SWAZILAND

GOVERNMENT GAZETTE

VOL. XVI] MBABANE, Friday, July 14th., 1978 [No. 897

CONTENTS

CONTENTS OF SUPPLEMENT

PUBLISHED BY AUTHORITY.

GENERAL NOTICE NO. 117 OF 1978

THE KING'S PROCLAMATION OF THE 12TH APRIL, 1973

APPOINTMENT OF ACTING ATTORNEY-GENERAL

It is notified for general information that His Majesty King Sobhuza II has been pleased to appoint —

MAX KAVNAT

to be Acting Attorney-General during the period 12th June, 1978 to the 19th July, 1978.

J. S. F. MAGAGULA

Permanent Secretary

MBABANE
13th. June, 1978.

GENERAL NOTICE NO. 118 OF 1978

THE CHANGE OF NAME ACT NO. 67 OF 1962

AUTHORISATION OF CHANGE OF SURNAME

In exercise of the powers conferred on him by Sub-Section (1) of Section 3 of the abovementioned Act and having satisfied himself that the provisions of the Act have been complied with, the Honourable the Deputy Prime Minister is pleased to authorise.

WILMON MAPHOZI ZWANE

P.O. BOX 501,

MANZINI, SWAZILAND

to assume the surname of Hlatshwako.

A. R. SHABANGU

Permanent Secretary

Mbabane.
6th July, 1978.

GENERAL NOTICE NO. 119 OF 1978

THE CHANGE OF NAME ACT NO. 67 OF 1962

AUTHORISATION OF CHANGE OF SURNAME

In exercise of the powers conferred on him by Sub-Section (1) of Section 3 of the abovementioned Act and having satisfied himself that the provisions of the Act have been complied with, the Honourable the Deputy Prime Minister is pleased to authorise.

AMON DLAMINI

P.O. BOX 8

PIGG'S PEAK

SWAZILAND

to assume the surname of Magongo.

A. R. SHABANGU

Permanent Secretary

Mbabane
6th July, 1978.

S II

KING OF SWAZILAND

GENERAL NOTICE NO 120 OF 1978

PROCLAMATION TO THE NATION OF 1973

REMOVAL OF A MINISTER FROM OFFICE

Acting under the powers vested in me by the abovenamed Proclamation, I, SOBHUZA II, King of Swaziland do hereby order the removal of

DR. ALLEN MALABHANE NXUMALO

from the office of Minister for Works, Power and Communication with immediate effect.

DATED at Lozitha on this 4th day of July, 1978.

SOBHUZA II

King of Swaziland.

Mbabane.
7th. July, 1978.

S II

KING OF SWAZILAND

GENERAL NOTICE NO. 121 OF 1978

PROCLAMATION TO THE NATION OF 1973

REMOVAL OF A MINISTER FROM OFFICE

Acting under the powers vested in me by the abovenamed Proclamation, I, SOBHUZA II, King of Swaziland do hereby order the removal of

STEPHEN MHLANGANO MATSEBULA

from the office of Minister of State for Foreign Affairs with immediate effect.

DATED at Lozitha on this 4th day of July, 1978.

SOBHUZA II

King of Swaziland.

Mbabane.
7th. July, 1978.

S II

KING OF SWAZILAND

GENERAL NOTICE NO. 122 OF 1978

PROCLAMATION TO THE NATION OF 1973

REMOVAL OF A MINISTER FROM OFFICE

Acting under the powers vested in me by the abovenamed Proclamation, I, SOBHUZA II, King of Swaziland do hereby order the removal of

PRINCE MASITSELA DLAMINI

from the office of Minister for Local Administration with immediate effect.

DATED at Lozitha on this 4th day of July, 1978.

SOBHUZA II

King of Swaziland.

Mbabane.
7th. July, 1978.

SWAZILAND

NOTICE OF APPLICATIONS

(Given under Section 10 of the Road Transportation Proclamation, 1963 (No. 37 of 1963))

1. The applications for Road Transportation service permits mentioned in the Scheduled to this notice have been received by the Road Transportation Board.

2. Interested person may examine the applications in the office of the Secretary to the Road Transportation Board at the Ministry of Works, Power and Communications, Mbabane.

3. Any person objecting to an application shall, within 14 days after the date of publication of this notice:—

(a) Lodge with the Secretary to the Road Transportation Board, P.O. Box 58, Mbabane; and

(b) send to the applicant, by registered post, his objections in writing, together will all grounds of the objections.

PRINCE GABHENI DLAMINI

Chairman,

Road Transportation Board.

Mbabane
14th. July, 1978.

APP. NO.	NAME OF APPLICANT	ADDRESS
02704	Desmond C. Zank Foam Products (Pty) Ltd.	20 Ordnance Road Durban R.S.A. 4001
02491	Maggie Masuku Hha Bus Service	Madubeni Halt P/B Manzini
00850	Jeremiah Thwala Sikhumba Sehlula Beshuki Bus Service	P.O. Box 41 Manzini
02205	H. J. Bruinette Norman's Transport Lines (Pty) Ltd.	c/o C.D. Nel Associates (Pty) Ltd., P.O. Box 10338 Johannesburg
01497	Mrs. Eleanor Mkhonta	P.O. Box 53 Manzini
02517	J. S. Murphy H.L.H. Mining Timber	P.O. Box 34 Nhlangano
03216	Jonathan Kunene Intokozo Bus Service	P.O. Box 112 Kwaluseni
03214	Samuel Gama Amangwane Truck For Hire	P.O. Box 1445 Mbabane
03213	Samuel Gama Amangwane Bus Service	P.O. Box 1445 Mbabane
03212	Vusumuzi Matsebula Eyethu Taxi Service	P.O. Box 8 Manzini

PARTICULARS OF APPLICATION

Grant of a renewal of permit No. 02704 operating a non-scheduled goods service between R.S.A. borders and points in Swaziland — Delivery of own goods.

Grant of a renewal of permit No. 02491 operating a scheduled passenger service between Maloma/Elulakeni/Mqoncwana and Nsoko.

Grant of a renewal of permit No. 00850 operating a scheduled passenger service between Manzini/Lozitha and Lobamba.

Grant of a renewal and amendment of permit No. 02205 operating a non-scheduled service based at Wadeville. Conveyance of glass bottles, drinking glasses and empty pallets, between R.S.A. borders and points within Swaziland. Amendment to include fresh fruit juices.

Grant of a renewal of permit No. 01497 operating a non-scheduled goods service based at Manzini.

Grant of a revival and amendment of permit No. 02517 which operated a non-scheduled goods service in the Shiselweni District. Conveyance of timber and labour to and from various plantations where felled. Amendment to increase the fleet.

Grant of a Road Transportation Service Permit to operate a non-scheduled passenger service to convey Zenzele people from Manzini Market to Lavumisa or Mahamba border Post and route to Durban.

Grant of a Road Transportation Service Permit to operate a non-scheduled goods service to be based at Mbabane Bus Rank. To convey blocks from Simplex to different parts of Swaziland.

Grant of a Road Transportation Service Permit to operate a scheduled passenger service between Lubuyano/Mbuluzi/and Mbabane.

Grant of a Road Transportation Service Permit to operate a non-scheduled taxi service to be based at Manzini Bus Rank.

03211	Moses M. Dlamini Bheka Okwakho Bus Service	P.O. Box 376 Mbabane
03215	M. P. Matsenjwa Mthunzi Bus Service	P.O. Box 129 Siteki
03218	Samson M. Masilela Shining Star Bus Service	P.O. Box 1002 Mbabane
03217	Hermann H. Jeuschenat Herpa Motors (Pty) Ltd.	c/o C.D. Nel & Associates (Pty) Ltd. P.O. Box 10338 Johannesburg
03219	G.P. Joubert Auto-Diesel Eng. Works (Pty) Ltd.	P.O. Box 1147 Benoni R.S.A. 1500

Grant of a Road Transportation Service Permit to operate a scheduled passenger service between Mbabane/Ezulwini/Echovane.

Grant of a Road Transportation Service Permit to operate a scheduled passenger service between Lomahasha/Mhlume/New Mill/ Lukhula/and Siteki.

Grant of a Road Transportation Service Permit to operate a scheduled passenger service between Nhlokomeni/Siphambanweni/ Mbuluzi and Mbabane.

Grant of a Road Transportation Service Permit to operate a non-scheduled goods service to be based at Krugersdorp. Conveyance of residual fuel oil from Nerston and Oshoek borders to Usuthu Pulp.

Grant of a Road Transportation Service Permit to operate a non-scheduled goods service to convey engines and parts for reconditioning from R.S.A. borders to points in Swaziland.

SWAZILAND

NOTICE OF APPLICATIONS

(Given under Section 10 of the Road Transportation Proclamation, 1963 (No. 37 of 1963))

1. The applications for Road Transportation service permits mentioned in the Scheduled to this notice have been received by the Road Transportation Board.

2. Interested person may examine the applications in the office of the Secretary to the Road Transportation Board at the Ministry of Works, Power and Communications, Mbabane.

3. Any person objecting to an application shall, within fourteen (14) days after the date of publication of this notice:—

(a) Lodge with the Secretary to the Road Transportation Board, P.O. Box 58, Mbabane; and

(b) Send to the applicant, by registered post, his objections in writing, together with all grounds of the objections.

PRINCE GABHENI DLAMINI

Chairman,

Road Transportation Board.

Mbabane
14th. July, 1978.

APP. NO.	NAME OF APPLICANT	ADDRESS
00731	A. Z. Dlamini Inyatsi Bus Service	P.O. Box 454, MANZINI.
01136	A. Z. Dlamini Inyatsi Bus Service	P.O. Box 454, MANZINI.
02235	Joseph Ndabandaba Asambe Taxi Service	P.O. Box 72, MANZINI.
01654	Mfanyana Khoza Phathaphatha Bus Service	P.O. Box 77, MANZINI.
00188	Mfanyana Khoza Phathaphatha Bus Service	P.O. Box 77, MANZINI.
01827	Billy Magwaza Maphangela Bus Service	P.O. Box 685, MANZINI.
00193	Jim Bennett Morning Star Bus Service	P.O. Box 384, MANZINI.
01611	Dimitrios Voulgars Univa (Pty) Ltd.	P.O. Box 3735, Alrode 1451, TRANSVAAL.
02597	Eric Randle Snape Kensington Hydraulic Services	P.O. Box 77368, Fontaine Bleay 2032 RANDBURG.
01779	Sabat Battery Co. (Pty) Ltd.	P.O. Box 5441, JOHANNESBURG.
03207	Billy Shongwe Styles Bus Service	c/o Box 707, MANZINI.
03205	Mr. Edward A. M. Dlamini Umcebo WemaSwati Express Bus Service	P.O. Box 157, BIG BEND

PARTICULARS OF APPLICATION

Grant of a Renewal of Permit No. 00731 operating a scheduled passenger service between Malandela/Luve/Ekukhanyeni/Nyakeni & Manzini.

Grant of a Renewal of Permit No. 01136 operating a scheduled passenger service between Manzini/Bunya Via Mahlanya.

Grant of a Renewal of Permit No. 02235 operating a non-scheduled Taxi Service based at Malkerns.

Grant of Renewal of Permit No. 01654 operating a scheduled passenger service between Manzini/Mafutseni/Luve/Mliba/Balegane/Tshaneni & Mhlume.

