



SWAZILAND  
GOVERNMENT GAZETTE  
EXTRAORDINARY

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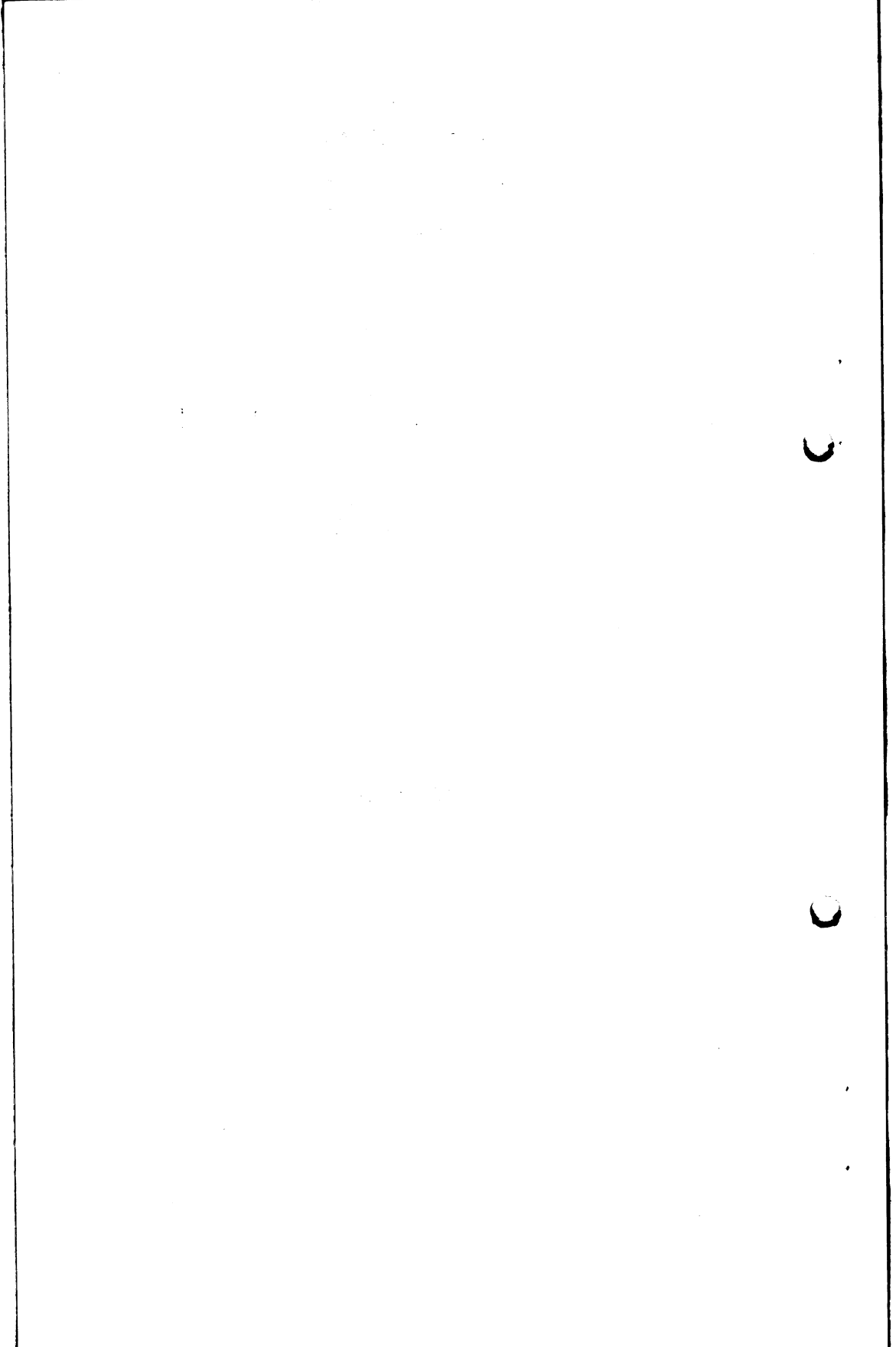
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SUPPLEMENT TO  
THE  
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## KING'S PROCLAMATION NO. 1 OF 1981

WHEREAS the Establishment of the Parliament of Swaziland Order, 1978 empowers the King, inter alia to amend the Proclamation to the Nation of the 12th April, 1973:

AND WHEREAS the King in exercise of the powers vested in Him has deemed it necessary to amend the said Proclamation in order to give effect to the Tinkhundla system of government introduced by the Establishment of the Parliament of Swaziland Order, 1978 and the Regional Councils Order, 1978 and to make provision for other matters:

