

SUPPLEMENT TO  
 THE  
 SWAZILAND GOVERNMENT  
 GAZETTE

---



---

VOL. XXII]                      MBABANE, Friday, May 11th., 1984                      [No. 291

---



---

CONTENTS

**No.** **Page**

**PART C—LEGAL NOTICES**

- |     |   |    |
|-----|---|----|
| 61. | The Public Water Supplies (Amendment) Notice, 1984 .....        | S1 |
| 63. | The Industrial Court (Workmen's Compensation) Rules, 1984 ..... | S2 |

SI

**LEGAL NOTICE NO. 61 OF 1984**

---

**THE ADMINISTRATION OF THE WATER AND SEWERAGE  
BOARD SPECIAL FUND REGULATIONS, 1974**

**THE PUBLIC WATER SUPPLIES (AMENDMENT) NOTICE, 1984**  
(Under Regulation 4)

In exercise of the powers conferred by regulation 4 of the Administration of the Water and Sewerage Board Special Fund Regulations, 1974 the Minister for Natural Resources, Land Utilisation and Energy hereby issues the following Notice —

*Citation.*

1. This Notice may be cited as the Public Water Supplies (Amendment) Notice 1984.

*Amendment of Schedule.*

2. The Administration of the Water and Sewerage Board Special Fund Regulations, 1974 is amended by adding at the end of the Schedule thereof the word "Siphofaneni".

**A.R. SHABANGU**  
*Principal Secretary*

**MBABANE,**  
30th April, 1984.

LEGAL NOTICE NO. 63 OF 1984

THE WORKMEN'S COMPENSATION ACT, 1983

(Act No. 7 of 1983)

THE INDUSTRIAL COURT (WORKMEN'S COMPENSATION)  
RULES, 1984

(Under Section 48)

In exercise of the powers conferred by section 48 of the Workmen's Compensation Act, 1983 and in consultation with the Attorney-General, I hereby make the following Rules—

*Citation and commencement.*

1. These Rules may be cited as the Industrial Court (Workmen's Compensation) Rules, 1984 and shall come into force on the 11th May, 1984.

*Interpretation.*

2. In these Rules unless the context otherwise requires —

“the Act” means the Workmen's Compensation Act, 1983;

“Application” means an application or reference made to the Court for the investigation, determination or settlement of any question of compensation dispute including medical treatment, medical expenses, burial expenses or any order which the Court may lawfully make under the Act;

“Court” means the Industrial Court established by section 4 of the Industrial Relations Act, 1980;

“decision” includes an order of the Industrial Court;

“Registrar” means the Registrar of the Industrial Court who shall be appointed by the Minister.

*Submission of application to the Court.*

3. Any person who makes an application to the Court shall in the case of an application for the investigation, determination for settlement of any matter under Parts II, III and IV of the Act, make such application in the manner set out in Form A of the Schedule hereto.

*Institution of proceedings.*

4. (1) Proceedings before the Court shall be instituted by the applicant personally or through his legal representative or any other person authorised by the applicant, by presenting to the Registrar an application together with six copies thereof setting out the following—

- (a) name and address of the applicant;
- (b) name and address of the respondent against whom relief is sought;
- (c) the nature and full particulars of each item of the claim involved in the dispute and as stated in terms of reference to the Court;
- (d) the number of dependents who were wholly or partially dependent upon the earnings of the deceased, in the case of a death claim;

- (e) such submission as the applicant may wish to make in support of the claim;
  - (f) the name(s) and address(es) of witnesses, if any, whom the applicant wishes to call to support the claim;
  - (g) the name and address of a legal practitioner or any other person, whom the applicant wishes to represent him in the application.
- (2) On receipt of the application, the Registrar shall—
- (a) enter the details of the application in a register to be kept and maintained by him;
  - (b) assign to the application a case number.
- (3) As soon as possible but, in any case within seven days of the receipt of such application, the Registrar shall send a copy thereof to the respondent and give him notice to appear in Court with his replying answer to the application on a date determined by the Registrar. The replying answer shall be in six copies and shall set out the following—
- (a) such reply as the respondent may wish to give to the items of the claim raised in the applicant's claim;
  - (b) an admission of such submissions set out in the application as the respondent admits, and a denial of any such submissions as the respondent does not admit;
  - (c) any submissions which the respondent may wish to make in support of its reply;
  - (d) the names and addresses of any witnesses whom it is proposed should be called in support of his opposition;
  - (e) the name and address of the legal practitioner or any other person whom the respondent wishes to represent him.
- (4) The applicant shall be entitled to file a replication or plead in the reconvention within seven days.
- (5) On receiving an application made by the Labour Commissioner under section 50 of the Act, the Registrar shall in addition to complying with Rule 4(3) of these Rules serve a copy of the application, including the title of the proceedings, on the Labour Commissioner.

*The hearing.*

5. (1) As soon as possible after the close of pleadings (application, answer and replication and plea in reconvention, if any) the Court shall appoint a date for the hearing of the application and cause a notice to be served on the applicant and respondent and any person declared by the Court to be an interested party.
- (2) Where there is any dispute as to whether a person is an interested party, the decision of the Court shall be final.
- (3) Before any hearing of an application the Court may give any directives it considers necessary for the disposal thereof.

*Court may seek clarification.*

6. Where the Court considers that either the application of the applicant or the answer of the respondent does not adequately set forth the particulars required by the Court or if or any other reason the Court requires clarification or amplification of any submission made by either party, the Court may require that party to supply such further particulars, clarification or amplification to the Court and to the other party.