Grant of a Renewal of Permit No. 00188 operating a scheduled passenger service between Manzini/Mafutseni/Luve/Mliba/Croydon/Mahlamba/Msinda/Balegane & Mhlume.

Grant of an amendment of Permit No. 01827 operating a scheduled passenger service between Tshaneni Mhlume & Manzini. Amendment to increase carrying capacity.

Grant of a Renewal & Amendment of Permit No. 00193 operating a scheduled passenger service between Manzini/Siphofaneni/Sitobela/Nsoko & Lavumisa. Amendment of time-table.

Grant of an Amendment of Permit No. 01611 operating a non-scheduled goods service between Oshoek/Mbabane & Manzini. Amendment to change name of Nominee & increase of the fleet.

Grant of a Renewal of Permit No. 02597 operating a non-scheduled goods service between Oshoek & Points in Swaziland.

Grant of an Amendment of Permit No. 01779 operating a non-scheduled goods service between Oshoek border post/Manzini & Mbabane. Delivery of own batteries to agents & amendment to increase the fleet.

Grant of a Road Transportation Service Permit to operate a scheduled passenger service between Manzini/Khoza/Mhlaleni/Police College and Industrial Site.

Grant of a Road Transportation Service Permit to operate a scheduled passenger service between Big Bend/Via Siphofaneni/ and Manzini.

00684	Moses Maseko Inkululeko Bus Service	P.O. Box 97, PIGG'S PEAK.
00132	Albert Vilakati Impikanelanga Bus Service	P.O. Box 484, MBABANE.
00141	P. R. Munro Impala Bus Service	P.O. Box 8, SITEKI.
03206	Willie Groening Injabulo Bus Service	P.O. Box 27, MANZINI.
03208	Elphas Ndlovu Gatsheni Bus Service	P.O. Box 5, MANZINI.
03209	Coffin Coaches Baphekeletele	P.O. Box 394, MBABANE.
03210	John Manana Lubusiso Bus Service	P.O. Box 186, MANZINI.
01879	Pravin Kumar Parbhoo Inter Continental Furniture Manufacturer (Pty) Ltd.	P.O. Box 489, HEIDELBERG.
01556	John S. Dlamini Blue Ribbon Bus	P.O. Box 92, MBABANE.

Grant of a Renewal of Permit No. 00684 operating a scheduled passenger service between Pigg's Peak/Ngonini/Horo/Mayiwane/Herefords/Balegane/Bulandzeni/Ndzingeni/Mashobeni/ Mbabane Bulembu/Tshaneni & Mhlume.

Grant of a Renewal of Permit No. 00132 operating a scheduled passenger service between Mbabane/Mahlanya/Manzini.

Grant of an Amendment of Permit No. 00141 operating a scheduled passenger service between Siteki/Lukula/Mafutseni/ & Manzini: Amendment of time-table and increase carrying capacity.

Grant of a Road Transportation Service Permit to operate a scheduled passenger service between Manzini/Mafutseni/Siteki/Mlawula/Mhlume/Maphiveni and Lomahasha.

Grant of a Road Transportation Service Permit to operate a scheduled passenger service between Sidvokodvo/KaMzanywa/Enkweni/Salema Hlatikulu/Madulini/Mahlalini & Nhlangano.

Grant of a Road Transportation Service Permit to operate a a non-scheduled Corpse service throughout Swaziland.

Grant of a Road Transportation Service Permit to operate a scheduled passenger service between Esigcinweni/Sidvokodvo/Masundwini/ & Manzini.

Grant of a Revival of Permit No. 01879 which operated a non-scheduled goods service between R.S.A. borders to various points in Swaziland.

Grant of a Revival of Permit No. 01556 which operated a scheduled passenger service between Mbabane/Msunduza & Corporation.

NOTICE

TOWN COUNCIL OF MBABANE

NONE PAYMENT OF ASSESSMENT RATES AND OTHER CHARGES

Notice is hereby given that in accordance with section 32(3) (a) of the Rating Act 2967, the registered owners of the under-mentioned properties are required to make payment if the amounts shown below, and any penalties accruing within six months from the date of publication of this Notice.

In default thereof application will be made to the Court to order the properties to be sold by public auction in satisfaction of the rates and other charges which will be due in respect of the rates and other charges that may accrue between the dates of the application and the sale by public auction.

NAME OF REGISTERED OWNER	PROPERTY	AMOUNT
M. A. Shongwe P.O. Box 418 MANZINI	ERF. 92 Msunduza Ext. 3	344.70
M. J. Mtimkhulu P.O. Box 88 MBABANE	ERF. 96 Ext. 3 Vunte Street	58.48
Mrs. H. B. T. Mazibuko P.O. Box 73 SITEKI	ERF. 114 Msunduza Gule Street	32.48
Miss L. Dlamini P.O. Box 340 MBABANE	ERF. 118 Msunduza Ext. 3	92.63
H. C. Nkumane P.O. Box 39 MBABANE	129 Ext. Gule Street	35.29
O. M. Mabuza P.O. Box 14 KWALUSENI	ERF. 173 Ext. 3 Erf. 40 Sandla Sibandze Street	158.01
Z. Magongo P.O. Box 120 MBABANE	ERF. 28 Sidwashini	36.80
Simon D. Dlamini P.O. Box 432 MBABANE	ERF. 44 Sidwashini Mthombo Street	36.83
Peter J. Nxumalo P.O. Box 464 MBABANE	ERF. 45 Sidwashini Mthombo Street	70.08
P. M. Mthimkhulu P.O. Box 43 MBABANE	ERF. 50 Sidwashini Mthombo Street	169.66
Miss C. Dlamini P.O. Box 534 MBABANE	ERF. 55 Sidwashini Mabhodleleni Street	48.02
J. A. Dladla P.O. Box 12 MBABANE	ERF. 63 Sidwashini Mthombo Street	58.59
Enock Msithini P.O. Box 501 MANZINI	ERF. 83 Sidwashini	36.63
B. R. Dlamini P.O. Box 432 MBABANE	ERF. 97 Sidwashini Mvundlela Street	92.21
Amos Motha c/o P.O. Box 285 MBABANE	ERF. 5 Vukutentele Ngwane Street	43.21

Themba C. Sigudla P.O. Box 45 MBABANE	ERF. 27 Vukutentele Ntshangase Street	26.37
Mrs. B. Dlamini P.O. Box 170 MBABANE	ERF. 43 Vukutentele Dlamini Street	49.18
I Ossry Properties (Pty) c/o P.O. Box 566 MBABANE	ERF. 196 Mbabane T/ship Smuts & Gilfillan Streets	1,046.47
Solomon M. Dlamini c/o P.O. Box 285 MBABANE	ERF. 394 Mbabane T/ship	191.09
Riener (Pty) Ltd c/o E. Fourie P.O. Box 566 MBABANE	ERF. 432 Mbabane T/ship End & Featherstone Streets	229.39
Robert M. Mdluli P.O. Box 432 MBABANE	ERF. A1/Re Farm No.2 Sololo Road	489.26
Petros M. Bronen P.O. Box 376 MBABANE	ERF. 90 Farm No. 2	84.16
A. J. Skyle P.O. Box 708 MBABANE	ERF. 212 Farm No. 2	70.24
Annah J. Dlamini P.O. Box 161 MBABANE	ERF. 215 Farm No. 2	60.99
Embassy of Republic of China P.O. Box 56 MBABANE	ERF. 283 Farm No. 2	855.85
E. A. Z. Mayisela P.O. Box 546 MBABANE	ERF. 366 Farm No. 2	202.56
Swazi Neil Investments c/o P.O. Box 566 MBABANE	ERF. 370 Farm No. 2	500.45
Douglas Makhubu P.O. Box 43 MBABANE	ERF. 371 Farm No. 2	278.53
L. B. Dlamini c/o P.O. Box 87 MBABANE	ERF. 401 Farm No. 2	58.76
Estate of Late T. E. K. Bhembe c/o P.O. Box 158 MBABANE	ERF. 32 Farm 188 Dalriach	184.92
Micheal Mthembu P.O. Box 695 MANZINI	ERF. 35 Farm 188 Dalriach	237.37
Mkhiweni Investments P.O. Box MANZINI	ERF. 52 Farm 188 Dalriach	164.16
A. M. Dlamini P.O. Box 76 MBABANE	ERF. 71 Farm 188 Dalriach	335.92
Andrew J. White c/o S. H. Yaldwin 62 Kruger Court STILFONTEIN	ERF. 93 Farm 188 Dalriach	57.94
E. G. Litchfield c/o C. Litchfield P.O. Box 159 BHUNYA	ERF. 96 Farm 188 Dalriach	443.65

V. T. Simelane P.O. Box 578 MBABANE	ERF. 97 Farm 188 Dalriach	268.98
L. R. D. Mayisela P.O. Box 856 MBABANE	ERF. 118 Farm 188 Dalriach	438.43
S.M. & B. Jones P.O. Box 70 MBABANE	ERF. 146 Farm 188 Dalriach	139.67
V. S. Mazibuko P.O. Box 794 MBABANE	ERF. 356 Farm 188 Dalriach	204.13
O. J. Karlson	ERF. 379 Farm 188 Dariach	151.20
K. E. S. Khumalo P.O. Box 502 MBABANE	ERF. 389 Farm 188 Dalriach	292.84
Willie Z. Dlamini P.O. Box 376 MBABANE	ERF. 19 Farm 1117	25.34
Estate Late J. H. Dunn P.O. Box 10 MBABANE	ERF. V Farm No. 2	134.38

R. B. SIBANDZE

Town Clerk

Civic Offices,
P.O. Box 1,
MBABANE

O/No. 14784 P502 14.7.78

NOTICES

Notice is hereby given that an application by Lontinga E. Maseko of P.O. Box 3, Bulembu for a grant of transfer of Dvudvusi Club Fish and Chips and Restaurant licence from Havelock Mine Company to be operated at Bulembu Mine Pigg's Peak/Hhohho District under the new style "KWAMATHANDA FISH AND CHIPS AND RESTAURANT" will be heard in the Pigg's Peak Courthouse on Tuesday the 8th of August, 1978 at 10.00 a.m.

Notice is hereby given that an application by Gladys Ntombi Shongwe of P.O. Box 100, Pigg's Peak for a grant of Produce and Handiwork Vendor's licence to be operated at Pigg's Peak/Hhohho District under the style "THALENTALAMI VENDOR'S" will be heard in the Pigg's Peak Courthouse on Tuesday the 8th of August, 1978 at 10.00 a.m.

Notice is hereby given that an application by Mrs. Sellinah Msibi of Welfare Office P.O. Bulembu for a grant of Produce and Handiwork Vendor's licence to be operated at Bulembu Mine Pigg's Peak/Hhohho District under the style "KUKHANYILE VENDOR'S" will be heard in the Pigg's Peak Courthouse on Tuesday the 8th of August, 1978 at 10.00 a.m.

Objections thereto must be lodged in writing with the undersigned as well as with the applicant on or before Friday the 4th of August, 1978 not later than 4.00 p.m.

Applicants are obliged to provide the undersigned with a cutting of their advertisement from the prescribed local press.

W. M. MAMBA

Licensing Officer,
Pigg's Peak Sub-District Hhohho.

