guidelines issued by the Government under section 4;
- (c) that there is in force an unexpired collective agreement relating to employees covered by the collective agreement submitted for registration;
- (d) that the agreement provides for terms and conditions of employment less favourable to employees than those provided by any law;
- (e) that it requires membership in any organisation as a condition for obtaining or retaining employment;
- (f) that it discriminates against any person on the grounds of race, colour, religion, marital status, sex, national origin, tribal or clan extraction, political affiliation, or social status.

Status of registered collective agreements.

45. (1) The terms and conditions of a collective agreement registered under section 44 (referred to in this Part as a "registered agreement") shall be binding on the parties thereto.

(2) The terms and conditions of a registered agreement shall, where applicable, be deemed to be terms and conditions of the individual contract of employment —

- (a) in the case of an agreement reached in a joint industrial council, for all employees covered by the agreement in the industry wherein the joint industrial council was established; and

- (b) in the case of an agreement reached between an organisation and one or more individual employers, for all employees covered by the agreement who are employed by such employer or employers.

(3) Registration of a collective agreement shall be deemed to constitute actual notice to affected parties of all the provisions of the collective agreement.

Amendments to registered agreements.

46. An application may be made to the Court by either of the parties to a registered agreement to amend such an agreement for the following purposes only —

- (a) the correction of any obvious error or ambiguity occurring in the registered agreement;
- (b) the inclusion of any matter agreed upon at the time of the negotiation of the registered agreement but which has been inadvertently omitted therefrom;
- (c) the deletion of any matter contained in a registered agreement, not agreed to at the time of the negotiation of the agreement, but inadvertently included therein.

Coverage of registered agreements.

47. Upon application by an affected party the Court shall determine whether any employer or employee, or any class of employers or employees is engaged or employed in a particular industry or is covered or not covered by a registered agreement.

Terms more favourable to employees permitted.

48. (1) An employer may agree to, or may grant, any term or condition of employment more favourable to an employee than the corresponding provision of a registered agreement applicable to such employee.

(2) Any dispute over whether a term or condition referred to in subsection (1) is more favourable to the employee involved shall be determined by the Court.

Application to abolish wages council.

49. Where a joint industrial council has been established in an industry and the council reaches a collective agreement covering the terms and conditions of employment in the industry, either party in the joint industrial council may apply to the Minister for the abolition of any wages council established under the Wages Act, 1964 (Act No. 16 of 1964) and applicable to the industry covered by the collective agreement.

PART VIII:

DISPUTES PROCEDURE

Reporting of disputes.

50. (1) Subject to this section, a dispute may be reported to the Labour Commissioner only by —

- (a) an employer;
- (b) an organisation which has been recognised in accordance with section 36;
- (c) a member of a works council;
- (d) a member of a joint industrial council;
- (e) where no organisation has been recognised in terms of section 36, any other organisation active in the undertaking concerned in the dispute;
- (f) where no organisation is active in the undertaking concerned in the dispute, by any employee in the undertaking.

(2) The Labour Commissioner shall acknowledge the receipt of any report made to him under subsection (1).

(3) A dispute may not be reported to the Labour Commissioner if more than six months have elapsed since the issue giving rise to the dispute first arose, save that the Labour Commissioner may, in any case where he considers it just, and with the written approval of the Minister, extend the time during which a dispute may be so reported to him.

(4) For the purpose of the exercise of his approval to extend the time during which a dispute may be reported to him under subsection (3), the Minister may refer to the Court any question arising on the exercise of such approval for its recommendation and advice.

Contents of report and notice of dispute.

51. (1) A report of a dispute shall be made in writing, signed by the person making the report and shall specify the following matters —

- (a) the parties to the dispute;
- (b) the address of each of the parties;
- (c) particulars of all the issues in dispute stating as precisely as possible their nature and scope; and
- (d) what steps, if any, have been taken for the settlement of the dispute either in accordance with the provisions of a joint industrial council constitution, a collective agreement registered under Part VI, a works council constitution or otherwise.

(2) Every party reporting a dispute shall immediately deliver by hand or send by registered post a copy of such report to the other party or parties to the dispute.

Powers of Labour Commissioner on a report.

52. (1) If a dispute is reported to the Labour Commissioner under section 51, he may in writing —

- (a) in any case request further particulars of any of the matters to be specified under section 55(1);
- (b) insofar as suitable procedures for settling disputes exist between the parties and have not been followed, refer the dispute back to the parties for such procedures to be followed.

(2) Particulars supplied in pursuance of a request by the Labour Commissioner under subsection (1)(a) shall be subject to section 51(2) and shall be as read one with the matters reported under section 51(1).

(3) If the Labour Commissioner makes a request for further particulars under subsection (1)(a), the dispute shall be treated as reported to him only on the date on which such particulars were supplied to the Labour Commissioner.

(4) A dispute referred to the parties in pursuance of subsection (1)(b) shall be deemed not to have been reported to the Labour Commissioner and shall be treated as reported to the Labour Commissioner only on the date when the parties or either of them report that the dispute still exists and the Labour Commissioner is satisfied that, subject to subsection (5), such suitable procedures as may exist for settling disputes have been followed.

(5) If the Labour Commissioner is satisfied that either of the parties to a dispute reported under section 50 refuses to follow such suitable procedures for settling the dispute as may exist, after the dispute was referred to them under subsection (1)(b), he shall so state in writing to the parties, and thereupon section 55(2) shall apply as if the Labour Commissioner had intervened in the dispute under that section.

Referral of questions as to nature of disputes to the Court.

53. (1) If there is any question as to whether a dispute that has been reported is —

- (a) one that concerns the application to any employee of existing terms and conditions of employment or the denial of any right applicable to any such employee in respect of his employment; or
- (b) one that concerns the dismissal, employment, re-employment or re-instatement of any employee;

either party or the Labour Commissioner may make application to the Court for the determination thereof and the Court may determine the matter in a summary manner, whether or not by way of hearing witnesses in the matter.

(2) The decision of the Court on any question before it under subsection (1) shall be final and binding on the parties to such question.

(3) Where a matter is determined by the Court under subsection (1), the dispute shall be deemed to have been first reported to the Labour Commissioner on the date when the decision of the Court on the question is given.

Action on report by Labour Commissioner.

54. (1) The Labour Commissioner shall as soon as possible after a dispute has been reported or deemed to have been reported to him take such steps as he may consider advisable to secure, within fourteen days next after the date of the report, a settlement of the dispute by means of conciliation.

(2) The parties to a dispute that has been reported to the Labour Commissioner may agree in writing to extend the time, specified in subsection (1) (including any further extension of time under this subsection), within which the Labour Commissioner may take steps to secure a settlement of the dispute by means of conciliation.

(3) Where in pursuance of subsection (2) the parties to a dispute agree to extend the time within which the Labour Commissioner may take steps to secure by means of conciliation a settlement of the dispute, the Labour Commissioner may continue to take steps so as to secure a settlement of the dispute.

(4) Notwithstanding any other provisions of this Part, where the Labour Commissioner is satisfied that no useful purpose would be served by continuing to conciliate under this section, he may certify that the dispute is an unresolved dispute pursuant to section 58(1).

Intervention by Labour Commissioner.

55. (1) Notwithstanding the provisions of sections 50 to 54, the Labour Commissioner may intervene in any dispute at any time before a report is made or deemed to have been made for the purpose of advising the parties thereto and of conciliation with a view to the settlement of the dispute.

(2) If the Labour Commissioner intervenes in a dispute in pursuance of subsection (1), he shall so advise the parties to the dispute expressly in writing and such a dispute shall be deemed to have been reported pursuant to section 50(1), notwithstanding section 50(2).

Date of report in certain cases.

56. If under this Part more than one date is to be deemed to be the date when a dispute is first reported to the Labour Commissioner, the date on which the report shall be considered to have been so made to the Labour Commissioner shall be the date which is last in point of time.

Resolved dispute.

57. (1) Where a dispute has been determined or resolved (either before or after conciliation) the parties shall prepare a memorandum of agreement setting out the terms upon which the agreement was reached and either party may present the memorandum to the Labour Commissioner with a request that it be forwarded to the Court under this section.

(2) Upon receipt of the memorandum referred to in subsection (1), the Labour Commissioner shall forward it to the Court which shall enter the memorandum of agreement as if it was an order or award of the Court and when so entered the memorandum shall have the same force and effect and all proceedings may be taken thereon as upon a registered agreement.

Unresolved disputes.

58. (1) A dispute, reported pursuant to section 50(1) or deemed to have been so reported under this Part, which remains unresolved after the time stipulated under section 54(1) within which the Labour Commissioner may take steps by means of conciliation to secure a settlement thereof, including any extension of such time under section 54(2) which has

expired, shall be certified as an "unresolved dispute" in writing by the Labour Commissioner and notice thereof served on the parties to the dispute and the Labour Commissioner shall also state any reasons which in his opinion have prevented a settlement.

(2) If the unresolved 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 his employment or the dismissal, employment, re-employment or re-instatement of any employee, either party to such a dispute may make application to, or the Labour Commissioner may refer the matter to the Court for the determination of the dispute.

(3) If the unresolved dispute concerns matters, other than those referred to in subsection (2), such dispute may be dealt with in the following manner —

(a) where both parties request him so to do, the Labour Commissioner shall refer the dispute to the Court for the determination thereof; or

(b) either or both of the parties may, subject to this Act, give notice that they intend to take action by way of strike or lockout in accordance with this Part.

(4) Nothing in subsections (2) and (3) shall apply in the case of any unresolved dispute in an essential service as defined in section 65(6) and every such unresolved dispute shall be referred by the Labour Commissioner to the Court for settlement.

Strike or lockout procedures.

59. (1) Subject to this section and section 58, if there is an unresolved dispute, either party may take action by way of lockout or strike.

(2) If at any time after a dispute has been reported to the Labour Commissioner or is deemed to have been so reported, a party to the dispute intends to take any action referred to in subsection (1), notice of such intention (hereinafter called "lockout notice" or "strike notice" respectively) shall be given to the other party and to the Labour Commissioner:

For the avoidance of doubt any other notice of an intention to take action by way of lockout or strike given before the dispute was first reported to the Labour Commissioner, or deemed under this Act to have been so reported, shall be null and void.

(3) No action in pursuance of a lockout notice or strike notice may be taken —

(a) at any time before the Labour Commissioner is required to certify under section 58 that the dispute is an unresolved dispute;

(b) earlier than fourteen days or later than twenty one days after the date on which the Labour Commissioner is required to certify under section 58 that the dispute is an unresolved dispute; or

(c) after both parties under section 58(3)(a) have requested the Labour Commissioner to refer the dispute to the Court.

Referral of unresolved dispute to Court.

60. The Labour Commissioner shall refer an unresolved dispute to the Court if —

- (a) no lockout notice or strike notice is given pursuant to section 59;
- (b) no action in pursuance of a lockout notice or strike notice was commenced after the expiration of fourteen days and before the expiration of twenty one days from the date on which the Labour Commissioner was required to certify under section 58 that the dispute is an unresolved dispute;
- (c) after action in pursuance of a lockout notice or strike notice was taken, there is a joint request to the Labour Commissioner by the parties to the dispute for referral of the unresolved dispute to the Court.

Strike and lockout action in conformity with this Part.

61. (1) If action in pursuance of lockout notice or strike notice takes place in conformity with this Part —

- (a) the provisions of a registered agreement (within the meaning of Part VI) if any, between the parties, shall not be taken to have been infringed, abrogated or otherwise set aside by reason only of such action; and
- (b) the contract of employment with respect to every employee involved in the lockout or strike shall not, by reason only of the taking of such action, be deemed to have been determined.

(2) Nothing in subsection (1) shall be construed as imposing on an employer any obligation to pay for any services of an employee which are withheld as a result of strike action taken in conformity with this Part.

Strike or lockout action not in conformity with this Part.

62. (1) If any lockout takes place otherwise than in conformity with this Part —

- (a) an employer instituting lockout action shall be guilty of an offence and, in addition to any other penalty under subsection (2), shall be liable for the unpaid wages, salary and other remuneration that an employee may reasonably be expected to obtain in respect of any period during which the lockout action took place; and an employee may recover such wages, salary or other remuneration as if it were a civil debt, without prejudice to any other manner in which proceedings may be taken for the recovery thereof;
- (b) an industry union or staff association taking strike action shall be guilty of an offence and, in addition to any other penalty under section (2), the Court may order the cancellation or suspension of its registration;
- (c) where an employee takes part in such strike action the employer may treat such action as a breach of contract and may terminate his services summarily.