*Proceedings of the Court etc.*

7. (1) All proceedings of the Court shall be open to the public but the Court may, in any particular case determine whether any hearing or any part thereof shall be held in camera.

(2) Evidence of witnesses shall be given on oath or affirmation and witnesses shall be subject to cross-examination.

(3) The applicant shall under normal circumstances be invited to give an opening address to the Court and this shall be followed by the respondent's address. These addresses shall be confined to outlining the negotiating procedure and discussion which has preceded the declaration of a dispute before the Court followed by submissions and arguments in support of the issues in dispute.

(4) On the conclusion of the opening addresses, the applicant shall call his witnesses, if any, followed by the respondent.

(5) Witnesses should not be in Court until called, but on conclusion of his evidence a witness may remain in Court. Only the Court shall have the right to recall a witness once his evidence has been given and he has been released. The applicant or the respondent may apply to the Court to recall any witness who has already given his evidence.

(6) Where any witness is not available due to sickness or any other cause not attributable to his own or his party's neglect, the party may apply to the President for permission to take the evidence of the witness when he is available, provided this does not fall after the conclusion of the proceedings. In any case the President has the right to determine whether or not the evidence of a late witness shall be heard.

(7) After the evidence of witnesses, if any, has been taken the applicant may address the Court followed by the respondent. The applicant may reply on any matter arising out of the address of the respondent.

(8) On conclusion of the proceedings, the President shall advise the parties of the day on which the award of the Court shall be read to them.

(9) Evidence by affidavit shall be admissible before the Court in its discretion.

(10) Where documents are submitted by either party in support of a submission, they shall be in original or, where these are not available, by certified copy of the original.

(11) Any person declared to be an interested party under Rule 5, whether or not representing an applicant or a respondent and whether or not summoned by the Court, shall have the right to call witnesses to testify.

(12) If a party fails or both parties fail to appear at a hearing or part thereof, the provisions of paragraph (13), (14) and (15) in this Rule shall apply and, for the purposes of these Rules, an appearance shall be construed as including an appearance through a person representing a party in accordance with section 21 of the Act.

(13) Where the applicant fails to appear, the Court may —

- (a) if such failure occurs before the hearing has actually commenced and the respondent so requests, dismiss the application or, whether or not the respondent so requests, adjourn the hearing;
- (b) if such failure occurs after the hearing has actually commenced and if the case for the applicant has not been concluded, adjourn the hearing or dismiss the application; or
- (c) if such failure occurs after the case for the applicant has been concluded, proceed with or adjourn the hearing or dismiss the application or make a decision.

- (14) Where the respondent fails to appear, the Court may —
- (a) proceed with or adjourn the hearing; or
  - (b) after hearing the case for the applicant make a decision.
- (15) Where both parties fail to appear, but subject to paragraphs (13) and (14), the Court may adjourn the hearing or make a decision.
- (16) The Court may recall any witness or call any other person to give evidence on any matter relating to the application or to the hearing and may order the production of any documents.
- (17) The parties to an application may with the permission of the Court, call additional witnesses.

*Decisions of the Court.*

8. (1) Every decision of the Court shall be a reasoned decision and shall be delivered at an open sitting of the Court and recorded in a document signed by the President.
- (2) Where any member disagrees with the decision of the Court, such disagreement and the reasons thereof shall be recorded in a document signed by him.

*Other powers of the Court.*

9. (1) The Court May —
- (a) either of its own volition or at the request of any party, extend the time appointed by these Rules for the performance of any act, even though the time appointed therefor has passed;
  - (b) postpone the time and date fixed for any hearing;
  - (c) dismiss the proceedings if any applicant gives notice that he wishes to withdraw his application;
  - (d) if the applicant and respondent agree in writing upon the terms of a decision to be made by the Court, give a decision accordingly without a formal hearing;
  - (e) on good cause shown, condone any failure of strict compliance with these Rules, and in particular, but without derogating from the foregoing, in the case of an urgent application, the Court or the President acting in chambers may dispense with the forms or service provided in these Rules and dispose of the matter at such time and in such place as the President may deem fit.
- (2) The Court shall cause any patent clerical mistake, incidental error or omission to be rectified without further reference to the parties and shall cause the Registrar to notify the parties of such mistake, incidental error or omission and the rectification thereof.

*Application of High Court Rules and power to regulate procedure.*

10. Subject to the Act and these Rules —
- (a) where these Rules do not make provision for the procedure to be followed in any matter before the Court, the High Court Rules shall apply to proceedings before the Court with such qualifications, modifications and adaptations as the President may determine; and
  - (b) where, in the opinion of the President, the High Court Rules cannot be applied in the manner provided for in paragraph (a), the Court may determine its own procedure.

J.A. HASSANALI  
Acting Chief Justice

MBABANE,  
12th April, 1984.

SCHEDULE  
FORM. A

The President,  
The Industrial Court,  
P.O. Box 19,  
MBABANE.

Copy to the Labour Commissioner, P.O. Box 198, MBABANE

APPLICATION TO THE COURT

In accordance with the Workmen's Compensation Act 1983 and the Industrial Court Rules 1984, application is hereby submitted to the Court for the determination/Settlement\* of the following question(s) (Each question to be detailed, if necessary on a separate sheet).

.....  
.....  
.....  
.....

The name and address of the other parties affected by this application and to whom a copy of the application has been sent are:-

- (1) .....
- (2) .....
- (3) .....

The name, title and address of the applicant are:-

.....  
.....  
.....

Date: ..... Applicant: .....

Note: \*Delete as necessary