P.O. Box 26,
Pigg's Peak

O/No. G. 3997 P.495 14.7.78

NOTICES

Notice is hereby given that an application by Nkomnophondo D. Khumalo of Box 34, Lobamba for a grant of a General Dealers Licence, Butchery Licence and Restaurant Licence to operate at Third Sugar Mill Village in the Lubombo District under the style "EHLANE ROBERTS CONSTRUCTION STORE" will be heard in the District Commissioner's Conference Room on Tuesday the 25th July 1978 at 10.00 a.m.

Notice is hereby given that an application by Mhlatshwa Nhleko of St. Phillip Mission P/B Manzini for a grant of a Hawkers Licence to operate in the Lubombo District under the style "NHLEKO'S HAWKER" will be heard in the District Commissioner's Conference Room on Tuesday the 25th July, 1978 at 10.00 a.m.

Notice is hereby given that an application by Mrs. Ethel Green of Box 41, Siteki for an Amendment of a Grocery Licence to a General Dealer's Licence who operate in Siteki Township under the style "A1 GROCERY" and now will be read "A1 STORE". This will be heard in the District Commissioner's Conference Room on Tuesday the 25th July, 1978 at 10.00 a.m.

Notice is hereby given that an application by Joanah Sithole of Box 86, Big Bend for a grant of a Hawker's Licence to operate in the Lubombo District under the style "INTAMAKUPHILA HAWKER'S" will be heard in the District Commissioner's Conference Room on Tuesday the 25th July, 1978 at 10.00 a.m.

Notice is hereby given that an application by Mrs. Sellinah Mabuza of Box 59, Vuvulane for a grant of a Produce and Handwork Vendor's Licence to operate in the Lubombo District under the style "THEMBELIHLE PRODUCE AND HANDWORK VENDOR" will be heard in the District Commissioner's Conference Room on Tuesday the 25th July, 1978 at 10.00 a.m.

Notice is hereby given that an application by Jacob Ngcamphalala of Box 1, Mhlume (Section 17) for a grant of a Pedlar's Licence to operate in the Lubombo District under the style "MUSA WE NKOSI PEDLAR'S" will be heard in the District Commissioner's Conference Room on Tuesday the 25th July, 1978 at 10.00 a.m.

Notice is hereby given that an application by Marria Dlakude of Box 2, Mhlume for a grant of a Pedlar's Licence to operate in the Lubombo District under the style "ITHEMBA PEDLARS" will be heard in the District Commissioner's Conference Room on Tuesday the 25th July. 1978 at 10.00 a.m.

Notice is hereby given that an application by Estel Bulunga of Box 497, Manzini for a grant of a Pedlar's Licence to operate in the Lubombo District under the style "LIHAWU LAMI PEDLAR'S" will be heard in the District Commissioner's Conference Room on Tuesday the 25th July, 1978 at 10.00 a.m.

Notice is hereby given that an application by Samson Sifundza of Post Office Lomahasha for a grant of a Hawker's Licence to operate in the Lubombo District under the style "NGIYACELA BOSHEWEWULA HAWKERS" will be heard in the District Commissioner's Conference Room on Tuesday the 25th July, 1978 at 10.00 a.m.

Notice is hereby given that an application by Mrs. Minah Tsabedze of Box 67, Manzini for a grant of a Pedlar's Licence to operate in the Lubombo District under the style "KUVUMA KWENKOSI PEDLAR'S" will be heard in the District Commissioner's Conference Room on Tuesday the 25th July 1978 at 10.00 a.m.

Notice is hereby given that an application by Amost Shoulder of Box 232, Manzini for a grant of a Hawker's Licence to operate in the Lubombo District under the style "FLIGHT HAWKER'S" will be heard in the District Commissioner's Conference Room on Tuesday the 25th July 1978 at 10.00 a.m.

Notice is hereby given that an application by Harry Shoulder of Box 12, Siteki for a grant of a Hawker's Licence to operate in the Lubombo District under the style "SHOULDER'S HAWKERS' 'will be heard in the District Commissioner's Conference Room on Tuesday the 25th July, 1978 at 10.00 a.m.

Notice is hereby given that an application by Emmelyn Lukhele of Box 2, Mhlume for a grant of a Pedlar's Licence to operate in the Lubombo District under the style "VULINDLELA PEDLAR'S" will be heard in the District Commissioner's Conference Room on Tuesday the 25th July 1978 at 10.00 a.m.

Notice is hereby given that an application by Sarah Dlamini of Box 2, Mhlume for a grant of a Pedlar's Licence to operate in the Lubombo District under the style "ZISEBENZELE PEDLAR'S" will be heard in the District Commissioner's Conference Room on Tuesday the 25th July 1978 at 10.00 am.

Notice is hereby given that the Grocery Licence carried on by Dickson D. Nkambule of Box 6, Tshaneni who operate at Tshaneni under the style "MANANGA GROCERY" will be transfered to Elmon M. Ngomane, George M. Nxumalo and Simon S. Nxumalo (as company) of Box 6, Tshaneni as well as to change the original name to "TSHANENI GROCERY". This will be heard in the District Commissioner's Conference Room on Tuesday the 25th July 1978 at 10.00 a.m.

Notice is hereby given that the Restaurant Licence carried on by Dickson D. Nkambule of Box 6, Tshaneni who operate at Tshaneni in the Lubombo District under the style "MANANGA RESTAURANT" will be transfered to Elmon M. Ngomane, George M. Nxumalo and Simon S. Nxumalo (as company) of Box 6, Tshaneni as well as to change the original name to "TSHANENI RESTAURANT". This will be heard in the District Commissioner's Conference Room on Tuesday the 25th. July 1978 at 10.00 am.

Objections thereto must be lodged in writing with the undersigned as well as with the applicant on or before the 21st July 1978 not later than 4.00 p.m.

J. J. MATSEBULA

Licencing Officer,
Lubombo.

P.O. Box 20,
Siteki.

O/No. G.3997 P.494 14.7.78.

NOTICES

Notice is hereby given that an application by Marthinus Francois Van Vuuren of P.O. Box 44, Mhlosheni for the transfer of a General Dealer's Licence from Nicolaas Van Vuuren to his name operating at Mooiplaatz - Mhlosheni area in the Shiselweni District, under the style "P.S. VAN VUUREN AND COMPANY" will be heard in the District Commissioner's Conference Room Nhlangano on Wednesday the 26th July, 1978 at 10.00 a.m.

Notice is hereby given that an application by Mr. Kenneth Dunn of P.O. Box 13, Nhlangano for a grant of a Scrap Yard Licence to operate at part of Farm No. 140 Nhlangano Town, under the style "NHLANGANO SCRAP YARD" will be heard in the District Commissioner's Conference Room Nhlangano on Wednesday the 26th July, 1978 at 10.00 a.m.

Notice is hereby given that an application by Messrs. John Charles McSeveney, Olive Edith McSeveney, Thomas Charles McSeveney and John Michael McSeveney of P.O. Box 35, Nhlangano in Private Company for a grant of a Wholesale Dealer's Licence to operate on Stands No. 248 and 249 Fifth Street, Nhlangano Town, under the style "SKONKWANE WHOLESALERS" will be heard in the District Commissioner's Conference Room Nhlangano on Wednesday the 26th July, 1978 at 10.00 a.m.

Objections thereto must be lodged in writing with the undersigned as well as with the applicant on or before Friday 21st July, 1978 not later than 4.00 p.m.

J. P. MAVIMBELA

Licensing Officer,
Shiselweni District.

P.O. Box 8,
Nhlangano.

O/No. G.3999 P.501 14.7.78

NOTICE

IN THE ESTATE OF THE LATE

LUSEKWANE RICHARD SUKATI E. 2948/78

A meeting of the next of kin and all others concerned will be held before the District Commissioner, Hhohho at Mbabane on 16th August, 1978 at 10.30 a.m. for nomination of an Executor (or Executors) dative in the above estate.

D. N. SHONGWE

Master of the High Court of Swaziland

Office of the Master of
the High Court,
MBABANE.

O/No. G. 4000 P505 14.7.78

NOTICES

Notice is hereby given that an application by Mrs. Sarah Morake of P.O. Box 20, Hlatikulu for a grant of a Pedlars' Licence to operate in the Shiselweni District under the style "ZINGELWAKO PEDLARS, will be heard in the Hlatikulu Court House on 2nd August, 1978 at 10.00 a.m.

Notice is hereby given that an application by Mr. Samuel Dlamini P.O. Ka-Phunga for a General Dealer's Licence to operate at Ka-Phunga Area Hlatikulu under the style "EKUKHANYENI GENERAL DEALER", will be heard in the Hlatikulu Court House on 2nd August, 1978 at 10.00 a.m.

Notice is hereby given that an application by Mr. A. Andreas Sithole of Sandleni School, P/B Hlatikulu for a grant of a Pedlars Licence to operate in the Shiselweni District under the style "SITOLO SIYANDZINDZA PEDLARS", will be heard in the Hlatikulu Court House on 2nd August, 1978 at 10.00 a.m.

Notice is hereby given that an application by Mr. Guy Hadebe of P.O. Box 150, Siteki for a grant of a Hawkers Licence to operate in the Shiselweni District under the style "THEMBALAMI HAWKERS", will be heard in the Hlatikulu Court House on 2nd August, 1978 at 10.00 a.m.

Notice is hereby given that an application by Mrs. Losiah Mkhumane of Lion Cash Store, P/B Hlatikulu for a grant of a Pedlars Licence to operate in the Shiselweni District under the style "NYAWOLWAMI PEDLARS", will be heard in the Hlatikulu Court House on 2nd August, 1978 at 10.00 a.m.

Objections thereto must be lodged in writing with the undersigned as well as with the applicant on or before 31st July, 1978 not later than 4.00 p.m.

R. B. S. HADZEBE

Licensing Officer,
Hlatikulu.

P.O. Box 21,
Hlatikulu.

O/No. G. 4000 P.506 14.7.78

NOTICE

SWAZILAND COMPANIES ACT. NO. 7 OF 1912

Notice is hereby given that I have reasonable cause to believe that the undermentioned company

Piggs Peak Trading Company (Proprietary) Limited

incorporated under the laws of Swaziland, is not carrying on business, and is not in operation. The name of the afore said company, will unless cause is shown to the contrary at the end of three months from date hereof be struck off the Swaziland Register of Companies, and the company dissolved.

W. A. RUDD

Registrar of Companies.

O/No. G. 2801 P.507 14.7.78

NOTICE

SWAZILAND COMPANIES ACT. NO. 7 OF 1912

Notice is hereby given that pursuant to the notice published in the Swaziland Government Gazette and the "Times of Swaziland" on the 1st July, 1977 the name

Art Decor (Proprietary) Limited

was struck off the Swaziland Register of Companies, and company dissolved with effect the 1st day of July, 1977.

W. A. RUDD

Registrar of Companies.

O/No. G.3997 P.496 14.7.78

NOTICES

Notice is hereby given that an application by Prince Mfanasibili Dlamini, of P.O. Box 526, Mbabane for a grant of General Dealers Licence to operate at Bhunya Village in the Manzini District under the style "EMAZONDO TRADING COMPANY" will be heard in the Manzini Court House on Tuesday 18th. July, 1978 at 10.00 a.m.

Notice is hereby given that an application by Prince Mfanasibili Dlamini for a grant of Filling Station to operate at Bhunya Village under the style "EMAZONDO FILLING STATION (PTY) LTD.", to operate in the Manzini District will be heard in the Manzini Court House on Tuesday 18th July, 1978 at 10.00 a.m.