(2) An employer or an industry union or staff association guilty of an offence under this section shall be liable to a fine of five hundred Emalangeni or in default of payment thereof to imprisonment for three months.

Minister may apply for order in national interest.

63. (1) If any strike or lockout is threatened or taken, whether in conformity with this Act or otherwise, and the Minister considers that the national interest is threatened or affected thereby, he may make application to the Court ex parte for an injunction restraining the parties from commencing or from continuing such action; and the Court may make such order thereon as it considers fit having regard to the national interest.

(2) Where the Court upon such an application under subsection (1) makes an order, the parties bound by that order shall immediately refrain from or discontinue such action, and the matter which gave rise to the action shall be deemed to have been referred to the Court by the parties concerned for determination.

(3) An order made by the Court under subsection (1) shall be published in the Gazette and in a newspaper circulating in Swaziland and such publication shall be deemed to be service of notice thereof on all parties to the dispute, including all employees engaged in the action, whether threatened or taking place.

(4) Subject to this section, no order of the Court made under subsection (1) shall be deemed to have validated any action taken if such action was not otherwise in conformity with the provisions of this Part.

Strike action etc. prohibited during hearing.

64. (1) No party to a dispute may continue, or take strike action or institute a lockout while proceedings in relation to a dispute to which that action relates are pending before the Court.

(2) No person may take strike action or institute a lockout as a result of disagreement or dissatisfaction with, an order or award of the Court.

(3) A person who contravenes the provisions of this section shall be guilty of an offence under this Act.

Strike action or lockouts prohibited in essential services.

65. (1) Without prejudice to section 62, the provisions of this section shall apply only to employees engaged in essential services as defined in subsection (6) hereof.

(2) An employer or employee carrying on or engaged in an essential service shall not take strike action or institute a lockout in connection with any such essential service.

(3) An employer who contravenes subsection (2) is liable on conviction to a fine of one thousand Emalangeni or to imprisonment for one year or to both such fine and imprisonment.

(4) An employee who contravenes subsection (2) is liable on conviction to a fine of five hundred Emalangeni or to imprisonment for six months or to both such fine and imprisonment.

(5) An organisation, the holder of an office in an organisation or any other person who calls for, or causes strike action to be taken in an essential service, or induces or persuades any worker in such service to take such action shall be guilty of an offence and liable on conviction —

- (a) in the case of an organisation to a fine of one thousand Emalangeni, and the Court may cancel the Certificate of Registration issued under Part III;
 - (b) in the case of the holder of an office in an organisation to a fine of five hundred Emalangeni or to imprisonment for six months or both, and such person shall be disqualified from holding office in any organisation for a period of five years after conviction therefor; or
 - (c) in the case of an individual who is not the holder of an office in an organisation to a fine of two hundred Emalangeni or to imprisonment for three months or to both such fine and imprisonment.
- (6) (a) For the purposes of this section, essential services, by whomsoever such services are rendered, and whether rendered to the Government or to any person are —
- (i) water services;
 - (ii) electricity services;
 - (iii) fire services;
 - (iv) health services;
 - (v) sanitary services;
 - (vi) telephone, telegraph and broadcasting services;
 - (vii) teaching services in any school as defined in section 2 of the Education Act;
 - (viii) any service in a civil capacity in respect of the Government of Swaziland
- (b) The Minister may, by notice in the Gazette, amend the list of essential services in paragraph (a).

(7) Every employer in an essential service shall cause to be posted up, on premises used for the purpose of that service, a printed notice containing the provisions of this section.

(8) Any employer, other than the Government, who fails to comply with subsection (7) shall be guilty of an offence and liable on conviction therefor to a fine of two hundred and fifty Emalangeni.

Offence for persons to contribute financial assistance to promote or support strike action or lockout.

66. (1) A person who, for the purpose of promoting or maintaining the conduct of a strike or lockout in an essential service contrary to this Act, directly or indirectly contributes financial assistance to an employer or an organisation which calls for or causes such action to be taken or to any employee involved in such action, shall be guilty of an offence and liable on conviction to a fine of five hundred Emalangeni or imprisonment for six months or both.

(2) An employer or an organisation which receives any financial assistance for the purpose of supporting a strike or lockout instituted or continued in an essential service contrary to the provisions of this Act shall be guilty of an offence and liable on conviction to a fine of five hundred Emalangeni.

(3) An employee or other person who receives financial assistance for the purpose of supporting a strike or lockout in an essential service contrary to this Act shall be guilty of an offence and liable on conviction to a fine of two hundred and fifty Emalangeni or three months' imprisonment or both.

Criminal liability of officers of body corporate.

67. (1) Where there is reasonable cause to believe that an offence under this Act has been committed by a body corporate, criminal proceedings may be instituted against any person who at the time of the commission of the offence was a director, manager, secretary or other office bearer of such body who was purporting to act in any such capacity.

(2) Without prejudice to any other defence, where criminal proceedings are instituted against a person referred to in subsection (1) in respect of an offence committed by a body corporate, it shall be a defence if such person proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to his functions in that capacity and to all the circumstances relating to the commission of the offence.

PART VIII:

FREEDOM OF ASSOCIATION AND THE RIGHT TO ORGANISE

Basic employee rights.

68. Every employee may —

- (a) take part in the formation of any organisation or federation;
- (b) be a member of any such organisation or federation, and take part in its lawful activities;
- (c) seek and hold office in any such organisation or federation;
- (d) exercise any and all rights conferred or recognised by this Act, and assist any employee, industry union or staff association to exercise such rights.

Basic employer rights.

69. Every employer shall have the right to —

- (a) take part in the formation of any employers' association or federation;
- (b) be a member of any such association or federation and take part in its lawful activities;
- (c) seek and hold office in any such association or federation;

- (d) exercise any and all rights conferred or recognised by this Act, and assist any employer or employers' association to exercise such rights.

Prohibited employer practices.

70. (1) No employer or employers' association, and no person acting on behalf of an employer or employers' association, shall, with respect to any employee or any person seeking employment —

- (a) discriminate against such employee or person because of his exercise or anticipated exercise of any right conferred or recognised by this Act or because of his participation in any capacity in a proceeding under this Act;
- (b) threaten such employee or person that he will suffer any disadvantage from exercising any right conferred or recognised by this Act or from participating in any capacity in a proceeding under this Act;
- (c) promise that such person any benefit or advantage for not exercising any right conferred or recognised by this Act or for not participating in any capacity in a proceeding under this Act;
- (d) restrain or seek to restrain such an employee or person, by a contract of employment or otherwise, from exercising any right conferred or recognised by this Act or from participating in any capacity in a proceeding under this Act; and any contractual term which purports to exert any such restraint shall be null and void, whether agreed to before or after the coming into force of this Act;
- (e) impose any discipline or disadvantage upon an employee for refusing to do work normally done by an employee who is lawfully on strike or who is locked out, unless such work must be done to prevent an actual danger to life, health; or property.

(2) Nothing in this section shall be interpreted as preventing an employer from dismissing or otherwise disciplining an employee for just cause.

Lawful striker's right to return to employment.

71. If an employee who has been lawfully on strike, or who has been locked out by his employer, presents himself for work not more than one working day after the end of the strike or lockout, the employer shall reinstate such employee in the employment which he held immediately before the beginning of the strike or lockout, unless material changes to the employer's operations have resulted in the abolition of such employment.

Refusal to do strikers' work.

72. It shall be lawful for an employee, or for a number of employees acting in concert, to refuse to do any work normally done by an employee or employees who are lawfully on strike, provided that such refusal will not endanger the safety of persons or property.

No interference by public officers.

73. No person holding government office, or acting or purporting to act on behalf of anyone holding such office, shall exercise any power conferred by or under any law in such a way as to impede the exercise of rights conferred or recognised by this Act.

Access to employer's premises.

74. (1) No employer shall deny to an officer or authorised representative of an industry union or staff association or joint industrial council such access to the employer's work premises as is reasonable and necessary for the lawful activities of the industry union, staff association or joint industrial council as the case may be.

(2) In granting the access required by subsection (1), an employer may impose any restrictions as to time and place which are reasonable and necessary to avoid undue disruption of operations, or in the interests of safety and it shall not be deemed unreasonable for an employer to refuse permission for an organisation to hold meetings of its members on the premises of the employer during working hours.

(3) Upon application, the Court, if it is satisfied that an employer has unreasonably refused or limited any access required by this section, may make an order directing the granting of such access, subject to such restrictions as the Court may deem appropriate.

Representative's credentials and requirements as to representation etc.

75. (1) Every representative appointed or elected to membership of a works council or joint industrial council shall present his credentials for approval and acceptance to the Chairman of such council.

(2) Any representative appointed or elected to office in an industry union or staff association, shall when required by an employer whose premises he wishes to visit, provide proof of his identity and his credentials.

(3) Any representative appointed at his place of employment shall observe the terms of his contract of employment, work competently and with due diligence, have proper regard for the safety and well-being of his fellow employees, and observe the established rules, conditions and standards of employment.

(4) Every employer shall —

- (a) allow reasonable time for internal consultation with members of the organisation, provided that permission to be excused from normal duties for this purpose has been obtained;
- (b) allow accredited representatives of employee organisations reasonable time off, with or without pay, in their discretion, to deal with business affairs of employee organisations;
- (c) allow time off, with or without pay, in their discretion, for official attendance at formal meetings of appropriate employee organisations or associations, and for training courses relevant thereto.

Remedies for breach.

76. (1) If it finds, upon application by any interested person or by the Labour Commissioner, that a person has suffered loss from a breach of sections 68, 69 or 70, the Court, in addition to or in lieu of imposing any of the sanctions specified in section 10 may make any order which it deems just and appropriate to provide redress for such breach and to discourage similar breaches in the future.

(2) Without restricting the generality of subsection (1), an order made under this section may contain any direction permitted by section 13.

(3) If it finds, upon application by an interested person or by the Labour Commissioner, that there is reason to believe that a breach of sections 68, 69 or 70 will take place, the Court may make such order as it deems necessary to prevent such breach.

No encouragement of violence.

77. (1) No organisation or federation, or anyone acting on its behalf, shall engage in any activity or publicly advocate any course of action designed to bring about the overthrow of the Government or violent resistance to it, or designed to bring about acts of violence.

(2) If, upon application by a member of the organisation or federation or by the Labour Commissioner, or by the Attorney-General, the Court is satisfied that an organisation has breached subsection (1), the Court may order that it be dissolved forthwith and that the persons responsible for the breach be ineligible for office in any organisation or federation for a term not exceeding ten years.

Limitation on right to arrest or detain.

78. No police officer or any other person may arrest or detain, or threaten to arrest or detain, any person for an actual or apprehended breach of this Act unless such breach is also a violation of any law under which such arrest or detention, or the threat thereof, may lawfully be made.

PART IX:

MISCELLANEOUS

Picketing.

79. (1) All peaceful picketing by persons involved directly in the dispute giving rise to the picketing shall be lawful except if —

- (a) it is intended, or may reasonably be expected, to lead to or support an unlawful strike;
- (b) it involves violence or threats of violence, physical obstruction or restraint of persons or property, breach of the peace, or the persistent following about or persistent harassing of a person;

- (c) it involves the publication of derogatory statements about an employer or employers which purport to be statements of fact but which are erroneous or misleading, and that the person publishing them knew or ought to have known were false;
- (d) it is directed at a dwelling house, unless that dwelling house is also a place of business; or
- (e) it is directed at an establishment or an undertaking not directly involved in the dispute.

(2) Without prejudice to subsection (1), picketing shall be unlawful if it seeks to affect the resolution of any question of representation which under this Act is to be determined by the election of the members of a joint industrial council, or if it seeks to affect the resolution of any dispute or grievance which under this Act is to be finally settled by the Court, or if it seeks to influence an individual or group of individuals either to join or not to join or to cease membership of any organisation.

Expenses.

80. The Minister shall determine the remuneration, including any allowance payable to members of the Court and to any other persons appointed for the purposes of this Act, and the expenses so incurred shall be defrayed from public funds.

