

SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE
EXTRAORDINARY

VOL. XXV]

MBABANE, Friday, July 26th., 1987

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THE POLICE (AMENDMENT) ACT, 1987

(Act No. 5 of 1987)



I ASSENT

MSWATI III

KING OF SWAZILAND

15th June, 1987

AN ACT
entitled

An Act to amend the Police Act, 1957.

ENACTED by the King and the Parliament of Swaziland.

Short title.

1. This Act may be cited as the Police (Amendment) Act, 1987 and shall be read as one with the Police Act, 1957 (hereinafter referred to as "the principal Act").

Amendment of section 2.

2. Section 2 of the principal Act is amended —

- (a) by deleting the definition "District Officer";
- (b) in the definition "member of the Force" by deleting the words "warrant officer";
- (c) by replacing the definitions "non-commissioned officer", "senior officer" and "subordinate officer" respectively with the following —

"non-commissioned officer" means any member of the Force of the rank of Sergeant.

"Senior officer" means the Commissioner, Deputy Commissioner, Assistant Commissioner, Senior Superintendent, Superintendent and Assistant Superintendent of the Force;

"subordinate officer" means an Inspector and Sub-Inspector.

Amendment of section 4.

3. Section 4 of the principal Act is amended by replacing subsection (1) with the following —

"(1) There shall be appointed to the public service, a Commissioner of the Force, a Deputy Commissioner, Assistant Commissioner, Senior Superintendents, Superintendents, Assistant Superintendents and Inspectors as may be necessary".

Repeal of section 10.

4. Section 10 of the principal Act is repealed.

Amendment of section 11.

5. Section 11 of the principal Act is amended in paragraph (b) —

- (a) by replacing the word “schools” with the word “institutions”;
- (b) by deleting the words “and for members of the Police Forces of Lesotho and Botswana”.

Amendment of section 12.

6. Section 12 of the principal Act is amended —

- (a) in subsection (1) by deleting the words “or any offence against this Act or any regulations made thereunder”;
- (b) in subsection (2) by deleting the words “or any offence against this Act or any regulations made thereunder”;
- (c) in the proviso to subsection (2) by deleting the word “magistrate’s” and by replacing paragraph (c) of that proviso with the following —
 “(c) a court.”;
- (d) by deleting subsection (3) and by renumbering subsection 4 as subsection (3);
- (e) in subsection (3) by deleting the word “magistrate’s”.

Amendment of section 18.

7. Section 18 of the principal Act is replaced with the following —

“Disciplinary punishments.

18. A member of the Force, other than a senior officer to whom section 12(1) applies, who is guilty of an offence against discipline shall be liable to any one or more of the following punishments —

- (a) Where disciplinary proceedings are conducted by a senior officer —
 - (i) against a subordinate officer, such subordinate officer shall be liable to admonition: reprimand, severe reprimand, or a fine not exceeding one hundred Emalangeni;
 - (ii) against a non-commissioned officer, such non-commissioned officer shall be liable to admonition, reprimand or severe reprimand or a fine not exceeding fifty Emalangeni; and
 - (iii) against a member belonging to other ranks, such member shall be liable to admonition, reprimand or severe reprimand, a fine not exceeding thirty Emalangeni, confinement to Police lines for a period not exceeding fourteen days with or without punishment drill, extra guards, fatigues or other duty in addition to normal duty or to extra guards, fatigues or other duties;
- (b) Where disciplinary proceedings are conducted by a Board, the member shall be liable to admonition; reprimand; severe reprimand or a fine not exceeding two hundred Emalangeni.”



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Amendment of section 20.

8. Section 20 of the principal Act is amended —

- (a) in subsection (1) by —
 - (i) deleting the words “or District Officer”;
 - (ii) replacing the word “Minister” with the word “Commissioner”.
- (b) in subsections (2) and (3) by replacing the word “Minister” with the word “Commissioner”.

Amendment of section 21.

9. Section 21 of the principal Act is amended in subsections (1) and (3) by deleting the words “District Officer” where they occur.

Amendment of section 29.

10. Section 29 of the Act is amended in paragraph (c) by replacing the words “Chief Medical Officer” with the words “Director of Medical Services”.

Amendment of section 42.

11. Section 42 of the principal Act is replaced with the following —

“42 (1) If any property reasonably believed to have been lost, abandoned or stolen comes into the possession of a member of the Force, and such property has not been lawfully claimed by any person for a period of not less than six months, such member shall, in writing, inform the Commissioner.

(2) On receipt of such information and within twenty-one days after the end of six months the Commissioner shall make an ex-parte application, giving a full description of the property, to a Magistrate for an order that the said property be sold by public auction and the proceeds thereof paid into the Police Rewards and Fines Fund; or if the said property is of a worthless, dangerous or otherwise unsaleable nature, for an order that the property be destroyed or otherwise disposed of and the Magistrate, if satisfied that such property has not been lawfully claimed within the period of not less than six months, may grant the order requested.

(3) Upon an order under subsection (2) being granted, the Commissioner shall cause notice of the sale of the property to be published once in the Gazette and not less than three times in a newspaper circulating in Swaziland and, within a period of not more than fourteen days from the date of the last publication of the said notice, the Commissioner shall sell the said property by public auction to the highest bidder at the place, date and time specified in the said notice:

Provided that no proceeds of sale under this section shall be paid into the Police Rewards and Fines Fund until a further period of six months from the date of sale has elapsed during which no lawful claim to the proceeds has been established.

(4) Notwithstanding anything in this section, if a member of the Force in charge of the Police station of the area where the property is, is of the opinion that the immediate sale of any such property which is perishable would be for the benefit of the owner when found, he may at any time direct that it be sold by public auction to the highest bidder and the proceeds paid into the Police Rewards and Fines Fund and if a lawful claim to the ownership of such property is made by any person within six months of the date of such sale the proceeds thereof shall be paid to such person.

(5) Within a period of thirty days from the date of the sale of such property under this section, the person who conducted the sale shall submit a written report to the Accountant-General and the Auditor-General giving a full description of all the property sold during such sale and the name and address of the buyer of each item including the proceeds realized in respect of each item of the property sold at such sale.

(6) Any member of the Force who sells or otherwise disposes of any property to which this section applies in any manner other than in accordance with subsections (1), (2) and (3) shall be guilty of an offence and liable, on conviction, to a fine not exceeding five thousand Emalangeni or a term of imprisonment not exceeding five years or both.

(7) Any person who buys, receives or otherwise acquires for himself or for any other person any property to which this section applies and which he knows or reasonably suspects to have been sold or otherwise disposed of in contravention of subsections (1), (2) and (3) shall be guilty of an offence and liable, on conviction, to a fine not exceeding two thousand Emalangeni or a term of imprisonment not exceeding two years or both.

(8) Where in any criminal proceedings any person is charged with contravening subsection (6), or (7) the onus of proving that the sale of the property which is the subject of the charge complied with all the requirements of subsections (1), (2) and (3) shall be on the accused."

THE DEATH DUTIES (REPEAL) ACT, 1987

(Act No. 7 of 1987)



I ASSENT

MSWATI III

KING OF SWAZILAND

15th June, 1987

AN ACT
entitled

An Act to repeal the Death Duties Act, 1942.

ENACTED by the Regent and the Parliament of Swaziland.

Short title.

1. This Act may be cited as the Death Duties (Repeal) Act, 1987.

Repeal of Act.

2. The Death Duties Act, 1942 is hereby repealed.

Savings.

3. Notwithstanding the repeal of the Death Act, 1942 any duty due and payable thereunder immediately before the commencement of this Act shall be recoverable as if the Act had not been repealed.