Objections thereto must be lodged in writing with the undersigned as well as with the applicant on or before Friday the 14th July, 1978, not later than 4.p.m.

J. M. DLAMINI

Licencing Officer,
Manzini.

P.O. Box 21,
Hlatikulu.

O/No. G. 3996 P.493 14.7.78

NOTICE

IN THE ESTATE OF THE LATE

JAMES N. KHUMALO E.2945/78

A meeting of the next of kin and all others concerned will be held before the Master of the High Court, at Mbabane on 16th August, 1978 at 10.30 a.m. for nomination of an Executor (or Executors) dative in the above estate.

C. J. LITTLER

Deputy Master of the High Court
of Swaziland.

Office of the Master of
the High Court,
MBABANE.

O/No. G. 3998 P.498 14.7.78

NOTICE

IN THE ESTATE OF THE LATE

ANNAH ZWANE E.2947/78

A meeting of the next of kin and all others concerned will be held before the District Officer, Hlathikhulu at Hlathikhulu on 16th August, 1978 at 10.30 a.m. for nomination of an Executor (or Executors) dative in the above estate.

C. J. LITTLER

Deputy Master of the High Court
of Swaziland.

Office of the Master of
the High Court,
MBABANE.

O/No. G.3998 P.499 14.7.78

NOTICE

IN THE ESTATE OF THE LATE

SAMUEL MAKHANYA E.2946/78

A meeting of the next of kin and all others concerned will be held before District Commissioner, Hhohho at Mbabane on 9th August, 1978 at 10.30 a.m. for nomination of an Executor (or Executors) dative in the above estate.

D. N. SHONGWE

Master of the High Court
of Swaziland.

Office of the Master of
the High Court,
MBABANE.

O/No. G. 3998 P.497 14.7.78

NOTICE

Notice is hereby given that I intend to apply for a certified copy of TITLE DEED NO. 121/1951 in the name of WILLIAM VAN ZYL dated 4th December, 1951 in respect of certain Lot No. 64 situate in the Towship of Siteki, Lubombo district measuring 2701 (Two Thousand Seven Hundred and one) square metres.

Any person having objection to the issue of such copy shall lodge the same in writing with the Registrar of Deeds and with the undersigned within three weeks of last publication of this notice.

ROBIN SCOTT-SMITH
Inkululeko Building,
Nkoseluhlaza Street,
P.O. Box 202,
MANZINI.

P.503 2x21.7.78.

NOTICE

Notice is hereby given that we intend applying to the Registrar of Deeds for Swaziland for a certified copy of certain Mortgage Bond No. 49A/1956 Sw. dated 16th July, 1956, passed by ROBIN J. HALL in favour of ANDREW WILLIAM VAN LINGEN (born on the 30th May, 1885) for an amount of E8 000,00 registered over Certain Farm named "Karroo" No. 550 situate in the Shiselweni District, Swaziland; Measuring 3132,4474 Hectares; Held by Deed of Transfer No. 63/1954 Sw. dated 12th April, 1954, which Bond was ceded to REGINALD KERTRICK HALL (born on the 16th January, 1922) on the 17th January, 1972.

Any person having objection to the issue of the said certified copy shall lodge such objection with the Registrar of Deeds for Swaziland and with the undersigned within three weeks of the last publication of this notice.

VAN HEERDEN & CO.,
P.O. Box 23,
MANZINI.

P.472 2x14.7.78.

The Government Printer, Mbabane.

SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

VOL. XVI] MBABANE, Friday, July 14th., 1978 [No. 897

CONTENTS

PUBLISHED BY AUTHORITY.

S1

THE WORKMEN'S COMPENSATION (AMENDMENT) ORDER, 1978

(King's Order-in-Council No. 15 of 1978)

I ASSENT

SOBHUZA II
King of Swaziland

7th. July, 1978

A KING'S ORDER-IN-COUNCIL

entitled

A King's Order-in-Council to amend the Workmen's Compensation Act No. 4 of 1963.

(Date of commencement: See Section 1)

ENACTED by the King in collaboration with the Council.

Short title and Date of commencement.

1. This King's Order-in-Council may be cited as The Workmen's Compensation (Amendment) Order, 1978 and shall come into force on a date to be appointed by the Minister by notice in the Gazette.

Interpretation.

2. In this Order unless the context otherwise requires a section or subsection referred to is a section or subsection (as the case may be) of the Workmen's Compensation Act, No. 4 of 1963.

Amendment of Section 2.

3. Section 2 is amended by the deletion of subsection (2)(a) and the re-numbering of the remaining paragraphs.

Amendment of Section 5.

4. Section 5 is amended by —

(a) The insertion of the following new subsection (3) immediately after subsection (2) —

"(3) An accident causing personal injury to a workman shall be deemed to arise out of and during the course of his employment if it occurs whilst the workman is travelling to or from his place of work in transport provided by his employer for such purpose, or whilst he is travelling in transport which he is required by his employer to use under a contract of service between himself and his employer".

(b) Re-numbering the existing subsections (3), (4) and (5) as (4), (5) and (6) respectively.

Amendment of Section 6.

5. Section 6 is amended by —

(a) replacing the word "forty" in paragraph (a) by the words "forty eight" and inserting the following proviso immediately after the paragraph —

Provided that the minimum amount of compensation payable to the dependents of the workman shall be two thousand seven hundred emalangeni, irrespective of such workman's earnings during his lifetime.

(b) replacing the words "five thousand" in paragraph (a) by the words "sixteen thousand eight hundred"; and

(c) replacing the word "fifty" in paragraph (c) by the words "two hundred and fifty".

Amendment of Section 7.

6. Section 7 is amended by —

(a) replacing the words "forty eight" in subsection (1) by the words "fifty four";

(b) replacing the proviso to subsection (1) by the following new proviso:—

"Provided that in no case shall the amount of compensation in respect of permanent total incapacity be greater than eighteen thousand six hundred emalangeni or less than three thousand emalangeni".

Amendment of Section 8.

7. Section 8 is amended by replacing the words "forty eight" in paragraphs (a) and (b) by the words "fifty four".

Amendment of Section 9.

8. Section 9 is amended by replacing subsection (2) by the following —

"(2) Any such periodical payment shall be a monthly payment equal to seventy five per cent of the monthly earnings which the workman was earning at the time of the accident, less the monthly earnings which he is earning in any other employment after the accident".

Amendment of Section 10.

9. Section 10 is amended by —

(a) replacing the semi-colon at the end of subsection (1)(b)(ii) by a full stop;

(b) deleting the word "and" at the end of such subsection;

(c) deleting subsection (c) of subsection (1).

Amendment of Section 13.

10. Section 13 is amended by replacing the word "half" in subsection (2) by the words "seventy five per cent of".

Amendment of Section 32.

11. Section 32 is amended by —

(i) replacing the words "six hundred"in subsection (1)(a) by the words "two thousand";

(ii) replacing the words "four hundred" in subsection (1)(b) by the words "one thousand five hundred";

(iii) replacing the word "fifty" in subsection (1)(c) by the words "two hundred and fifty".

Replacement of First Schedule.

The First Schedule is repealed and replaced by the First Schedule hereto.

FIRST SCHEDULE

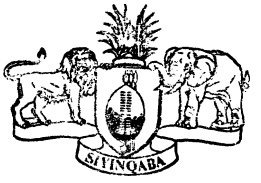
Description of Disease	*Description of Occupation*
Ankylostomiasis (Hookworm) in workmen	Mining carried on underground
Anthrax	The handling of wool, hair, bristles, hides, and skins, work in connection with animals infected with anthrax loading, unloading or transport of goods.
Arsenical poisoning	Any work involving the use of arsenic or its preparations or compounds.
Poisoning by benzene or its Homologue and their nitro and amido derivatives and its sequelae	Any work involving the production or use of or contact with benzene or its homologue or their nitro and amido derivatives.
Chrome ulceration	Any work involving the handling or use of chromic acid, chrome salts or other materials containing chromic acids or chrome salts as a constituent.

Cyanide rash	The handling of cyanide or any work involving the use of cyanide.
Dermatitis due to dust, liquids or other external agents present in the specific process or processes of the workman's occupation	
Poisoning by the halogen derivatives of Hydrocarbons.	Any work involving the manufacture or use of or contact with the halogen derivatives of hydrocarbons.
Lead poisoning or its sequelae	The handling of lead or its preparations or compounds or any work involving use of lead or its preparations or compounds.
Manganese poisoning	Any work involving the use of handling or exposure to the fumes, dust or vapour of manganese, or a compound of, or substance containing manganese.
Mercury poisoning or its sequelae	Any work involving the use of mercury or its preparations or compounds.
Pathological manifestations due to radium and other radioactive substances or X-rays	Any work involving the use or exposure to the action of radium or other radioactive substances or X-rays.
Phosphorus poisoning	Any work involving the use of phosphorus or its preparations or compounds.
Primary epitholiomatous cancer of the skin	Any work involving the handling of use of tar, pitchbitumen, mineral oil or paraffin.
Silicosis, asbestosis or other fibrosis of the lungs caused by mineral dust	Any occupation in which workmen are exposed to inhalation of slilica dust, asbestos dust or other mineral dust.
Bagassosis	Any work involving the handling of processing of sugar cane or its preparations or compounds.

S5

THE EMPLOYMENT (AMENDMENT) ORDER, 1978

(King's Order-in-Council No. 16 of 1978)



I ASSENT

SOBHUZA II
King of Swaziland

7th. July, 1978

A KING'S ORDER-IN-COUNCIL

entitled

A King's Order-in-Council to replace section 16 of Act No. 51 of 1962 by another section and to insert sections 16 *bis* and 16 *ter*.

(Date of commencement: 14th July, 1978)

ENACTED by the King in collaboration with the Council.

Short title.

1. This King's Order-in-Council may be cited as The Employment (Amendment) Order, 1978.

Replacement of section 16 of The Employment Act No. 51 of 1962.

2. Section 16 of The Employment Act No. 51 of 1962 is replaced by the following —

"Termination of Contract.

16. (1) If an employee is a casual employee, whose wages are paid to him daily, a contract of service shall be terminable at the instance of either party at the end of any day without notice.

(2) If a contract of service provides for wages to be paid —

(a) weekly, the contract shall be terminable at the instance of either party by the giving of one week's notice;

(b) fortnightly, the contract shall be terminable at the instance of either party by the giving of a fortnight's notice;

(c) monthly, the contract shall be terminable at the instance of either party by the giving of one month's notice.

(3) Notwithstanding subsection (2), the thirty days directly following the date on which the employee first entered the service of the employer shall be regarded as a period of probationary employment, during which time the contract of service may be terminated without notice at the instance of either party at the end of the contract period.

(4) Notwithstanding subsections (1) and (2) if the employee has been employed continuously for three months or longer, no employer may terminate the services of an employee without giving him either the following period of notice or the period required by subsection (2) whichever is the longer —

(a) at least two days notice for each completed month of continuous employment up to and including the twelfth month;

(b) at least four days additional notice for each completed year of continuous employment after the first year.

(5) Nothing in this section shall preclude a contract of service from being terminated by either party paying to the other party, in lieu of notice, an amount equal to the wages which would have been earned by the employee during the unexpired period of notice provided for in this section.

(6) If a contract of service is terminated under this section the employee shall be paid by the employer all wages and other benefits due to him under the contract as at the date of termination.