Code of Practice.

81. (1) The Code of Practice set out in the Schedule (hereinafter called "the Code") shall come into operation on the date this Act comes into operation.

(2) Nothing in the Code shall be legally binding on any person and it shall not be an offence not to comply with its provisions.

(3) Notwithstanding subsection (2) the Court may take the Code into account in arriving at its decision in proceedings under this Act.

(4) The Minister may after such consultations as he may consider necessary, amend the Code.

Regulations etc.

82. The Minister may prescribe anything which under this Act requires to be prescribed and may make regulations for giving effect generally to the purposes and provisions of this Act.

Application to Government.

83. This Act shall apply to employment by or under the Government in the same way and to the same extent as if the Government were a private person but shall not apply to —

- (a) any person serving in the Umbutfo Swaziland Defence Force established by the Umbutfo Defence Force Order, 1977;
- (b) the Royal Swaziland Police Force;
- (c) The Swaziland Prison Service.

Repeal.

84. The Trade Unions and Employers Organisations Act 1966 and the Industrial Conciliation and Settlement Act 1963 are hereby repealed.

SCHEDULE

CODE OF PRACTICE
(Section 81)*Introduction.*

1. The purpose of this Code is to provide practical guidance for the day to day conduct of good industrial relations. It has been prepared in consultation with the Labour Advisory Board and complements the legislative provisions of the Industrial Relations Act. The Code is not legally binding and it is designed to interpret industrial relations in the widest sense. Although some of the detailed provisions of the Code may need to be adapted to suit particular circumstances, especially in small establishments, or in certain types of employment, such adaptations should be consistent with the Code's general intentions. Failure to observe the Code will not, in itself, render anyone liable to prosecution; at the same time, the Industrial Court may take the Code into account in any proceedings before it. Any changes necessary to the Code of Practice will be made by the Minister of Labour after consultation with the Labour Advisory Board.

Management Responsibilities.

2. The principal aim of management is to conduct the business of the undertaking successfully. To achieve this aim it is necessary to have good working relationships between management and employees. The achievement of these relationships is the joint responsibility of management and employees and the organisations which represent them. At the same time, the prime responsibility for the promotion of good working relationships rests with management, who should take the initiative in their development and pay as much attention to them as they pay to such management responsibilities as finance, marketing or production.

3. When an organisation has been recognised for negotiating purposes, management should, in conjunction with the organisation, maintain effective arrangements for negotiation, consultation and communication and for the settlement of disputes and grievances, and take steps to ensure that agreements are complied with and that agreed procedures are observed and used.

4. Where no organisation has been recognised for negotiating purposes, management should maintain effective arrangements for consultation and communication and for the settlement of grievances and ensure that these arrangements are used.

5. Management should ensure that every manager and supervisor is properly selected and trained and that —

- (a) his responsibilities and authority are clearly defined;
- (b) he knows and understands the procedure for the treatment and settlement of disputes and grievances;
- (c) he is responsible for a working unit or group that he can manage or supervise effectively;
- (d) he is fully conversant with management policies insofar as they affect his working unit or group;
- (e) he has a good general knowledge of the labour legislation affecting the employees for whom he is responsible.

Employee organisations.

6. The principal aim of employee organisations is to promote the interests of their members. To do this effectively they must try and ensure that the undertakings in which their members are employed prosper. Their contribution is to assist in the promotion of efficiency in those undertakings. They share with management the responsibility for good industrial relations. Employee organisations should —

- (a) maintain, together with employers associations or individual employers, as appropriate, effective arrangements for negotiation, consultation and the settlement of disputes and grievances;
- (b) take steps to ensure that officials, representatives and members observe agreements and follow agreed procedures and understand the policies and rules of the organisation;
- (c) ensure that officials understand their powers and duties and are properly trained to carry them out efficiently and responsibly;
- (d) maintain effective communication within the organisation and encourage members to attend meetings and participate in the work of the organisation.

Employers associations.

7. The principal aim of employers associations is to promote the interests of their members. To do so they should —

- (a) where appropriate, maintain jointly with employee organisations, effective arrangements at industry or other levels for the settlement of disputes and grievances and the negotiation of terms and conditions of employment;
- (b) take steps to ensure that members develop effective arrangements for the settlement of disputes and grievances at the level of the individual undertaking, and that they are conversant with and observe agreements and agreed procedures;
- (c) provide advice to members on employer/employee relations, including the collection and distribution of information on legislative and other changes which affect these relations.

The individual employee.

8. The individual employee has obligations to his employer, to his industry union or staff association if he belongs to one, and to his fellow employees. His legal relationship with his employer derives from his individual contract of employment. Some of its terms may be fixed by collective agreement, others by law. He should ensure that he understands the terms of his contract and complies with them. He should be familiar with the arrangements for dealing with grievances arising out of his contract and make use of them. Employees working in an essential service for example health, sanitary or electricity services, should ensure that they know the special obligations placed upon them because of their work in these services.

The Labour Department.

9. The formal responsibilities of the Labour Commissioner and his staff are contained in the various laws dealing with labour matters. In effect, they go further than this. The Labour Department is a public service for the benefit of individual employees and employers and the organisations or associations to which they may belong. The Department can advise all parties on labour matters, provide a conciliation service and obtain information on legislative and other trends both within Swaziland and outside its borders. All parties should avail themselves of the services offered by the Department.

Employment policies.

10. The prime responsibility for employment policies rests with management; at the same time, they should be developed, as appropriate, by consultation or negotiation with employee representatives. Employment policies should have regard to the legislative requirements relating to non-discrimination in employment.

Manpower planning.

11. Manpower planning should take account of existing manpower resources, present and future manpower needs and the necessity of matching manpower resources to these needs. It is essential that manpower planning should be an integrated part of the planning process, backed by management and based on adequate and up to date personnel records. In the evolution of a manpower policy care should be taken to —

- (a) avoid unnecessary fluctuations in the labour force, and where changes are necessary, make them with as little disruption as possible;
- (b) maintain arrangements for the transfer of employees between jobs;
- (c) maintain consultation and negotiating procedures aimed at identifying the causes of absenteeism and labour turnover with a view to controlling these aspects.

Engagement and selection of employees.

12. In engaging and selecting employees, management should have a clear knowledge of the terms and conditions of employment relative to the vacancy and explain them to applicants. The person responsible for engagements should be aware of the qualifications and experience called for, and where possible should consider applicants from within the undertaking where promotion is involved. Management should carry out periodic checks on engagement and selection methods and ensure that persons charged with the responsibility for engagement and selection of employees are competent to carry out the task.

Training.

13. Management should ensure that new employees are given induction training and are properly informed about their conditions of employment. Where necessary, on the job training should be given to supplement previous experience and training. When young people are entering employment for the first time, they should be given a general introduction to the working environment, basic training in regard to working requirements and specific

training in their particular job; they should also be taught the importance of health and safety precautions. All employees should be encouraged to improve their education and skills by taking advantage of training facilities and educational opportunities, both inside and outside their place of employment.

Payment systems.

14. Payment systems should be kept as simple as possible consistent with their purpose; where payment is linked to performance they should be based on some form of work measurement. Where an employee organisation has been recognised, the payment system should be reflected in an agreement between the parties. Differentials should be rational and related to the job content, preferably they should be mutually agreed. Employees should normally be paid during working hours.

Status and security of employees.

15. Compatible with the successful operation of the undertaking, management should provide stable employment, including reasonable job security for employees absent through sickness or other causes beyond their control. Unnecessary fluctuations in the level of earnings of an individual employee should be avoided by arranging his work so that he receives broadly equitable payments for each pay period. Status of employees and the facilities available to them should be based on the requirements of the job; where this is not so, the aim should be to progressively reduce and ultimately eliminate differences not so based.

16. Responsibility for deciding the size of the work force rests with management. A policy for dealing with reductions in the work force, should they become necessary, should be worked out in advance, and where applicable, in conjunction with employee organisations; they should form part of the undertaking's employment policies. Insofar as is possible, management should seek to avoid redundancies by such means as restricting engagements; reducing overtime; retiring employees who are beyond the normal retiring age; retraining employees for transfer to other work, and, as a last resort, short time working.

17. Where redundancy is inevitable, management in consultation with employees and their representatives, should give as much warning as possible to everyone concerned. At the same time consideration should be given to the introduction of schemes for voluntary retirement, redundancy or transfer. A decision should be taken as to which employees are to be made redundant, ensuring that no public announcement is made before the employees involved and their representatives have been informed.

Working conditions.

18. Minimum standards relative to working conditions are contained in the labour laws. Management should, in co-operation with their employees, aim at improving these standards by better housekeeping, cleanliness in the work place, improved lighting and ventilation etc. Noise levels should be reduced as far as possible and the standards of safety and hygiene kept at a high level. Where protective equipment is provided, e.g. safety helmets, goggles and machinery guards etc., management and employee representatives should take steps to ensure that they are properly used. For their part, employees should ensure that they understand the health and safety precautions in use, that they observe them and also that they make use of protective equipment.

Communication and consultation.

19. Management, employee representatives and organisations share a responsibility for ensuring that there is effective communication and consultation in all establishments. Communication and consultation are essential at any time, but they are particularly important in times of change. For example, major changes in working conditions should not take place without prior discussion between management and employees or their representatives.

20. Effective arrangements should be introduced to ensure a flow of information between management and employees. Personal contact between each manager or supervisor and the working group they control should be supplemented, where practicable, by written information, e.g. on notice boards or by training courses and meetings. Employees should be regularly informed about the performance of the undertaking and organisational or management changes which affect them.

21. Management should ensure that managers and supervisors know that it is an important part of their duties to explain management policies and convey work instructions clearly and that they have the requisite information to do so. Opportunities should be provided for employees to discuss matters affecting their employment and management should ensure that they are kept informed of these discussions.

22. Every employee should be given information about the requirements of his job and to whom he is directly responsible; disciplinary procedures and the circumstances which can lead to suspension and dismissal; any arrangements which exist relative to on employee organisation; opportunities for promotion and necessary training to achieve promotion; social and welfare facilities and fire prevention, safety and health rules.

23. Employee representatives and employee organisations should ensure that they have the means of communicating effectively with those they represent, whilst, at the same time, recognising that management has a responsibility for communicating directly with the employees. All parties should co-operate in keeping employees informed of the results of any negotiations or consultations affecting them.

Consultation.

24. Management should take the initiative in setting up and maintaining consultative arrangements best suited to the circumstances of the establishment, bearing in mind the requirements of the Industrial Relations Act relative to the recognition of employee organisations, collective bargaining and the introduction of works councils. In setting up these consultative arrangements, management should ensure that —

- (a) the arrangements provide opportunities for the free expression of views on matters affecting employment, without incurring the risk of discrimination against persons expressing such views;
- (b) senior staff take part in the consultation;
- (c) all parties have all the information they require in order that they may participate effectively in the consultation; and
- (d) the arrangements include effective means of reporting back to employees.

Recognition of employee organisations.

25. Section 36 of the Industrial Relations Act establishes the procedure for the recognition of an employee organisation as a collective bargaining representative. Preferably, this process should be voluntary, but in the event of a dispute the matter can be referred to the Industrial Court. In replying to an application for recognition, management is entitled to know how many employees in the undertaking are members of the undertaking, but not their identities. When the extent of support cannot be agreed, the Court can make a decision as to how the support can be determined. A recognition agreement should establish the categories of employer covered by the agreement, and once an organisation is recognised, management should be prepared, within agreed procedures, to receive representations from the organisation on behalf of its members about grievances which cannot be dealt with on an individual basis. A clear procedure is necessary for the resolution of conflicts of interest.

26. An essential ingredient for sound industrial relations is mutual trust and respect between an employer and any organisation representing his employees. To establish this trust and respect there should be regular contacts between the parties. Such contacts should not be left until there is a problem. Equally, employee organisations should be provided with facilities to meet members in order that they may represent them effectively.

Collective bargaining.

27. The procedure for the conduct of collective bargaining is set out in Part IV of the Industrial Relations Act. Ideally, collective bargaining should cover as wide a group as possible within the same industry. Too many small units make it difficult to ensure consistent treatment for related groups of employees, although there may be a need to take into account the interests of minority groups within an industry. Whilst negotiating arrangements need periodic review, arrangements which are working well should not be disturbed without good reason.