(7) If upon any contract of service being terminated as provided for in this section the employer permits or allows his employee to remain in his employment, or the employee continues the express dissent of the employer in such employment after the day on which the contract was to have been terminated, such termination shall be deemed to be cancelled and the contract shall continue as if there has been no termination unless it is otherwise agreed between the employer and the employee.

(8) The termination of any contract of service under this section shall be without prejudice to any accrued rights or liabilities of either party under the contract.

(9) Nothing in this section shall debar an employer or employee from claiming damages against an employee or employer, as the case may be, in any court of competent jurisdiction for any loss suffered by the employer or employee as a result of the unlawful termination of a contract of service.

(10) Nothing in this section shall preclude either party from summarily terminating a contract of service on the grounds set out in section 20.

(11) The terms of any contract of service in so far as it relates to termination of such contract shall be not less favourable than those set out in this section."

Insertion of section 16 bis.

3. Section 16 *bis* is inserted immediately after section 16 of the Employment Act No. 51 of 1962.

"*Severance Allowance.*

16. *bis.*

(1) Subject to subsections (2) and (4) if the services of an employee are terminated by his employer other than under the provisions of section 20 the employee shall be paid, as part of the benefits accruing under his contract of service, a severance allowance amounting to ten working days' wages for each completed year in excess of one year that he has been continuously employed by that employer:

Provided that in calculating the amount of the severance allowance to which the employee is entitled any employment by him with the employer .concerned prior to the 1st day of January, 1968 shall be disregarded.

(2) If an employer operates or participates in, and makes any contribution to, any gratuity, pension or provident fund (other than the Lidlelantfongeni Swaziland National Provident Fund) which is operated for the benefit of his employees, the employer shall be entitled to repayment of an amount equal to the employer's total contribution to any such gratuity, pension or provident fund:

Provided that, however, the amount of such repayment shall not exceed the total amount of the severance allowance payable by the employer under subsection (1), and that it shall be assessed as at the date when the employee's employment with him is terminated.

(3) For the purpose of this section, the term "wages" shall mean the wages being paid to the employee at the time his services were terminated.

(4) This section shall not entitle a person to make a claim for severance allowance from an employer unless he was in continuous employment with such employer as at the date of this Order coming into effect."

Insertion of section 16 ter.

4. The following section 16 *ter* is inserted immediately after section 16 *bis* of the abovenamed Act —

"Seasonal Employment.

16 *ter*

(1) For the purpose of this section "seasonal contract" means a contract of service, the exact period of which cannot be determined until season or project has ended, entered into for a particular season, or for work to be performed in or in connection with a specified project.

(2) If a seasonal contract of service, whether written, oral or implied, is entered into, the employer shall specify the estimated date on which it is anticipated by him that the season or project will terminate, and the specifying of such date shall, notwithstanding any other law, whether or not the season or project has in fact terminated, constitute adequate notice by the employer to the employee of notice of the date termination of such contract of service:

Provided that nothing in this subsection shall be deemed to prevent the termination of a seasonal contract in accordance with section 16 (1) to (11) inclusive."

THE WAGES (AMENDMENT) ORDER, 1978

(King's Order-in Council No. 17 of 1978)

I ASSENT

SOBHUZA II
King of Swaziland

7th. July, 1978

A KING'S ORDER-IN-COUNCIL

entitled

A King's Order-in-Council to amend section 11(5)(b) of the Wages Act No. 16 of 1964.

(Date of commencement: 14th July, 1978)

ENACTED by the King in collaboration with the Council.

Short title.

1. This King's Order-in-Council may be cited as The Wages (Amendment) Order, 1978.

Amendment of section 11 of the Wages Act No. 16 of 1964.

2. Section 11 of the abovenamed Act is amended by replacing the proviso (b) of subsection (5) thereof by the following —

> "Refer such proposals to the Board and shall, after considering any recommendations made by the Board, give effect to the proposals in which such recommendations shall be incorporated".

THE DIPLOMATIC PRIVILEGES (AMENDMENT) ORDER, 1978

(King's Order-in-Council No. 18 of 1978)

I ASSENT

SOBHUZA II
King of Swaziland

7th July, 1978

A KING'S ORDER-IN-COUNCIL

entitled

A King's Order-in-Council to provide for the insertion of a new paragraph (e) in section 9 of the Diplomatic Privileges Act, No. 18 of 1968.

(Date of Commencement: 14th July, 1978)

ENACTED by the King in collaboration with the Council.

Short title.

1. This King's Order-in-Council may be cited as The Diplomatic Privileges (Amendment) Order, 1978.

Amendment of section 9 of The Diplomatic Privileges Act, No. 18 of 1968.

2. Section 9 of The Diplomatic Privileges Act, No. 18 of 1968 is amended by the insertion of the following paragraph (e) immediately after paragraph (d) thereof —

"*(e)* the persons to whom reference is made in Protocol No. 5, a copy of which Protocol is set out in the Second Schedule, to the ACP-EEC Convention of Lome signed on the 28th of February, 1975 to which Convention the Government of the Kingdom of Swaziland is a party as persons entitled to certain privileges and immunities to the extent so specified in such Protocol".

SECOND SCHEDULE

PROTOCOL NO. 5

ON PRIVILEGES AND IMMUNITIES

THE HIGH CONTRACTING PARTIES,

Desiring, by the conclusion of a Protocol on privileges and immunities, to facilitate the smooth functioning of the Convention, the preparation of its work and the implementation of the measures adopted for its application;

Whereas it is therefore necessary to specify the privileges and immunities which may be claimed by persons participating in work relating to the application of the Convention and to the arrangements applicable to official communications connected with such work, without prejudice to the provisions of the Protocol on the privileges and immunities of the European Communities, signed at Brussels on 8 April, 1965;

Whereas it is also necessary to lay down the treatment to be accorded to the property, funds and assets of the Council of ACP Ministers and its staff;

Whereas the Protocol concerning the measures to be taken for the application of Article 73 of the Convention, signed this day by the ACP States, has established a co-ordinating body for the ACP States a Council of ACP Ministers, composed of the ACP States members of the Council of Ministers set up by the Convention, assisted by a Committee of Ambassadors composed of the ACP States' members of the Committee of Ambassadors set up by the said Convention; whereas that Council and that Committee are to be assisted by a Secretariat of the ACP States and whereas of the said Internal Protocol recognizes the Council of ACP Ministers as having legal personality,

HAVE AGREED upon the following provisions, which shall be annexed to the Convention;

CHAPTER I

PERSONS TAKING PART IN THE WORK OF THE CONVENTION

Article 1

The Representatives of the Governments of the Member States and of the ACP States and the Representative of the Institutions of the European Communities, as also their advisers and experts and the members of the staff of the Secretariat of the ACP States taking part, in the territory of the Member States or of the ACP States, in the work of either of the Institutions of the Convention or of the Co-ordinating bodies, or in work connected with the application of the Convention, shall enjoy the customary privileges, immunities and facilities while carrying out their duties and while travelling to or from the place at which they are required to carry out such duties.

The preceding paragraph shall also apply to members of the Consultative Assembly of the Convention, to the arbitrators who may be appointed under the Convention, to members of the consultative bodies of the economic and social sectors which may be set up, to the officials and employees of these institutions, and also to the members of the agencies of the European Investment Bank and its staff, and also to the staff of the Industrial Development Centre.

CHAPTER 2

PROPERTY, FUNDS AND ASSETS OF THE COUNCIL OF ACP MINISTERS

Article 2

The premises and buildings occupied by the Council of ACP Ministers for official purposes shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation.

Except when required for the purposes of investigating an accident caused by a motor vehicle belonging to the said Council or being used on its account, or in the event of an infringement of road traffic regulations or of an accident caused by such a vehicle, the property and assets of the Council of ACP Ministers shall not be the subject of any administrative or legal measure of constraint without the authorization of the Council of Ministers set up under the Convention.

Article 3

The archives of the Council of ACP Ministers shall be inviolable.

Article 4

The Council of ACP Ministers, its assets, income and other property shall be exempt from all direct taxes.

The host State shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Council of ACP Ministers makes strictly for its official use, substantial purchases, the price of which includes taxes of this kind.

No exemption shall be granted in respect of taxes, charges, duties or fees which represent charges for services rendered.

Article 5

The Council of ACP Ministers shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its official use, articles so imported may not be sold or otherwise disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the Government of that country.

CHAPTER 3

OFFICIAL COMMUNICATIONS

Article 6

For their official communications and the transmission of all their documents, the European Economic Community, the Institutions of the Convention and the co-ordinating bodies shall enjoy in the territory of the States party to the Convention the treatment accorded to International organizations.

Official correspondence and other official communications of the European Economic Community, the Institutions of the Convention and the co-ordinating bodies shall not be subject to censorship.

CHAPTER 4

STAFF OF THE SECRETARIAT OF THE ACP STATES

Article 7

The Secretary (Secretaries) and Deputy Secretary (Secretaries) of the Council of ACP Ministers and the other permanent members of the staff, of senior rank, of the Council of ACP Ministers shall enjoy, in the State in which the Council of ACP Ministers is established, under the responsibility of the Chairman in Office of the Committee of ACP Ambassadors, the advantages accorded to the diplomatic staff of diplomatic missions. Their spouses and their children under age living in their household shall be entitled, under the same conditions, to the advantages accorded to the spouses and children under age of such diplomatic staff.

Article 8

The State in which the Council of ACP Ministers is established shall grant immunity from legal proceedings to permanent members of the staff of the Secretariat of the ACP States, apart from those referred to in Article 7, only in respect of acts done by them in the performance of their official duties. Such immunity shall not, however, apply to infringements of road traffic regulations by a permanent member of the staff of the Secretariat of the ACP States or to damage caused by a motor vehicle belonging to, or driven by, him.

Article 9

The names, positions and addresses of the Chairman in Office of the Committee of ACP Ambassadors, the Secretary (Secretaries) and Deputy Secretary (Secretaries) of the Council of ACP Ministers and of the permanent members of the staff of the Secretariat of the ACP States shall be communicated periodically by the President of the Council of ACP Ministers to the Government of the State in whose territory the Council of ACP Ministers is established.

CHAPTER 5

GENERAL PROVISIONS

Article 10

The privileges, immunities and facilities provided for in this Protocol shall be accorded to those concerned solely in the interests of the proper execution of their official duties.

Each Institution or body referred to in this Protocol shall be required to waive immunity wherever it considers that the waiver of such immunity is not contrary to its own interest.

Article 11

Article 81 of the Convention shall apply to disputes relating to this Protocol.

The Council of ACP Ministers and the European Investment Bank may be party to proceedings during an ad hoc arbitration procedure.

S13

THE CUSTOMS, FISCAL, EXCISE AND SALES DUTIES (AMENDMENT) (NO.2) ORDER, 1978

(King's Order-in-Council No. 19 of 1978)

I ASSENT

SOBHUZA II
King of Swaziland

7th July, 1978

A KING'S ORDER-IN-COUNCIL

entitled

A King's Order-in-Council to amend sections 2; 12; 16; 33; 40; 42; 43; 44; 46; 53; 54; 55; 56; 57; 64; 65; 66; 67; 68; 70; 73; 74; 75; 80; 84; 88; 93; 97; 98; 99; 102; and 114 of the Customs, Fiscal, Excise and Sales Duties Act No. 21 of 1971 (as amended).

(Date of Commencement: 14th July, 1978)

ENACTED by the King in collaboration with the Council.

Short title.