Collective agreements.

28. Collective agreements deal with matters of procedure and matters of substance which are of joint concern to management and employees. A collective agreement may contain provisions of both kinds or they may be dealt with in separate agreements. In either case the agreement should be in writing and should contain arrangements for the periodic review of procedures etc. In addition to the matters covered in Part VI of the Industrial Relations Act, the agreement may contain provision for —

- (a) facilities for organisation activities in the undertaking and the appointment, status and functions of shop stewards;
- (b) the constitution and scope of any consultation committees;
- (c) techniques for determining levels of performance including job grading, work measurement and job evaluation;
- (d) guaranteed pay, sick pay, maternity leave and other special kinds of leave;
- (e) procedures for handling redundancies;
- (f) general guide lines for negotiating at a lower level matters which cannot be decided satisfactorily at industry level;
- (g) the relevance of an agreement made at establishment or undertaking level to an industry wide agreement.

Disclosure of information.

29. For collective bargaining to be conducted realistically and responsibly, it is necessary for both parties to have adequate information on the matters being discussed. Management should be prepared to meet all reasonable requests from employee organisations for information relative to planned negotiations. In particular, it should make available, in convenient form, information supplied to shareholders or published in annual reports.

Employee representation at the place of work.

30. It is an advantage for all parties for management to deal with representatives of employees who can put forward their collective views. This function is normally carried out by employees who are accredited to act on behalf of members of an employees' organisation in the establishment where they themselves are employed. They are usually called "shop stewards".

31. A shop steward has responsibilities both to fellow members in the establishment and to the organisation outside it, in addition to his responsibilities as an employee. Most shop stewards spend only a part of their time on shop steward's duties, but their role in the effective conduct of industrial relations at the place of work is always important. Where there are shop stewards, industry unions should provide for their election and appointment; define the manner in which they can be removed from office, and specify their powers and duties within the organisation.

Functions of a shop steward.

32. A shop steward's functions at the place of work cover such matters as the recruitment of members of the organisation; maintenance of membership; the collection of dues and contributions and the handling of members' grievances, etc. His role varies according to the industrial relations system in which he operates. Agreements at the level of the industry may lay down, or provide guide lines on, some of his functions. Others are best determined in the individual establishment. But all the functions of a shop steward should be clearly defined and those relating to industrial relations should be agreed between the parties. A shop steward must observe all agreements to which his organisation is a party and should take all reasonable steps to ensure that those whom he represents also observe them.

Appointment and qualifications of shop stewards.

33. When recognition has been accorded to an organisation, management and the organisation should agree on the number of shop stewards needed in the establishment and the work groups for which each steward is responsible. In conjunction with management organisations should decide on the conditions and eligibility for election and appointment. For example, minimum age, grade and length of service in the establishment. Members of organisations should be encouraged to vote in the election of shop stewards, and management should be informed promptly when shop stewards are appointed and when changes are made.

Status of shop stewards.

34. Shop stewards should be provided with written credentials setting out their powers, duties and authorities, which shall NOT include the right to call for industrial action. All

credentials should state the period of his office and the work group he represents. In an establishment where there are a number of shop stewards, they should consider electing a senior steward to co-ordinate their activities.

Facilities for shop stewards.

35. The facilities needed by shop stewards will depend on their functions and the nature and extent of these facilities should be agreed between organisations and management. They may include time off from the job, to the extent reasonably required, for their industrial relations functions; permission for which should be sought from the appropriate manager and should not be unreasonably withheld; and maintenance of earnings while carrying out these functions; lists of new employees; accommodation for meetings with the employees whom they represent, with other shop stewards and with full-time organisation officials; access to a telephone and the provision of notice boards, provided that the employer should always have the right to see any notice before it is put up.

Training of shop stewards.

36. Employee organisations and management should review the type of training most appropriate for the shop steward's needs and take all reasonable steps to ensure that shop stewards receive the training they require; seek to agree on the arrangements for leave from the job to attend training courses and seminars, including compensation for loss of earnings; and accept joint responsibility for training in the use of arrangements for communication and consultation and for handling grievances.

Grievance and dispute procedure.

37. All employees have a right to seek redress for grievances and management should establish, with employee representatives of organisations concerned, or where no organisation has been recognised, through other means, arrangements under which individual employees can raise grievances and have them settled fairly and promptly. There should be a formal procedure, except in very small establishments where there is close personal contact between the employer and his employees. Where organisations are recognised, management should establish a procedure with them for settling collective disputes. Individual grievances and collective disputes are often dealt with through the same procedure. Where there are separate procedures they should be linked so that an issue can, if necessary, pass from one to the other, since a grievance may develop into a dispute.

Individual grievance procedure.

38. The aim of the procedure should be to settle the grievance fairly and as near as possible to the point of origin. It should be simple and rapid in operation. The procedure should be in writing and provide that —

- (a) the grievance should normally be discussed first between the employee and his immediate superior;

- (b) the employee should be accompanied at the next stage of the discussion with management by his employee representative if he so wishes and, if there is a collective representative, and the employee concerned belongs to that organisation, a representative of the organisation should be allowed to be present at this stage if he so wishes; and
- (c) there should be a right of appeal.

Collective disputes procedure

39. Disputes are broadly of two kinds —

- (a) disputes of right, which relate to the application or interpretation of existing agreements or contracts of employment; and
- (b) disputes of interest, which relate to claims by employees or proposals by management about terms and conditions of employment.

40. A procedure for settling collective disputes should be in writing and should —

- (a) state the level at which an issue should first be raised;
- (b) lay down time limits for each stage of the procedure with provision for extension by agreement; and
- (c) reflect the requirements of the Industrial Relations Act in regard to strikes and lockouts.

41. The procedure should have the following stages —

- (a) employee representatives should raise the issue in dispute with management at the level directly concerned;
- (b) failing settlement, it should be referred to a higher level within the establishment; and
- (c) if still unsettled, it should be referred to further agreed stages, for example, to a stage of an industry-wide procedure, or to a higher level within the undertaking;
- (d) it should be treated in terms of the Industrial Relations Act.

Disciplinary procedures.

42. It is a basic principle that an employee should not be dismissed from his job without reason. At the same time it is difficult to protect an employee after he has been dismissed and the usual question relative to an employee proved to be unfairly dismissed is the amount of compensation due to him. It is rare for an employer to be willing to reinstate a dismissed employee and clearly, therefore, dismissal should be a last resort. Every employer should ensure that fair and effective arrangements exist for dealing with disciplinary matters, if an organisation has been recognised, the organisation should be associated with the disciplinary procedure.

43. Whatever procedure is decided upon, it should provide for full consideration of all the relevant circumstances by someone with authority to take the necessary decisions. The procedure should be formal except in very small establishments where there is close personal contact between the employer and his employees. Management should make known to each employee —

- (a) the disciplinary rules and the agreed procedure; and
- (b) the type of circumstances which can lead to suspension or dismissal.

The procedure should whenever possible be put into effect only after consultation with a collective representative. It should be in writing and should either be given to each individual employee or displayed somewhere where it can be conveniently read. It should —

- (a) state the fact if it has been agreed with an employee organisation;
- (b) specify, by name or by job, who has authority to take various forms of disciplinary action and ensure that only senior management has the power to dismiss;
- (c) give the employee the right to state his case and to be accompanied by his employee representative;
- (d) ensure that, so far as is practicable, the final decision on disciplinary action is taken by a level of management not previously involved; and
- (e) provide for independent conciliation if the parties to the procedure wish it.

44. Where there has been misconduct, the disciplinary action to be taken will depend on the circumstances, including the nature of the misconduct. But normally the procedure should operate as follows —

- (a) the first step should be an oral warning or, in the case of more serious misconduct, a written warning setting out the circumstances;
- (b) no employee should be dismissed for a first breach of discipline except in the case of serious misconduct;
- (c) a written record should be kept by the employer of all disciplinary action other than oral warnings and any entry in that record regarding an employee should be shown to him and, if he wishes, his employee representative; and
- (d) great care should be taken when a shop steward is disciplined as he, clearly, is in a very vulnerable situation with regard to discrimination. A shop steward should never be dismissed until the circumstances of the case have been discussed with a full-time official of his organisation, though he may be suspended pending such discussions.

LEGAL NOTICE NO. 66 OF 1979

THE ROAD TRAFFIC ACT, 1965
(Act No. 6 of 1965)

THE ROAD TRAFFIC (AMENDMENT) REGULATIONS 1979
(Under sections 137 and 148)

[Date of commencement:

In exercise of the powers conferred by sections 137 and 148 of the Road Traffic Act, 1965, the Minister for Works, Power and Communications hereby makes the following Regulations:-

Citation and commencement.

1. (1) These Regulations may be cited as the Road Traffic (Amendment) Regulations 1979 and shall be read as one with the Road Traffic Regulations 1966, hereinafter referred to as "the principal Regulations".

(2) These Regulations shall come into force on such date as the Minister may, by Notice in the Gazette, appoint and the Minister may appoint different dates for the coming into force of different provisions of these Regulations.

Amendment of Regulation 2.

2. Regulation 2 of the principal Regulations is amended by inserting after the definition "right" the following new definition —

"safety belt" means a restraining device for an occupant of a motor vehicle consisting of an assembly of straps, anchor attachments, securing buckle, and adjusting device, anchored at two, three or four points and designed so to secure a wearer in a vehicle as to reduce serious injury in the event of an accident".

Amendment of Regulation 3.

3. Regulation 3 of the principal Regulations is replaced by the following —

"Registration plate

3. The registration mark and registration number of a motor vehicle shall be displayed on a flat plate of aluminium metal which shall be constructed in accordance with the specifications set out in Part I of the Schedule hereto".

Amendment of Regulation 4.

4. Regulation 4 of the principal Regulations is amended —

(a) by replacing paragraph (1) with the following —

“(1) The colour of a registration plate shall be as follows —

(a) for a motor vehicle operated under the authority of a motor dealer’s licence —

(i) all letters and figures shall be a signal red colour; and

(ii) the remainder of the registration plate shall be white subject to a red border as prescribed in paragraph 4(4) of Part I of the First Schedule;

(b) for all other motor vehicles —

(i) all letters and figures shall be black; and

(ii) the remainder of the registration plate shall be yellow subject to a black border as prescribed in paragraph 4(4) of Part I of the First Schedule”.

(b) by deleting paragraph 3.

Amendment of Regulation 6.

5. Regulation 6 of the principal Regulations is replaced with the following —

“Arrangement of letters and figures on registration plates

“6. (1) On a registration plate not used under the authority of a motor vehicle dealer’s licence, the letters and figures shall be arranged, in the case of a motor vehicle other than a motor cycle, so that either —

(a) the registration mark and registration number, in that order, are in one line; or

(b) the registration mark followed by the first figure of the registration number are in one line and the remainder of the registration number is on a line immediately below provided that —

(i) in the case of a diplomatic or consular motor vehicle the four letters of the registration mark shall appear in the top line and the registration number in the lower line;

(ii) in the case of Government motor vehicles held by the Defence Force and the Royal Swaziland Police the letters of the registration mark shall appear in the top line and the registration number in the lower line.

(2) A registration plate of a motor cycle not used under the authority of a motor vehicle dealer’s licence shall be arranged as provided in sub-paragraph (b) of paragraph (1) of this Regulation.

- (3) A registration plate used under the authority of a motor vehicle dealer's licence shall be arranged so that —
- (a) in the case of a motor vehicle other than a motor cycle, the registration number and registration mark, in that order, are on one line;
 - (b) in the case of a motor cycle, the first three figures of the registration number are on one line and the remainder of the registration number and the registration mark are on one line immediately below”.

Amendment of Regulation 7.

6. Regulation 7 of the principal Regulation is amended by replacing paragraphs (2), (3) and (4) with the following —

- “(2) In respect of a trailer, a motor cycle or a motor tricycle having one wheel in front, the registration plate shall be displayed only at the back of the vehicle.
- (3) A registration plate shall be so displayed on a motor vehicle as not to be higher than 1,5m from the ground.
- (4) The attachment of a registration plate to a motor vehicle shall be in such a manner —
- (a) that the aluminium metal of the plate shall not come into direct contact with a fastener, which is used for the purposes of such attachment, made of any material other than aluminium or nylon;
 - (b) that no fastener shall be positioned through the registration plate except at the points of the radial axis of the curved corners of the registration plate, subject to a radial tolerance of that point of 2 millimetres.”

Amendment of Regulation 10.

7. Regulation 10 of the principal Regulations is replaced with the following —

“Protection of clearance certificate.

10. A motor vehicle dealer's clearance certificate shall be displayed in a water-proof holder with a durable transparent cover attached to the appropriate registration plate used under the authority of a motor vehicle dealer's licence.”

Amendment of Regulations 19, 20, 21 and 55.

8. The principal Regulations are amended —

- (a) in Regulations 19, 20 and 21 and the headings thereof by replacing all references to “Part II” with references to “Part III”;
- (b) in Regulation 55 and the heading thereof by replacing all references to “Part III” with references to “Part IV”;

Addition of Regulation 85 (bis).

9. The principal Regulations are amended by inserting after Regulation 85 the following new Regulation —

“Safety belts

85 (bis) (1) This Regulation applies to motor vehicles registered on or after the 1st January, 1965, while in use on a public road other than motor vehicles of the following types or such other vehicles as the Minister may by Notice in the Gazette exempt from the application of this Regulation —

- (a) motor cycles whether solo or not and whether with a side car or not;
- (b) light motor vehicles;
- (c) heavy motor vehicles;
- (d) motor vehicles specially adapted, constructed or equipped for exclusive use by physically handicapped persons;
- (e) tractors, harvesters or such other vehicles;
- (f) motor vehicles incorporating road-making, earth-moving, excavation, construction or loading machinery.

(2) The Minister may exempt any person who applies in writing for such exemption from the provisions of this Regulation upon such conditions as he may think fit.

(3) In this Regulation, the expression to operate a motor vehicle shall not include —

- (a) the mere occupation of a seat in a motor vehicle while such vehicle is stationary; or
- (b) the operating of a motor vehicle in order to cause it to travel backwards, or into or out of a parking position.

(4) No person shall, on a public road, operate a motor vehicle registered on or after the 1st January, 1965 unless the vehicle is fitted with safety belts for both the driver and the front-seat passenger or passengers.

(5) No person shall, on a public road, operate a motor vehicle or travel as a passenger on the front seat of such motor vehicle without ensuring that the seat belt affixed to his seat is properly adjusted and securely fastened, and in the case of a passenger who is less than fourteen years old, the driver shall ensure that the seat belt affixed to that passenger's seat is properly adjusted and securely fastened.

(6) Any person who —

- (a) operates a motor vehicle which does not comply with the requirements of paragraph (4);

- (b) being a driver or a passenger on the front seat fails to wear a safety belt attached to the seat he occupies and to ensure that the belt is properly adjusted and fastened;
- (c) being the driver of a motor vehicle fails to take reasonable steps to ensure that the safety belt for the front seat of a passenger who is less than fourteen years of age is worn by that passenger and is properly adjusted and properly fastened

shall be guilty of an offence and, on conviction, shall be liable —

- (i) in respect of an offence against paragraph (a), to the penalty prescribed in Regulation 175; or
- (ii) in respect of an offence against paragraphs (b) or (c), to a fine not exceeding E10 or, in default, to a term of imprisonment not exceeding ten days."

Amendment of Regulations 108, 140, 171 and 175.

10. The principal Regulations are amended —

- (a) in Regulation 108 and the heading thereof by replacing all references to "Part IV" with references to "Part V";
- (b) In Regulation 140 and the heading thereto by replacing all references to "Part V" with references to "Part VI";
- (c) In Regulation 171 and the heading thereof by replacing all references to "Part VI" with references to "Part VII";
- (d) In Regulation 175 by replacing the words "this Regulation" with the words "these Regulations".

Amendment of First Schedule.

11. The First Schedule to the principal Regulations is amended —

- (a) by replacing Part I and Part II thereof with the following —

"PART I"

(Under Regulations 3 and 4)

Specifications and Marking of Registration Plates
Material of Plate

1. Registration plates shall be of aluminium sheet of a thickness of not less than 1,2 mm not more than 1,4mm and shall be of a quality capable of being embossed with the registration mark and number thereon.

Retroflective Materials

2. The outer surface of the plate shall, before it is embossed with the registration mark and registration number, be covered with a retroflective material of the prescribed colour and shall comply with the requirements of the South African Bureau of Standards specification 1116 — 1976 (as amended) and, in addition, the material's reflected luminous intensity at an observation angle of 0,20 and an angle of incidence of 40 shall not exceed 70 candela per incident lux (per square metre of material).

Shape and Dimensions of Plate

3. Plates shall be rectangular in shape and, subject to a plus tolerance only of 2mm on each dimension, shall be of one of the following sizes:

- (a) length 440mm; height 120mm
- (b) length 250mm; height 205mm

The corners of each plate shall be rounded to a radius of 15mm subject to a plus or minus tolerance of 2mm.

Marking of Registration Plate

4. (1) *Registration Marks.*

The registration mark and registration number shall be embossed on the plate and the raised surfaces of such mark and number so embossed shall be painted with non-reflective paint of the prescribed colour, which paint shall be of a quality which is compatible with the aforesaid reflective material.

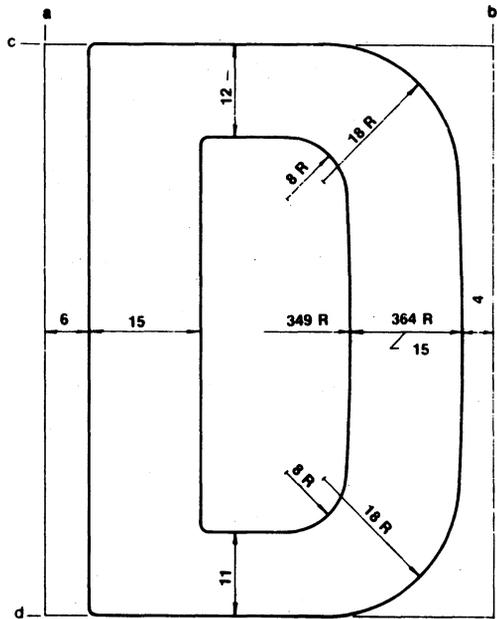
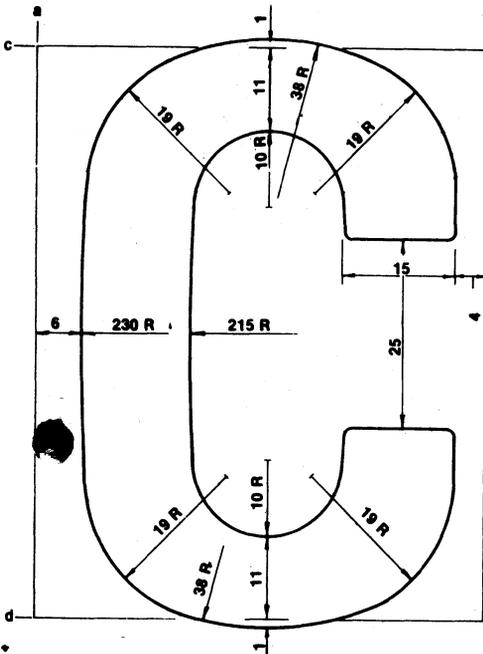
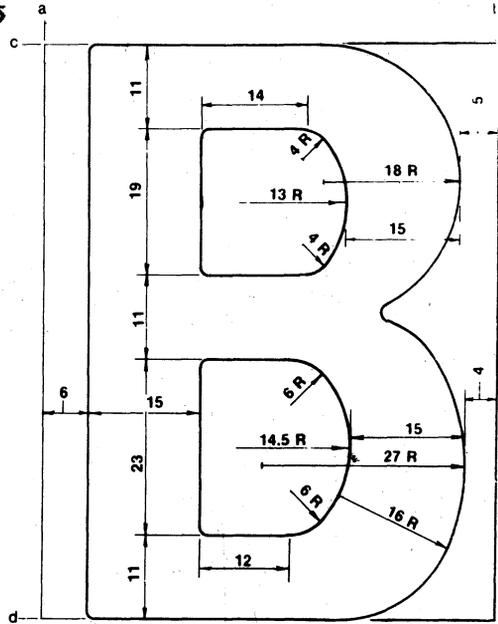
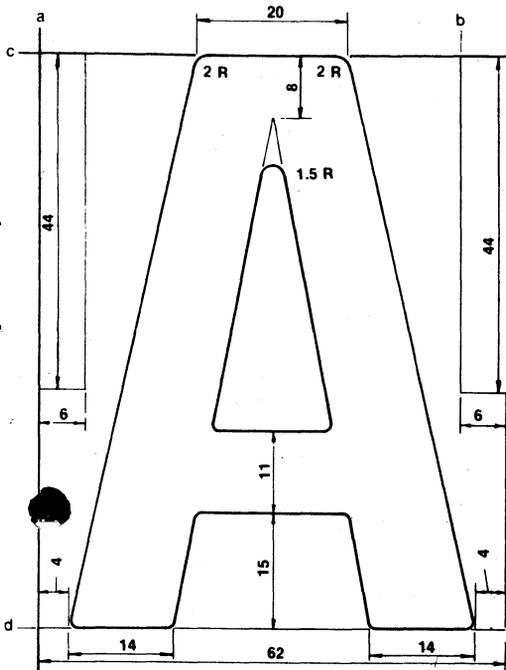
(2) *Form and Dimensions of Characters of Registration Marks and Registration numbers.*

Subject to normal manufacturing tolerances, the coloured surfaces of the letters and numerals shall be replicas as regards form of the appropriate letters and numerals given in Fig 1 annexed hereto, their dimensions shall conform to the appropriate values given in Fig. 1 and each character shall be raised above the surface of the retro-reflective background to a height of 1,2mm subject to a plus or minus tolerance of 0,2mm.

(3) *Setting out of Characters of Registration Marks and Numbers.*

- (a) Each registration character, for the purpose of setting out the letters and numerals at their correct spacing shall, except as illustrated in Fig. 1, be regarded as lying within a frame of height 75mm (see lines 'c' and 'd' in Fig. 1) and of width equal to the distance between the frame lines 'a' and 'b' applicable to the relevant characters as shown in Fig. 1.

- (b) The location of the characters within the frame lines shall be as shown in Fig. 1.
 - (c) In the case of a registration plate with a single line, the characters shall be so set out on the registration plate that the frame lines of adjacent characters are coincident, except that there shall be a space of not less than 4mm and not more than 6mm between the frame lines of:
 - (i) the last character of the registration mark and the first character of the registration number;
 - (ii) the fourth and fifth characters of a registration number of more than 4 characters. (see Figure 2a).
 - (d) In the case of a registration plate with two lines, *c(i)* and *c(ii)* shall apply and in addition the characters in the top line shall be separated from the characters in the lower line by a space, between frame lines, of a height of not less than 9mm and not more than 11mm (see figure 2(b)).
- (4) Round the edges of every registration plate there shall be a raised embossed border of overall width of not less than 7mm and not more than 9mm and height of not less than 1mm and not more than 2mm. The front face of the border shall have a stripe of uniform width of not less than 4mm and not more than 6mm and such stripe shall be of the same colour as the registration mark and registration number.