1. This King's Order in-Council may be cited as the Customs, Fiscal, Excise and Sales Duties (Amendment) (No. 2), Order, 1978.

Interpretation.

2. In this Order unless the context otherwise requires any section or subsection referred to is a section or subsection, as the case may be, of the Customs, Fiscal Excise and Sales Duties Act No. 21 of 1971.

Amendment to Section 2.

3. Section 2 is hereby amended by —

(a) renumbering the section as subsection (1);

(b) replacing the words preceding the definition of "African beer" by the following words —

"In this Act, unless the context otherwise indicates, any reference to customs and excise matters relating thereto shall be deemed to include a reference to sales duty and surcharge or matters relating thereto, and —";

(c) replacing the definition of "customs duty" by the following —

"Customs duty means any duty leviable under Schedule No. 1 (except parts 3 and 4 thereof) or No. 2 on goods imported into Swaziland";

(d) replacing the definition of "exporter" by the following definition —

"exporter" includes any person who, at the time of exportation —

(i) owns any goods exported;

(ii) carries the risk of any goods exported;

(iii) represents that or acts as if he is the exporter or owner of any goods exported;

(iv) actually takes or attempts to take any goods from Swaziland;

(v) is beneficially interested in any way whatever in any goods exported;

(vi) acts on behalf of any person referred to in paragraphs (b), (c), (d), (f) and in relation to imported goods, includes the manufacturer, supplier or shipper of such goods or any person inside or outside Swaziland representing or acting on behalf of such manufacturer, supplier or shipper";

(e) replacing the definition of "illicit goods" by the following —

"illicit goods, in relation to imported or excisable goods, sales duty goods or surcharge goods, means any such goods in respect of which any contravention under this Act has been committed and includes any preparation or other product made wholly or in part from spirits or other materials which were illicit goods";

(f) replacing the definition of "officer" by the following —

"officer means a person employed on any duty relating to customs and excise and sales duty and surcharge by order or with the concurrence of the Secretary, whether such order has been given or such concurrence has been expressed before or after the performance of the said duty";

(g) the insertion immediately after the definition of "still maker" of the following definitions —

"surcharge" means any duty leviable under Part 4 of Schedule No. 1 on any goods which have been imported into Swaziland;

"surcharge goods" means any goods specified in Part 4 of Schedule No. 1 which have been imported into Swaziland;" and

(h) by inserting the following subsection (2) immediately after subsection (1) —

"(2) For the purposes of the Agreement concluded under Section 51 with the Governments of the Republic of Botswana, the Kingdom of Lesotho and the Republic of South Africa and published by Legal Notice No. 71 of 1969 on 12 December, 1969, (customs duty) includes any duty leviable under Part 4 of Schedule No. 1 on goods imported into Swaziland".

Amendment to Section 12.

4. Section 12 is amended by replacing subsection (2) by the following —

"(2) All goods imported by post other than parcel post from a place outside the common customs area shall be entered and declared by the addressee and in the case of such goods exceeding one hundred emalangeni in value, such entry and declaration shall be made at a customs, excise and sales duty office before a Controller".

Amendment to Section 16.

5. Section 16 is amended by replacing subsection (1) (d) by the following —

"*(d)* A container operator may remove any container in bond to the container depot or container terminal to which it was consigned without furnishing the security provided for in subsection (6) of this section, and the manifest in terms of Section 6(1)(b) of the goods packed in such container shall be deemed to be due entry for removal in bond of that container".

Amendment to Section 33.

6. The following section is hereby inserted immediately after section 33 —

"Special Provisions Regarding Cigarettes and Cigarette Tobacco".

33 *bis* (1) The Minister may by regulation prescribe the sizes and types of containers which may be used by a manufacturer for the packing of cigarettes and cigarette tobacco.

(2) No manufacturer may remove any cigarettes or allow any cigarettes to be removed from the customs and excise manufacturing warehouse in question unless they have been packed in the prescribed manner and a stamp impression determined by the Secretary has been made on their containers.

Provided that the Secretary may allow cigarettes so packed to be removed from such warehouse, in such circumstances as he may deem fit, without such stamp impression having been made on such containers.

(3) No cigarettes or cigarette tobacco shall be sold or disposed of or removed from the customs and excise manufacturing warehouse in question in partly or completely manufactured condition except in accordance with the provisions of this Act.

(4) No person shall —

(a) counterfeit or make any facsimile of any die or impression stamp determined under subsection (2);

(b) be in possession of, use or offer for sale or for use —

(i) any die or impression stamp counterfeited in contravention of paragraph (a); or

(ii) any facsimile of any die or impression stamp made in contravention of such paragraph".

Amendment to Section 40.

7. Section 40 is amended by —

(a) replacing subsection (5) by the following —

"(5) All particulars necessary to make a valid entry and all particulars in respect of the normal price or of any commission, discount, cost, charge, expense, royalty, freight, duty, tax, drawback, refund, rebate, remission or other information whatever which relates to and has a bearing on such price (including any information required to be given in any prescribed certificate of value) shall be declared by the exporter in any prescribed invoice or certificate in respect of any imported goods and such particulars shall, except where the Secretary otherwise determines, relate to the final amount of such normal price or commission, discount, cost, charge, expense, royalty, freight, duty, tax, drawback, refund, rebate or remission and to the final particulars or information regarding such goods";

(b) replacing subsection (7) by the following —

"(7) If any particulars referred to in subsection (5) of any imported goods are not declared in the prescribed invoice or certificate in respect thereof or if any change in the particulars declared in any prescribed invoice or certificate relating to any imported goods which occurs after the date of issue of any such invoice or certificate is not forthwith reported to the Controller by the importer of such goods or if the Secretary has reason to believe that an offence referred to in section 86(f) or (g) has been committed in respect of any imported goods the Secretary may determine a normal price, origin, date of purchase, quantity, description or any characteristics of such goods according to the best information available to him which shall, subject to a right of appeal to the Minister, be deemed to be the normal price, origin, date of purchase, quantity, description or the characteristics of such goods"; and

(c) by the addition of the following subsection immediately after subsection (7) —

"(8) The right of appeal referred to in subsection (7) shall be exercised within a period of three months from the date of the determination concerned".

Amendment to Section 42.

8. Section 42 is amended by replacing in subsection (3) the words preceding the proviso thereto by the following words —

"(3) If after the expiry of three months from the date of removal to

the State warehouse or other place indicated by the Controller, or, where no such removal has taken place, from the date of expiry of the period prescribed in section 37(1), any goods remain unentered, the Secretary may cause them to be sold, and if so sold the proceeds shall be applied in the discharge of any duty, expense incurred by the department, charges due to the department, the Railways Administration, a container operator or a depot operator, and freight, and the overplus, if any, shall unless the Secretary is satisfied that such goods were imported in contravention of any law, upon application be paid to the owner of the said goods".

Amendment to Section 43.

9. Section 43 is amended by —

(a) replacing the proviso to subsection (1) by the following —

"Provided that subject to subsection (8) any such liability shall cease if it is proved to the satisfaction of the Secretary that such goods (excluding, save in so far as the regulations otherwise provide, goods which are missing from any individual package and in respect of which any customs duty or sales duty or surcharge, each taken separately, does not exceed twenty-five emalangeni) were not landed at any place in Swaziland";

(b) replacing subsection (5)(c) by the following —

"*(c)* Upon delivery of the goods if containerised, to a container operator; or"; and

(c) replacing subsection (8) by the following —

"(8) Notwithstanding anything to the contrary in this section, no importer shall be granted a refund of customs duty or sales duty or surcharge paid in respect of any goods missing from any individual imported package, if such customs duty or sales duty or surcharge, each taken separately, does not exceed twenty-five emalangeni".

Amendment to Section 44.

10. Section 44 is amended by replacing subsection (1) by the following —

"(1) Notwithstanding anything to the contrary in this Act, all goods consigned to or imported into the common customs area or stored or manufactured in a customs and excise warehouse or removed in bond shall upon being entered for home consumption or upon payment of duty for any reason whatever, be liable to such duties (including anti-dumping duties and countervailing duties specified in Schedule No. 2 and new or increased duties referred to in Section 58(2) and duties imposed under the provision of Section 53) as may at the time of such entry or payment be leviable upon such goods".

Amendment to Section 46.

11. Section 46 is amended by —

(a) replacing subsection (2) by the following —

"(2) Subject to this Act, duty shall be paid for the benefit of the common revenue pool established in terms of the Customs Union Agreement on all imported goods, all excisable goods, all sales duty goods and all surcharge duty goods in accordance with Schedule No. 1 at the time of entry for home consumption of such goods";

(b) replacing subsection (8) by the following —

"(8) Wherever the tariff heading or sub-heading under which any goods are classified in Part I of Schedule No. 1 is expressly quoted in any tariff item or sales duty item or surcharge item or item of Part 2, 3, 4, 5 or 6 of such Schedule, or in any item in Schedule No. 2 in which such goods are specified, the goods so specified in such tariff item or sales duty item or surcharge item of such Part 2, 3, 4, 5 or 6 or in such item of Schedule No. 2, shall be deemed not to include goods which are not classified under such tariff heading or sub-heading".

Amendment to Section 53.

12. Section 53 is amended by replacing subsection (2) by the following subsection —

"(2) Any additional duty imposed in terms of subsection (1) shall be set out in .the form of a Part which shall be incorporated in Schedule No. 1 as Part 6 thereof and shall constitute an amendment of Schedule No. 1."

Amendment to Section 54.

13. Section 54 is replaced by the following —

"Special Provisions Regarding the Importation of Cigarettes:

54(1) The Minister may by regulation prescribe the sizes and types of containers in which cigarettes may be imported into Swaziland;

(2) No person shall import any cigarettes unless they have been packed in the prescribed manner and a stamp impression determined by the Secretary has been made on their containers:

Provided that the Secretary may allow cigarettes so packed to be imported, in such quantities and in such circumstances as he may deem fit, without such stamp impression having been made on such containers;

(3) No imported cigarettes shall be sold or disposed of or removed from the customs and excise warehouse concerned except in accordance with the provisions of the Act".

Amendment to Chapter VI.

14. The heading to Chapter VI is replaced by the following —

"ANTI-DUMPING AND COUNTERVAILING DUTIES".

Amendment to Section 55.

15. Section 55 is replaced by the following —

"General Provisions Regarding Anti-dumping and Countervailing Duties:

55(1) Subject to this Chapter and the Regulations, the goods specified in Schedule No. 2 shall, upon entry for home consumption, be liable, in addition to any other duty payable in terms of this Act, to the appropriate anti-dumping or countervailing duties provided for in respect of such goods in that Schedule at the time of such entry, if they are imported from a supplier, or originate in a territory, specified in that Schedule in respect of those goods;

(2) No anti-dumping duty or countervailing duty shall be imposed under this Chapter on the same imported goods on account of the same circumstances;

(3) If any anti-dumping duty or countervailing duty is imposed on any goods under this Chapter, the owner of any such goods stored in a customs and excise warehouse shall produce the invoice and other documents relating to such goods to the Controller not later than the time of entry of all or any part of such goods for removal from such warehouse;

(4) Subsection (3) shall not apply in the case of such goods entered for export from a customs and excise warehouse.

(5) No anti-dumping duty or countervailing duty imposed under the provisions of this Chapter shall apply to any goods entered under any item specified in Schedule No. 3 or 4 unless such item is specified in Schedule No. 2 in respect of such goods.