NOTES

- 1) All dimensions in millimetres
- 2) Dimensions between frame lines for letters and numerals, except where shown, are as follows:
 Width (between frame lines "a" and "b"):
 Letters 60 mm
 Numerals 54 mm
 Height (between frame lines "c" and "d") 75 mm
- 3) All radii, except where shown, 1 mm

Fig. 1 - Shapes and Sizes of Letters and Numerals

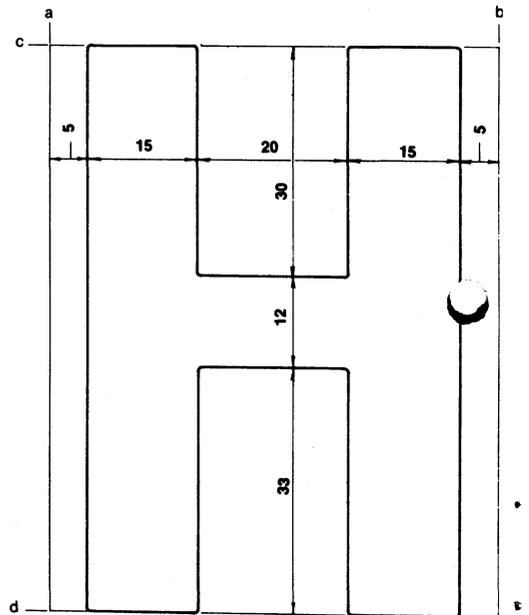
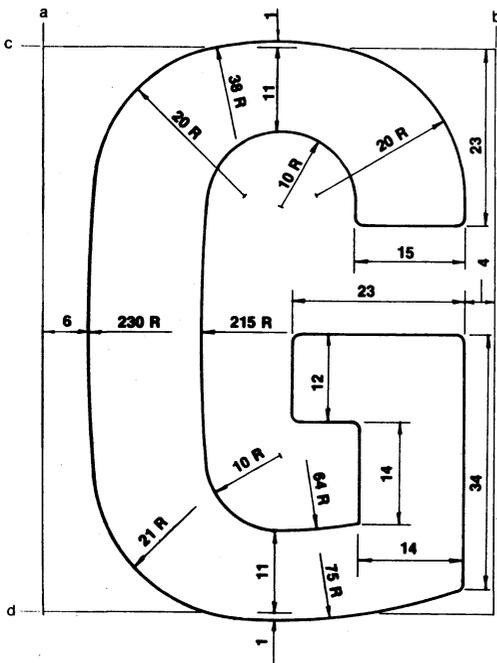
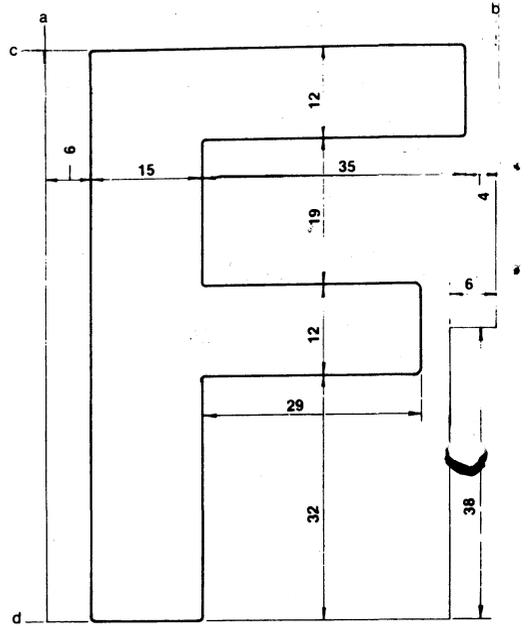
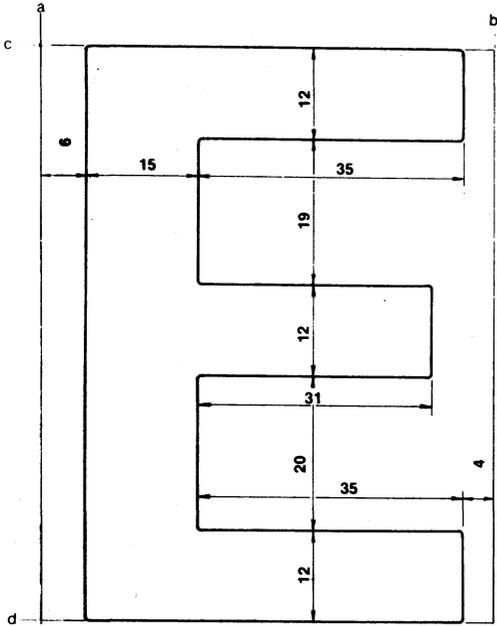


Fig. 1 continued

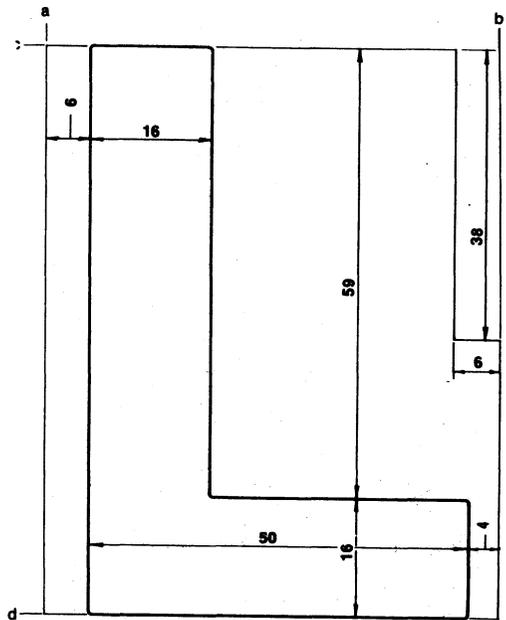
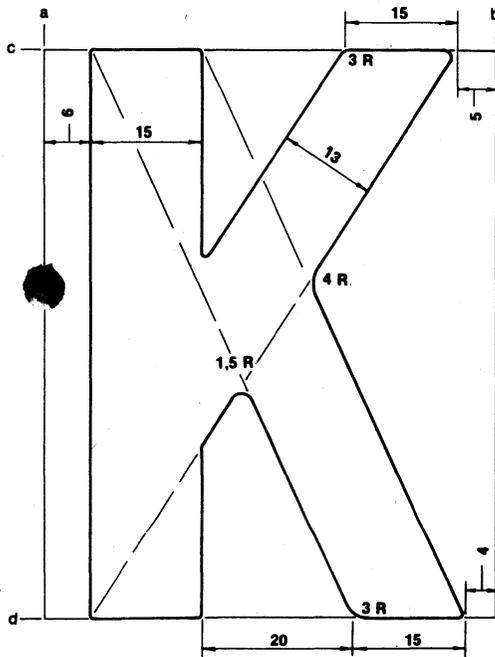
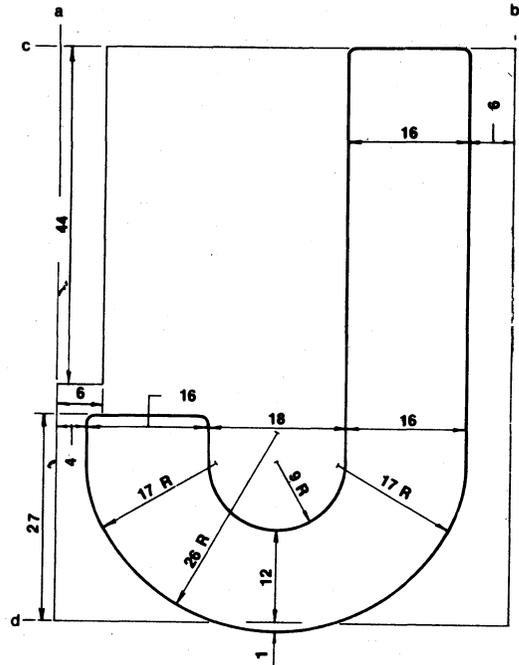
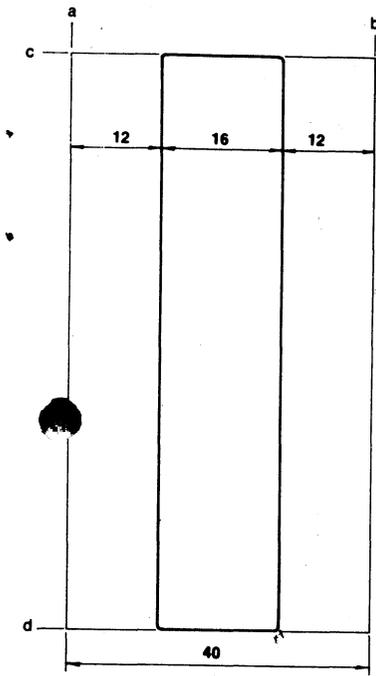


Fig. 1 continued

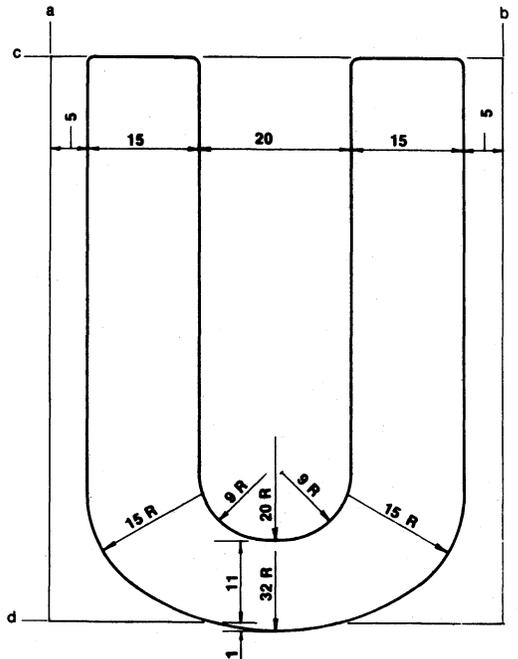
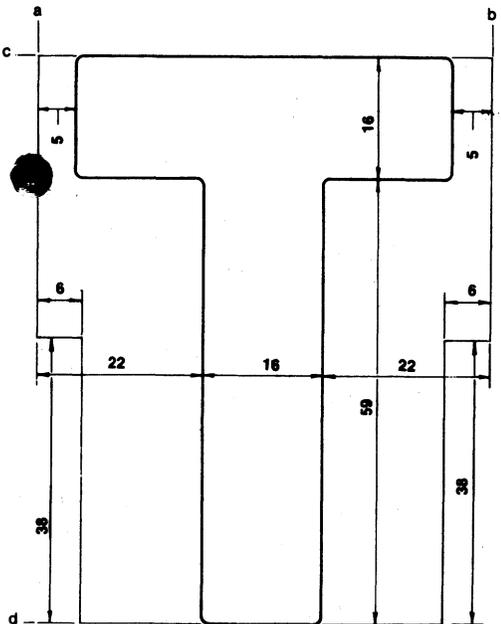
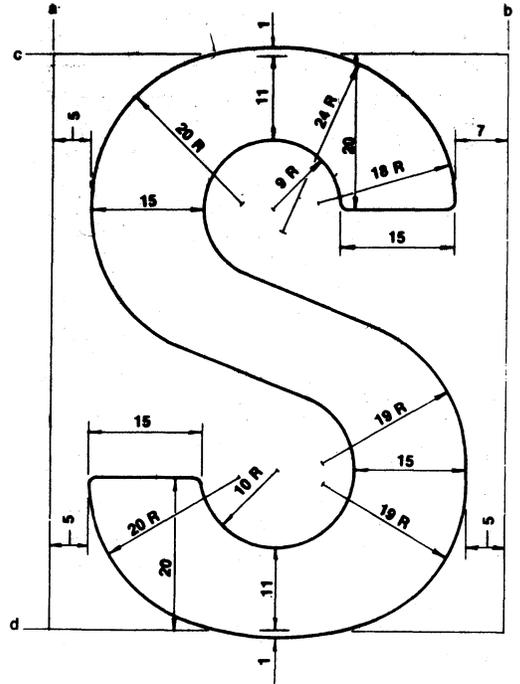
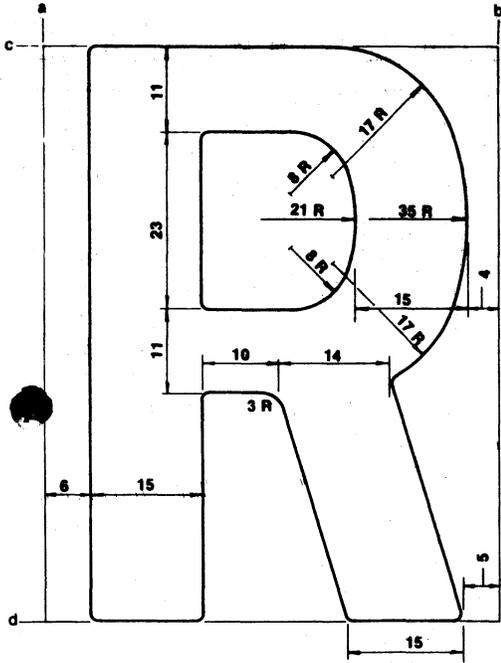


Fig. 1 continued

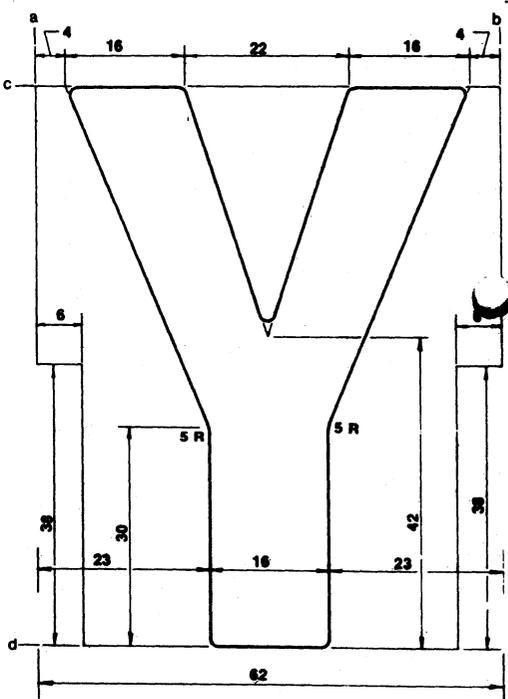
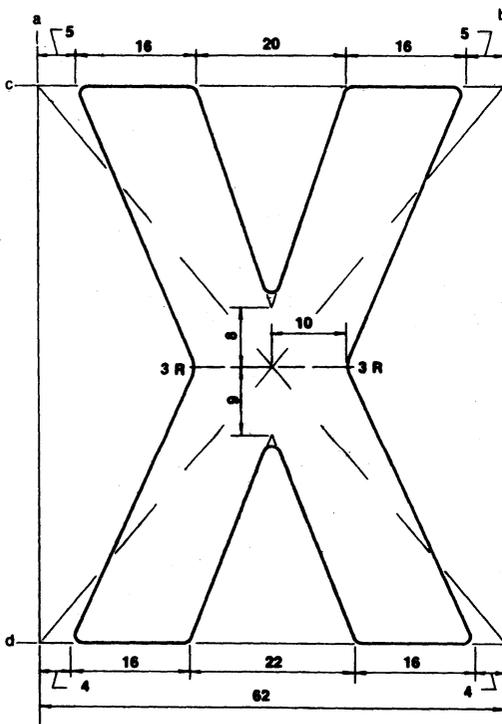
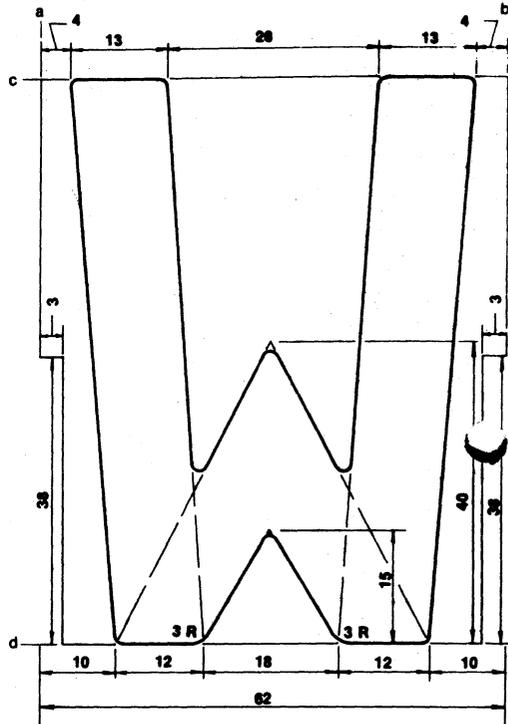
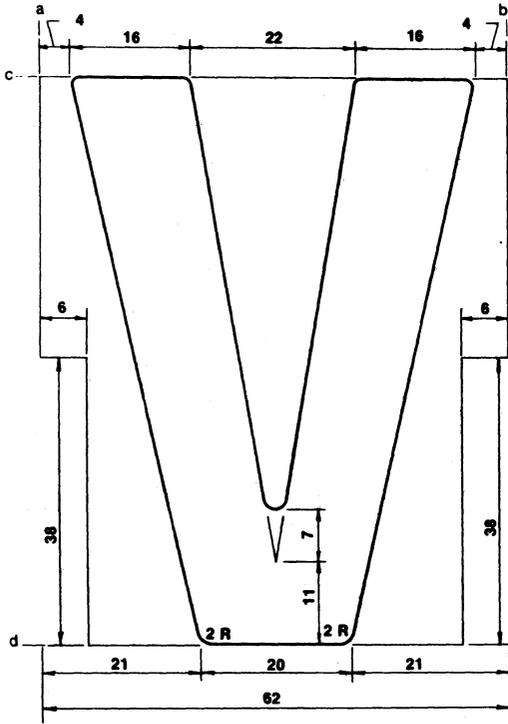


Fig. 1 continued

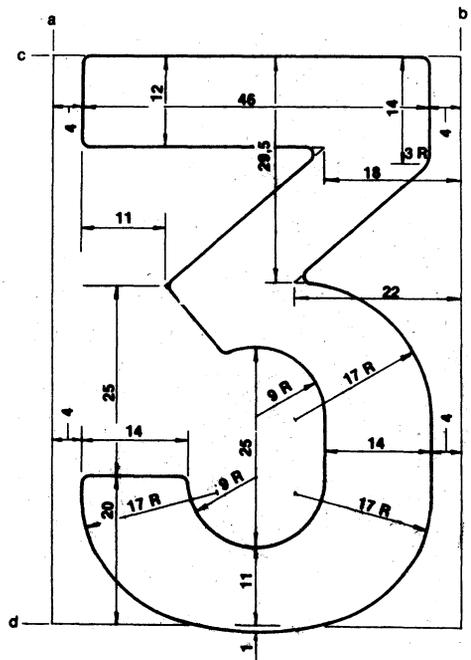
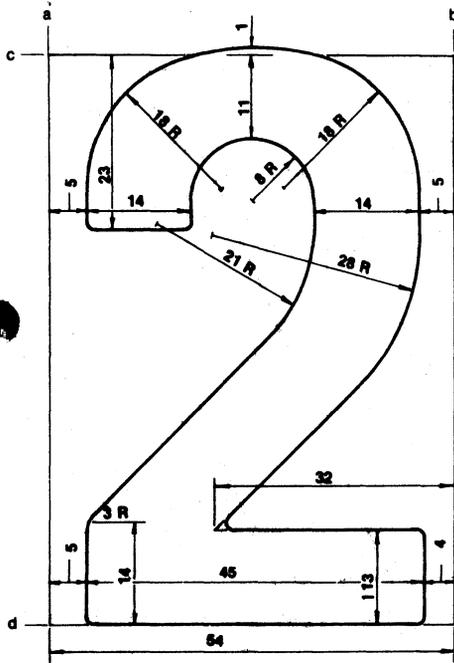
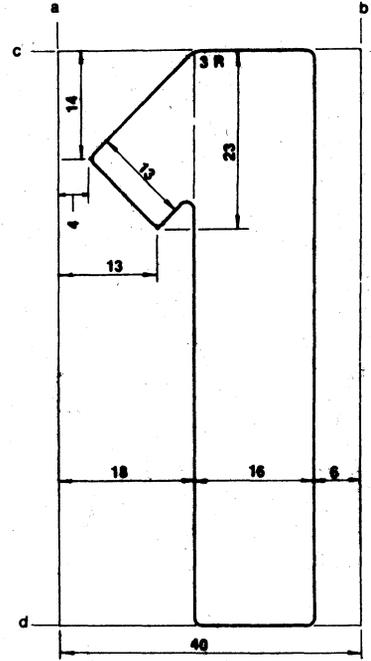
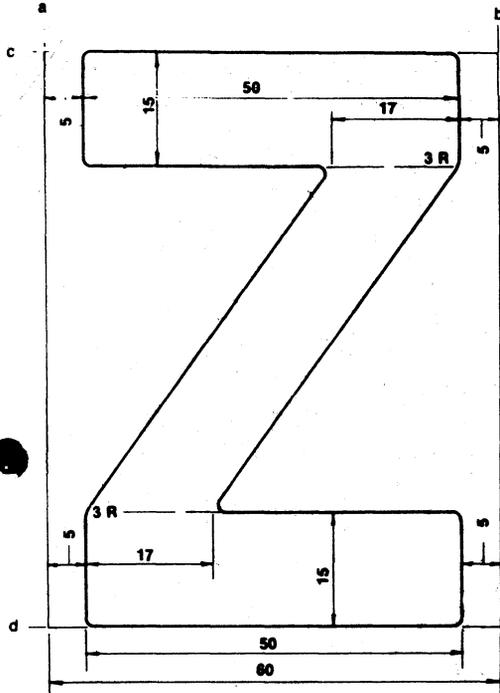
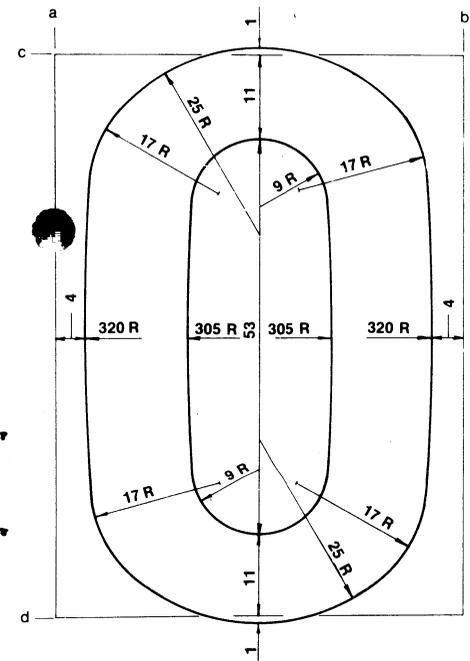
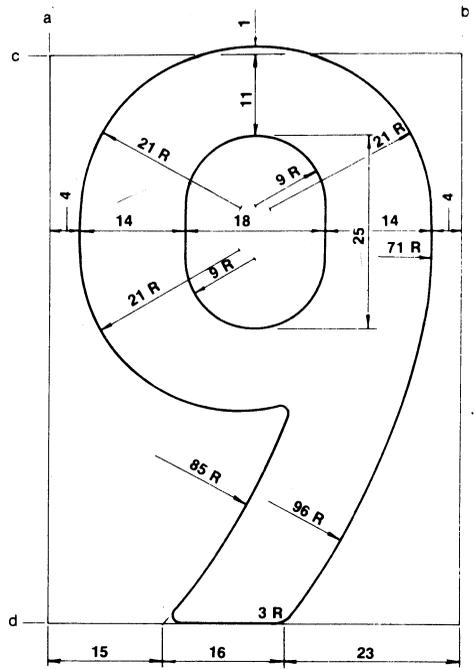
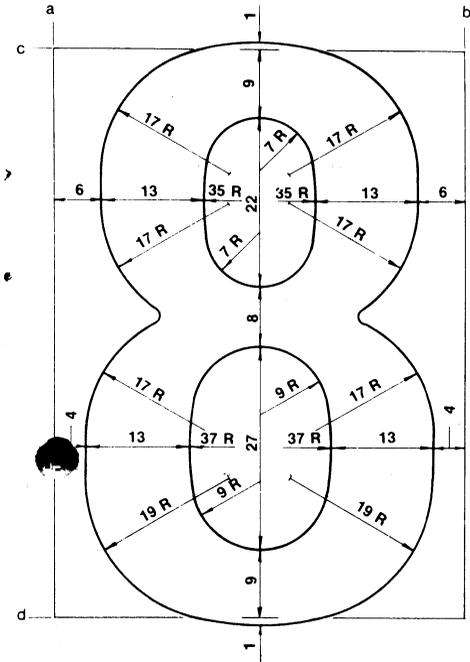
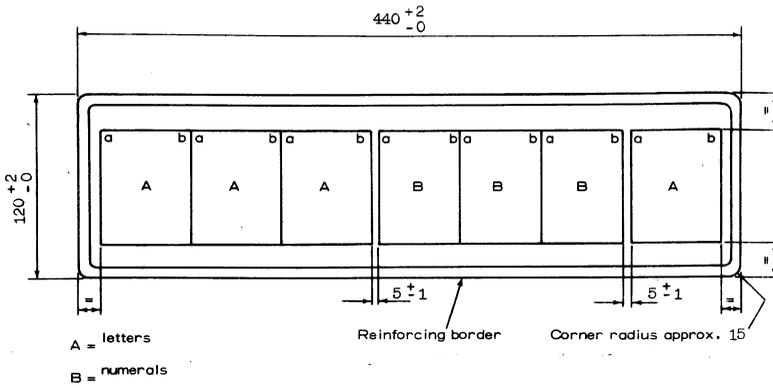