(6) Notwithstanding Sections 56 or 57, the Secretary may, subject to such conditions as he may impose in each case, exempt from payment of any anti-dumping duty or countervailing duty, any goods which are imported in such circumstances, or in such quantities that the importation of such goods does not in his opinion constitute regular importation of such goods for trade purposes".

Amendment to Section 56.

16. Section 56 is replaced by the following —

"Imposition of Anti-dumping Duty.

56(1) The Minister may from time to time by notice in the Gazette amend Schedule No. 2 if he is satisfied that —

(a) any goods have been or are being or are likely to be imported into Swaziland a in circumstances in which they shall in terms of subsection (2) be deemed to have been dumped;

(b) the effect of such importation will be to —

(i) cause or threaten material injury to an established industry in Swaziland or materially retard the establishment of industry in Swaziland; or

(ii) cause or threaten material injury to an established industry in another territory which is the territory of origin of any identical or comparable goods imported into Swaziland; and

(c) it would be in the public interest to impose such anti-dumping duty in respect of the goods referred to in paragraph (a) as will in his opinion meet the dumping contemplated in subsection (2):

Provided that such duty shall not exceed the margin of dumping referred to in subsection (5).

(2) Imported goods shall for the purposes of sub-section (1)(a) be deemed to have been dumped if —

(a) their export price to Swaziland is less than the price at which identical or comparable goods are being sold in the ordinary course of trade in any market in the territory of origin, if it is also the territory of export, of such imported goods or, subject to subsection (3), in the territory of export, if it is not the territory of origin, of such imported goods, for home consumption there; or

(b) if it appears to the Minister that identical or comparable goods are not being sold in any such territory in such circumstances that their price there can be determined as contemplated in paragraph (a), the export price to Swaziland of such imported goods is less than either —

(i) the highest comparable price for identical or comparable goods when exported from any such territory to any third territory in the ordinary course of trade; or

(ii) the cost of production of identical or comparable goods in the territory of origin of such imported goods, plus such amount in respect of administration, selling and other costs, and profit as may appear to the Minister to be reasonable; or

(c) they are being or likely to be sold or offered for sale at a place in Swaziland in the ordinary course of trade in wholesale quantities for an amount which is less than the price at which identical or comparable goods are being sold in the ordinary course of trade in any territory referred to in paragraph (a) for consumption there, plus freight, insurance and all charges to that place, including landing, transportation and delivery charges and any duty (other than an anti-dumping duty imposed under the provisions of this Chapter) payable under this Act:

Provided that any imported goods shall not be deemed to have been dumped by reason only of the fact that they are exempt from any duties and taxes imposed on identical or comparable goods that are being sold in the ordinary course of trade in the territory of origin or of export of such imported goods for consumption there, or that in respect of such imported goods any duties or taxes so imposed are refunded.

(3) If, where the territory of export of any imported goods is a territory other than their territory of origin, the identical or comparable goods mentioned in subsection 2(2)(b)(i) or (c) are merely transported through the territory of export or are not produced or manufactured in such territory or there is no comparable price for them in such territory, the comparison or prices contemplated in such subsection shall be made only with reference to the territory of origin concerned.

(4) The comparison of the relevant prices contemplated in subsection (2) shall be made at the same level of trade, and in respect of sales made at as nearly as possible the same time.

(5) The margin of any dumping deemed to have taken place in terms of subsection (2) shall be the difference in prices contemplated in such subsection.

(6) In this section —

(a) "territory of export", in relation to imported goods, means the territory from which they were exported to Swaziland whether or not it is also the territory of origin in relation to those goods;

(b) "territory of origin", in relation to imported goods, means the territory in which they were produced or manufactured, whether or not it is also the territory of export in relation to those goods.

(7) The provisions of section 47(5), (6) and (7) shall *mutatis mutandis* apply in respect of any amendment made under subsection (1)".

Amendment to Section 57.

17. Section 57 is replaced by the following —

"Imposition of Countervailing Duties:

57(1) The Minister may from time to time by notice in the Gazette amend Schedule No. 2 by imposing a countervailing duty if he is satisfied that

(a) a bounty or subsidy has been or will be granted within the meaning of subsection (2) in respect of goods which have been or are being imported to Swaziland in the territory in which they were produced or manufactured or from which they were exported;

(b) the effect of granting of such bounty or subsidy will be to —

(i) cause or threaten material injury to an established industry in Swaziland; or

(ii) materially retard the establishment of an industry in Swaziland; and

(c) it would be in the public interest to impose such countervailing duty as will in his opinion meet the granting of such bounty or subsidy;

Provided that such duty shall not exceed the amount as determined by the Minister, of such a bounty or subsidy:

Provided further that such duty shall not be imposed on any goods by reason only of the fact that they are exempt from any duties or taxes imposed on identical or comparable goods that are being sold in the ordinary course of trade in the territory in which they were produced or manufactured for consumption there, or that in respect of the said imported goods any duties or taxes so imposed are refunded.

(2) For the purposes of subsection (1)(a), a bounty or subsidy shall be deemed to be granted, if granted directly or indirectly, on the production, manufacture or exportation of goods (whether by way of grant, loan, tax relief or otherwise and whether related directly to the goods themselves, to the materials of goods or to anything else), including the granting of any special subsidy on the transport of any particular goods.

(3) The provisions of section 47(5), (6) and (7) shall *mutatis mutandis* apply in respect of any amendment made under subsection 1 of this section".

Amendment to Section 57.

18. The following section is inserted immediately after section 57:

"Provisional Charges to Anti-dumping Duties:

57 *bis* (1) If the Minister is satisfied before any anti-dumping duty is imposed under section 56 that the requirements of section 56(1)(a), (b) and (c) are met in respect of any class or kind of imported goods, he may, by notice in the Gazette impose a provisional charge to anti-dumping duty on imported goods of that class or kind for a period not exceeding 3 months as from date of publication of such notice, or, if requested thereto by the importer or exporter concerned before the expiry of the said period, for a further period not exceeding 3 months.

(2) Such provisional charge shall be paid on goods subject thereto at the time of entry for home consumption thereof as security for any anti-dumping duty which may be retrospectively imposed on such goods under section 56 by reference to such provisional charge.

(3) If any anti-dumping duty is retrospectively imposed on such goods under section 56 by reference to such provisional charge, the amount of such charge may be set off against the amount of the retrospective anti-dumping duty payable, and if no such duty is imposed, the amount of such charge paid shall be refunded."

Amendment to Section 64.

19. The following section is inserted immediately after section 64 *bis:*

"Clearing Agent Licences:

64 *ter* (1) No person shall, for the purposes of Section 37, for reward make entry or deliver a bill of entry relating to, any goods on behalf of any importer or exporter of goods, as the case may be, unless licensed as a clearing Agent in terms of subsection (2).

(2) The Secretary may, subject to such conditions as he may in each case impose, license any person applying therefor and approved by him, as a clearing agent for making entry of or delivering a bill of entry relating to, goods on behalf of an importer or exporter of goods, as the case may be.

(3) Before any person is so licensed as a clearing agent, he shall furnish such security as the Secretary may require.

(4) The Secretary may at any time require that the form, nature or amount of such security shall be altered or renewed in such manner as he may determine".

Amendment to Section 65.

20. Section 65 is amended by —

(a) replacing subsection (1) by the following —

"(1) Subject to this Act, the value for customs duty purposes of any imported goods shall be the normal price thereof";

(b) replacing subsection (2) by the following —

"(2) For the purposes of this section, such abnormal costs in effecting shipment as are proved to the satisfaction of the Secretary to have been incurred as the result of an Act of God, a state of war, strikes, lock outs, riots or civil commotions, shall not be deemed to form part of the normal price of goods"; and

(c) replacing subsection (4) by the following subsections —

"(4) If in the opinion of the Secretary the normal price of any imported goods cannot be calculated in terms of Section 66(1), or if no charge is made in respect of such goods, the Secretary may determine a price which shall, subject to a right of appeal to the Minister, be deemed to be the value for customs duty purposes of those goods.

(5) Any such appeal shall be lodged with the Minister in the manner prescribed by regulation within a period of three months after the date on which a price has been so determined".

Amendment to Section 66.

21. Section 66 is replaced by the following —

"Normal Price:

66(1) Subject to this Act, the normal price of any imported goods shall be calculated on the basis of a sale thereof, at the time of entry for home consumption in the open market in Swaziland, by any

person to any other person, both such persons being independent of each other if —

(a) the price is the sole consideration;

(b) the price is not influenced by any commercial, financial or other relationship, whether by contract or otherwise, between the seller or any person associated in business with him, and the buyer, or any person associated in business with him, other than the relationship created by the sale itself;

(c) no part of the proceeds of any subsequent resale, other disposal or use of the goods will accrue, either directly or indirectly, to the seller or any person associated in business with him;

(d) the sale is a sale of the quantity of the goods; and

(e) the price includes all costs, charges and expenses incidental to the sale and to the placing of the goods on board a ship or any vehicle at a port or other place, inside the territory of export, from where they were finally transported to Swaziland, but does not include freight and insurance from such port or other place to the port or other place of importation in Swaziland.

(2) For the purposes of subsection (1)(b) or (c) or (5)(b) two persons shall be deemed to be associated in business with each other if, whether directly or indirectly, either of them has any interest in the business or property of the other or both of them have a common interest in any business or property or any third person has an interest in the business or property of both of them.

(3) The costs, charges and expenses referred to in subsection (1)(e) include —

(a) cost of carriage;

(b) handling and loading charges;

(c) container transfer, depot or terminal charges;

(d) commission;

(e) brokerage;

(f) any duty or tax applicable in the territory of exportation except that from which the goods have been or will be relieved by way of refund, drawback or remission;

(g) any expenditure incurred in respect of preparing exportation documents; and

(h) the cost of packing and packaging.

(4) The normal price shall be determined on the basis that includes the value of the right to use the patent, design or trade mark in respect of the goods if the imported goods are —

(a) manufactured in accordance with any patentered invention or are goods to which any protected design has been applied;

(b) imported under a foreign trade mark; or

(c) imported for sale, other than disposal or use under a foreign trade mark;

(5) For the purposes of subsection (4) a trade mark shall be deemed to be a foreign trade mark if it is the mark of —

(a) any person by whom the imported goods concerned have been grown, produced manufactured, offered for sale or otherwise dealt with outside Swaziland;

(b) any person associated in business with any persons referred to in paragraph (a); or

(c) any person whose rights in the mark are restricted by an Agreement with any person referred to in paragraph (a) or (b)".

Repeal of Sections 67 and 68.

22. Sections 67 and 68 are hereby repealed.

Amendment to Section 70.

23. (1) Section 70 is amended by —

(a) replacing subsection (1) by the following subsections —

"(1) The value for sales duty purposes of any imported goods, other than goods entered in terms of item 709.01 of Schedule No. 7, shall be the normal price thereof, plus fifteen per cent of such price, plus any non-rebated customs duty payable in terms of Part 1 and 2 of Schedule No. 1 on such goods, but excluding the sales duty on such goods.

(2) The provisions of sections 65, 66 and 71 shall *mutatis mutandis* apply to the calculation or determination of the value for sales duty purposes of any imported goods";

(b) renumbering subsections (2) to (4) inclusive as subsections (3), (4) and (5).