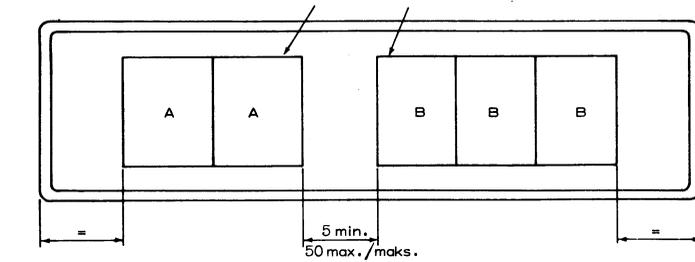
Fig. 1 continued





2(a)

In this example a 5 character registration mark is shown

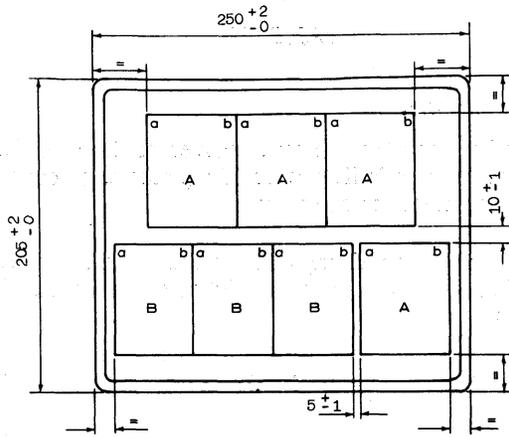


Dimensions in millimetres

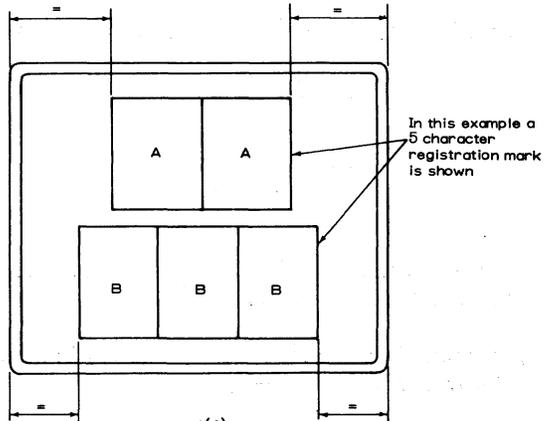
2(b)

Fig. 2 - Sizes of Registration Plates and Spacing of Letters and Numerals

S65



2(e)



2(d)

Dimensions in millimetres

7166/1-1102/1

Fig. 2 - (Continued)

PART II

Allocation of registration numbers.

Motor vehicles, other than Government vehicles or those lawfully used under the authority of a motor vehicle dealer's licence or of diplomatic or consular representation, shall be allotted registration numbers as follows:

a registration number consisting of three numerals, followed by a capital letter of the alphabet and a second capital letter denoting the district in which the owner resides.

The three numerals shall commence with the number 001 progressing to 999.

The first capital letter referred to shall commence with the letter 'A' and progress to the letter 'Z' but omitting the letter 'Q'.

The second capital, denoting the district of residence of the owner, shall be as follows:

H for Hhohho
L for Lubombo
M for Manzini
S for Shiselweni

Thus, for example, the first allocation for the district of Manzini may be SD 001 AM and for the district of Shiselweni SD 001 AS.

Thus, further, for example, when the figures 001 to 999 in the above two districts have been allocated, the next allocations will be —

SD 001 BM
SD 001 BS ."

V. G. LEIBRANDT
Minister for Works, Power and Communications.

Mbabane
1st August 1979.

LEGAL NOTICE NO. 67 OF 1979

THE TRADING LICENCES ORDER, 1975

(Order No. 20 of 1975)

THE TRADING LICENCES (AMENDMENT) REGULATIONS, 1979

(Under section 20)

(Date of commencement: 10th August, 1979)

In exercise of the powers conferred by section 20 of the Trading Licences Order, 1975, the Minister for Commerce, Industry, Mines and Tourism hereby makes the following Regulations:

Citation.

1. These Regulations may be cited as The Trading Licences (Amendment) Regulations, 1979 and shall be read as one with the Trading Licences Regulations, 1975.

Amendment of Schedule B.

2. Schedule B of the Trading Licences Regulations, 1975 is amended in Item I thereof by adding the following paragraphs after paragraph (3) —

“(4) Every representative or agent shall, before soliciting, canvassing or accepting an order for the sale or supply of goods from a manufacturing or trading establishment situated outside Swaziland, exhibit to the person with whom he is negotiating his licence entitling him to carry on the business of an agent.

(5) Any representative or agent who solicits, canvasses or accepts an order without exhibiting his licence or any person who places an order with such representative or agent without such representative or agent exhibiting his licence to him shall be guilty of an offence and liable on conviction to a fine of E100 or three months imprisonment or both.”

NKOMENI DOUGLAS NTIWANE

Permanent Secretary.

Mbabane
2nd August, 1979

S68

LEGAL NOTICE NO. 68 OF 1979

THE KING'S PROCLAMATION TO THE NATION OF THE
12TH APRIL 1973

APPOINTMENT OF ACTING CHIEF JUSTICE

(Date of commencement: 10th August 1979)

In exercise of the powers conferred on me by the abovenamed Proclamation, I, SOBHUZA II, King of Swaziland, am pleased to appoint —

MR. JUSTICE DAVID COHEN, SC.

to be the Acting Chief Justice of Swaziland with effect from the 22nd day of August 1979 to the 28th day of September, 1979.

DONE UNDER MY HAND AT LOZITHEHLEZI ON THIS
DAY OF , 1979.

SOBHUZA II

King of Swaziland.

LEGAL NOTICE NO. 69 OF 1979

THE UMBUTFO SWAZILAND DEFENCE FORCE ORDER, 1977

(Order No. 10 of 1977)

APPOINTMENT OF 2ND LIEUTENANT TO THE UMBUTFO
SWAZILAND DEFENCE FORCE

(Under section 13)

(Date of commencement: 10th August, 1979)

In exercise of the powers conferred on me by the abovementioned Order, I, SOBHUZA THE SECOND, King of Swaziland, and by virtue of the authority vested in me as Ngwenyama of the Swazi Nation, do hereby appoint, after consultation with the Defence Council —

COMPANY SERGEANT MAJOR MAHLANGANISA
ZABLON FAKUDZE

to be a 2ND LIETENANT in the Umbutfo Swaziland Defence Force with effect from the 3rd day of August, 1979.

SOBHUZA II

King of Swaziland.

LEGAL NOTICE NO 70 OF 1979

THE ROAD TRAFFIC (AMENDMENT) ACT, 1979

(Act No. 3 of 1979)

THE ROAD TRAFFIC (AMENDMENT ACT)
(DATE OF COMMENCEMENT) NOTICE, 1979

(Under section 1)

(Date of Commencement: 10th August, 1979)

In exercise of the powers conferred by section 1 of the Road Traffic (Amendment) Act, 1979, the Minister for Works, Power and Communications hereby issues the following notice:-

Citation

1. This Notice may be cited as the Road Traffic (Amendment Act) (Date of Commencement) Notice, 1979.

Date of Commencement of Road Traffic (Amendment) Act, 1979.

2. The Road Traffic (Amendment) Act, 1979 shall come into operation on the 1st October, 1979.

O. Z. DHLAMINI
Permanent Secretary,
Ministry of Works, Power and Communications.

Mbabane

7th August, 1979

LEGAL NOTICE NO 71 OF 1979

THE ROAD TRAFFIC (AMENDMENT REGULATIONS)
(DATE OF COMMENCEMENT) NOTICE, 1979

(Under Regulation 1)

(Date of Commencement: 10th August, 1979)

In exercise of the powers conferred by Regulation 1(2) of the Road Traffic (Amendment) Regulations 1979, the Minister for Works, Power and Communications hereby issues the following Notice:-

Citation.

1. This Notice may be cited as the Road Traffic (Amendment Regulations) (Date of Commencement) Notice, 1979.

Date of Commencement of Road Traffic (Amendment), Regulations, 1979.

2. Subject to paragraph 3, the Road Traffic (Amendment) Regulations, 1979 shall come into force on the 1st October, 1979.

Special provisions on registration marks.

3. The provisions of the Road Traffic (Amendment) Regulations 1979 relating to the use of registration marks and registration numbers shall become enforceable -

- (a) in the case of a motor vehicle which, immediately before the 1st October, 1979, is registered in Swaziland, on the date (including 1st October, 1979) on which the motor vehicle licence expires in accordance with section 12 of the Road Traffic Act, 1965;
- (b) in the case of any other motor vehicle, on the date on which such motor vehicle is first registered in Swaziland:

Provided that any person who wishes to use the registration marks and registration numbers prescribed by the said Regulations may do so at any time after the publication of this Notice in the Gazette.

O. Z. DHLAMINI

Permanent Secretary

Ministry of Works, Power and Communications

Mbabane

7th August, 1979.

LEGAL NOTICE NO. 72 OF 1979

THE ROAD TRAFFIC ACT, 1965

(Act No. 6 of 1965)

THE ROAD TRAFFIC (REVOCATION) REGULATIONS

(Under section 106)

(Date of Commencement: 10th August, 1979)

In exercise of the powers conferred by section 137 of the Road Traffic Act, 1965, the Minister for Works, Power and Communications hereby makes the following Regulations:-

Citation.

1. These Regulations may be cited as the Road Traffic (Revocation) Regulations, 1979.

Revocation of Road Traffic Regulations 1975.

2. The Road Traffic Regulations 1975 are hereby revoked.

O. Z. DHLAMINI

Permanent Secretary

Ministry of Works, Power and Communications

Mbabane

7th August, 1979.

LEGAL NOTICE NO. 73 OF 1979

THE EMPLOYMENT ACT, 1962

(Act No. 51 of 1962)

THE MINIMUM PAYMENT IN LIEU OF RATIONS NOTICE 1979

(Under section 98)

(Date of Commencement: 15th August, 1979)

In exercise of the powers conferred upon me by section 98(2) of the Employment Act 1962, I hereby issue the following Notice:-

Citation.

1. This Notice may be cited as the Minimum Payment in Lieu of Rations Notice, 1979 and shall come into force on the 15th August, 1979.

Minimum cash payment in Lieu of rations.

2. Where an employer is liable under section 98 of the Employment Act, 1962 to supply rations to his employees and is authorised to pay cash in lieu of such rations, the employer shall pay a minimum of E5 per week to each employee.

R. C. M. BEMBE

Labour Commissioner

Mbabane.

7th August, 1979.

LEGAL NOTICE NO. 74 OF 1979

THE PRICE CONTROL ORDER, 1973
(Order No. 25 of 1973)THE MAXIMUM WHOLESALE AND RETAIL PRICES OF BREAD
(NO. 2) NOTICE 1979
(Under section 5)*(Date of Commencement: 10th August, 1979)*

In exercise of the powers conferred upon me by section 5 of the Price Control Order, 1973, I hereby issue the following Notice:-

Citation and commencement.

1. This Notice may be cited as the Maximum Wholesale and Retail Prices of Bread (No. 2) Notice 1979 and shall come into force on the 10th August, 1979.

Interpretation.

2. In this Notice -

“bread” means any baked wheaten or rye product which is sold as or under the name of bread but does not include fancy bread;

“fancy bread” means bread containing currants, raisins cinnamon or other fruits and spices and includes bread rolls, French rolls and twists, Portuguese loaves, milk loaf, cake, sandwich and German rye bread.

Maximum prices for bread.

3. The maximum wholesale and retail prices of bread shall be as specified in the Schedule hereto.

Revocation of Legal Notice No. 7 of 1979.

SCHEDULE

Type of bread	Mass	Maximum Wholesale price	Maximum retail price
White	900 gm	27 cents	28 cents
	450 gm	—	14 cents
Brown	900 gm	25 cents	26 cents
	450 gm	—	13 cents

NKOMENI DOUGLAS NTIWANE
Price Controller

Mbabane
9th August, 1979.