(c) replacing subsection (3) by the following —

"(3) The value for sales duty purposes of any goods manufactured in Swaziland other than goods entered in terms of sales duty item 144.00 of Schedule No. 1, shall be the value for excise duty purposes of such goods, calculated or determined in terms of section 69 as if they were excisable goods, plus any non-rebated excise duty on such goods not included in the price of such goods, but excluding the sales duty on such goods;"

(d) replacing subsection (4) by the following —

"(4) The value for sales duty purposes of any imported goods en-

tered in terms of item 709.01 of Schedule No. 7 and any goods manufactured in Swaziland and entered in terms of sales duty item 144.00 of Schedule No. 1, shall be —

(a) in a sale between a manufacturer as seller and an independent wholesale dealer or an independent bulk buyer or a buyer purchasing at a preferential price or other reseller as purchaser, the highest price (excluding sales duty) at which the manufacturer sells such goods at factory to an independent retail dealer, without any deduction except a cash discount not exceeding two and a half per cent, if any, plus the cost of packing and packages and all other expenses incidental to placing the goods on rail for delivery to the purchaser;

(b) in a sale between a manufacturer and end consumer or between a wholesale dealer or retail dealer or other reseller as seller and an independent retail dealer or end consumer as purchaser, the highest price (excluding sales duty) at which such goods are sold by any such seller to an end consumer without any deduction except thirty-three and a third per cent, plus the cost of packing and packages and all other expenses incidental to placing the goods on rail for delivery to the purchaser."; and

(e) the addition of the following subsections immediately after subsection 4(b) —

"(5) Whenever any imported goods entered in terms of item 709.01 of Schedule No. 7 or any goods manufactured in Swaziland and entered in terms of sales duty item 144.00 of Schedule No. 1, are sold in such circumstances that the value thereof for sales duty purposes cannot be calculated in terms of subsection (4), the Secretary may determine a value which shall, subject to a right of appeal to the Minister, be deemed to be the value for sales duty purposes of such goods.

(6) Any such appeal shall be lodged with the Minister in the manner prescribed by regulation within a period of three months after the date on which a value has been so determined."

(2) The provisions of subsection (3) of this section shall come into operation on 1st October, 1977.

Amendment to Section 73.

24. Section 73 is replaced by the following —

"Rate of Exchange for Conversion of Values:

73. The Minister may by regulation determine the rate and time at which the normal price of imported goods shall be converted into the currency of Swaziland."

Amendment to Section 74.

25. Subsection (1) is replaced by the following —

"(1) Subject to subsection (2), the normal price of any imported goods shall be declared by the importer on entry of such goods."

Amendment to Section 74.

26. The following section is inserted immediately after section 74:

"Discretion of Secretary Regarding Determination of Value for Duty Purposes:

74 *bis* (1) If it is necessary for the purposes of this Act for the Secretary to determine a value for duty purposes, he may, subject to the provisions of this Act, in his discretion consult the Explanatory Notes to the Brussels Definition of Value and the Convention Recommendations, Opinions, Notes and Studies, issued by the Customs Co-operation Council, Brussels, from time to time.

(2) The Secretary shall obtain and keep in his office two copies of such Explanatory Notes, Convention Recommendations, Opinions, Notes and Studies, and shall effect thereto any amendment thereof of which he is notified by the said council from time to time."

Amendment to Section 75.

27. Section 75 is amended by —

(a) replacing subsection 1(c) by the following —

"*(c)* a drawback or a refund of the ordinary customs duty, anti-dumping duty, countervailing duty and surcharge actually paid on entry for home consumption on any imported goods described in Schedule No. 5 shall be paid to the person who paid such

duties or any person indicated in the notes to the said Schedule, subject to compliance with the provisions of the item of the said Schedule in which those goods are specified;"

(b) replacing subsection (4) by the following —

"(4) Notwithstanding section 56 or 57, a rebate of any anti-dumping duty or countervailing duty specified in Schedule No. 2 in respect of any goods entered under the provisions of any item specified in Schedule No. 3 or 4 may be granted if it is expressly stated in such item of Schedule No. 3 or 4 that the extent of the rebate includes such anti-dumping duty or countervailing duty"; and

(c) the addition to subsection (5)(b) of the following proviso —

Provided that if the duty in question has after such entry under rebate been increased, the extent of such rebate shall be deemed to be —

(a) the difference between the duty actually paid on entry for home consumption and such increased duty; or

(b) such increased duty if no duty was paid on entry for home consumption."

Amendment to Section 80.

28. Section 80 is hereby amend by —

(a) the deletion of subsection (1)(g) of subsection (1); and

(b) by replacing subsection (1)(o) by the following —

"(o) contravenes section 18(13), 33 *bis* (4), 60(1), 63(1) or 75(20),".

Amendment to Section 84.

29. Section 84 is amended by replacing the words preceding paragraph (a) of subsection (2) thereof by the following —

"(2) For the purposes of subsection (1), any invoice or other document relating to any denomination, description, class, grade or quantity of goods shall be deemed to contain a false statement if the price charged by the exporter or any value, price, commission, discount, cost, charge, expense, royalty, freight, duty, tax, drawback, refund, rebate, remission or other information whatever declared therein which had a bearing on value for the purposes of payment of any duty or on classification in terms of any Schedule to this Act or on anti-dumping duty or countervailing duty or on extent of rebate, refund or drawback of duty —".

Amendment to Section 88.

30. Section 88 is amended by replacing subsection (2)(a) by the following —

"*(a)* If the commission of an offence which renders any imported or manufactured goods liable to forfeiture under this Act, is detected after such goods have been released to the importer thereof or have been taken or delivered from any premises (whether a special customs and excise warehouse or customs and excise manufacturing warehouse, licensed under this Act, or not) and if such goods cannot readily be found, the Secretary may, notwithstanding anything to the contrary in this Act, demand from the importer or the person who committed the offence in question payment of an amount equal to the value for duty purposes of such goods plus any unpaid duty thereon."

Amendment to Section 93.

31. Section 93 is amended by replacing the words preceding the proviso by the following —

"93. The Secretary may direct that any ship, vehicle, plant, material or goods detained or seized or forfeited under this Act, be delivered to the owner thereof, subject to payment of any duty which may be payable in respect thereof and any charges which may have been incurred in connection with the detention or seizure or forfeiture, and to such conditions (including conditions providing for the payment of an amount equal to the value for duty purposes of such ship, vehicle, plant, material or goods plus any unpaid duty thereon) as he deems fit, or may mitigate or remit any penalty incurred under this Act, on such conditions as he deems fit."

Amendment to Section 97.

32. Section 97 is replaced by the following —

"Container Operator or Pilot may Appoint Agent.

97. Notwithstanding anything to the contrary in this Act, a container operator or the pilot of an aircraft, instead of himself performing any act, including the answering of questions required by or under this Act to be performed by him, may at his own risk, appoint an agent to perform any such act, and any such act performed by such agent shall in all respects and for all purposes be deemed to be the act of the container operator or pilot, as the case may be:

Provided that the personal attendance of the master or pilot may be demanded by the Controller."

Amendment to Section 98.

33. Section 98 is replaced by the following —

"Liability of Principal for Acts of Agent.

98. Every importer, exporter, master, container operator, pilot, manufacturer, licensee, remover of goods in bond or other principal shall for the purposes of this Act be responsible for any act done by an agent acting on his behalf, whether within or outside Swaziland."

Amendment to Section 99.

34. Section 99 is amended by —

(a) replacing subsection (1) of the following —

"(1) An agent appointed by any master, container operator or pilot, and any person who represents himself to any officer as the agent of any container operator or pilot and is accepted as such by that officer, shall be liable for the fulfilment, in respect of the matter in question, of all obligations, including the payment of duty and charges, imposed on such container operator or pilot by this Act and to any penalties or forfeitures which may be incurred in respect of that matter."; and

(b) replacing the words in subsection (3) preceding the proviso thereto by the following —

"(3) Every shipping and forwarding agent and every agent acting for the pilot of an aircraft and any other class of agent which the Minister may by regulation specify shall, before transacting any business with the department, and any class of carrier of goods to which this Act relates which the Minister may by regulation specify shall, before conveying any such goods give such security as the Secretary may from time to time require for the due observance of the provisions of this Act."

Amendment to Section 102.

35. Section 102 is amended by replacing subsection (2) by the following —

"(2) In any prosecution or proceedings under this Act, any statement in any record, letter or any other document kept, retained, received or dispatched by or on behalf of any person to the effect that any goods of a particular price, value, (including any commission, discount, cost, charge, expense, royalty, freight, tax, drawback, refund, rebate, remission or other information which relates to such goods and has a bearing on such price or value) or quantity, quality, nature, strength or other characteristic have been manufactured, imported, ordered, supplied, purchased, sold, dealt with or in or held in stock by him at any time, shall be admissible in evidence against him as an admission that he has at that time manufactured, imported, ordered, supplied, purchased, sold, dealt with or in or held in stock goods of that price, value, quantity, quality, nature, strength or other characteristic.".

Amendment to Section 114.

36. Section 114 is amended by the insertion immediately after subsection (2) of the following —

"(2 *bis*) No person shall remove —

(a) any plant or stills, subject to a lien in terms of subsection (1) or (1 *bis*), from the place indicated by an officer;

(b) anything detained under subsection (2) from the premises referred to in such subsection or from the place of security to which it may have been removed under such subsection.".

S31

LEGAL NOTICE NO. 49 OF 1978

THE EXTRADITION ACT

(No. 13 of 1968)

(Under section 22(2))

(Date of Commencement: 14th July, 1978)

Under the powers conferred on me by the above section I do hereby designate the Principal Magistrate of Swaziland and all Senior Magistrates of Swaziland as Magistrates to preside over any Court of Committal for the purposes of the Extradition Act No. 13 of 1968 with immediate effect.

D. COHEN

Acting Chief Justice.

Mbabane
5th July, 1978

LEGAL NOTICE NO. 50 OF 1978

THE UMBUTFO SWAZILAND DEFENCE FORCE ORDER 1977

(No. 10 of 1977)

APPOINTMENT OF COMMISSIONED OFFICER TO THE UMBUTFO SWAZILAND DEFENCE FORCE

(Under section 13)

(Commencement: 1st June, 1978)

In exercise of my powers under the abovementioned Order, I SOBHUZA II King of Swaziland and by virtue of the authority vested in me as Ngwenyama of the Swazi Nation do hereby appoint with effect from 1st June, 1978 —

COMPANY SERGEANT MAJOR SHADRACK SIBANYONI

as 2nd Lieutenant in the Umbutfo Swaziland Defence Force.

SIGNED at LOZITHEHLEZI on the 1st day of June, 1978.

SOBHUZA II

King of Swaziland.

Mbabane
7th July, 1978.

LEGAL NOTICE NO. 51 OF 1978

THE ANIMAL DISEASE ACT, 1965

(No. 7 of 1965)

THE STOCK DISEASES (RABIES) (AMENDMENT) (NO. 1) REGULATIONS, 1978.

(Under Section 3)

(Commencement: 11th July, 1978)

In exercise of the powers conferred on him by the above-mentioned Act, the Honourable the Minister for Agriculture is pleased to make the following regulations:—

1. These regulations may be cited as the Stock Disease (Rabies (Amendment) (No. 1) Regulations, 1978.

2. Legal Notice No. 2 of 1978 is hereby replaced.

A. R. V. KHOZA

Permanent Secretary.

Mbabane
11th. July, 1978.

The Government Printer, Mbabane.