NOW THEREFORE, the King issues the following DECREE:

1. The executive authority of Swaziland shall continue to vest in the King as provided for in section 69 of the Establishment of the Parliament of Swaziland Order, 1978 and in all other laws.
2. The power to appoint the following and other persons shall continue to be exercised, and the tenure of office and other matters relating to such offices shall be, in accordance with the law and practice applicable thereto:
  - (a) The Prime Minister;
  - (b) Cabinet Ministers;
  - (c) Deputy Ministers, Assistant Ministers and Ministers of State;
  - (d) the Secretary to Cabinet and Principal Secretaries;
  - (e) the Commander of the Umbutfo Swaziland Defence Force;
  - (f) the Commissioner of Police;
  - (g) the Commissioner of Prisons;
  - (h) the Chairman and other members of the Civil Service Board or other similar body;
  - (i) Judges of the Court of Appeal and of the High Court;
  - (j) the Attorney-General and Deputy Attorney-General;
  - (k) the Director of Public Prosecutions;
  - (l) Ambassadors, High Commissioners or principal representatives of Swaziland in other countries or on international organizations.
3. The King, as Commander-in-Chief, with the assistance of the Commander of the Umbutfo Swaziland Defence Force, shall control and direct the Defence Force at all times and in accordance with law.
4. All land vested in the King by virtue of paragraph 6 of the Decree contained in the King's Proclamation to the Nation of the 12th April, 1973 shall continue to be so vested in accordance with that paragraph.
5. The King may, by Proclamation in the Gazette, declare a state of emergency in Swaziland and such state of emergency shall continue until the declaration thereof is revoked by the King.

6. (1) All matters regulated by Swazi law and custom which are set out in Schedule 3 to the repealed Constitution shall continue to be so regulated.

(2) The Swazi National Council, which shall consist of the Nggwenyama, the Ndllovukazi, Bantfwabenkhosi, Chiefs and all adult citizens, shall continue to exercise its functions of advising the Nggwenyama on all matters regulated by Swazi law and custom and shall exercise such functions either in Libandla or in Ligoqo, as the case may be, in accordance with Swazi law and custom.

7. Section 135 of the repealed Constitution (which makes provision for the Swazi National Council) shall continue to be of full force and effect as amended by the King's Proclamation of 12th April, 1973 or by any other law.

8. The establishment of a National Government based on the Tinkhundla system of government under the Regional Councils Order, 1978 and the declaration of Swaziland as a no-party State under the King's Proclamation of the 12th April, 1973 are hereby reaffirmed. The provisions of sections 11 and 12 of the King's Proclamation of the 12th April, 1973, shall not be applicable to the Tinkhundla which are hereby declared and recognised as centres for meetings of the nation.

9. (1) The Department of Establishments shall continue to be under the Prime Minister's Office and shall be responsible for the personnel management of the whole Civil Service and all similar functions relating to the Civil Service.

(2) The Principal Secretary of the Department of Establishments shall be the head of the Civil Service and shall also be the Director of Personnel Management.

10. (1) There shall continue in existence an independent Civil Service Board or similar body established by law and which shall be responsible for the recruitment and appointment to, and promotion and discipline of persons in, the civil service.

(2) The Board or such other body shall liaise with all the Ministers in respect of recruitment policy but will be completely independent of and not subject to any ministerial or political influence in the selection of persons for appointment or promotion or in respect of its disciplinary functions.

11. General Orders and any other regulations governing the entire Civil Service shall be revised, updated and brought into conformity with prevailing circumstances in the Kingdom as soon as possible.

12. This Decree shall be read and construed as one with the King's Proclamation to the Nation of the 12th April, 1973 and shall be deemed to have come into force on the 19th January, 1979. Insofar as there may be any conflict or difference between this Decree and the said King's Proclamation to the Nation, the provisions of this Decree shall prevail.

DONE UNDER MY HAND AT LOZITHEHLEZI THIS 9th DAY OF  
DECEMBER, 1981.

SOBHUZA II  
KING OF SWAZILAND



KING'S DECREE NO. 2 OF 1981

THE ESTABLISHMENT OF THE PARLIAMENT OF SWAZILAND  
ORDER, 1978

(ORDER NO. 23 OF 1978)

THE KING'S PROCLAMATION (AMENDMENT) (NO. 2 ) DECREE, 1981

(Under Section 80)

In exercise of the powers conferred upon me by section 80 of the Establishment of the Parliament of Swaziland Order, 1978, I, SOBHUZA II, KING OF SWAZILAND, hereby make the following Decree:-

*Short title and commencement.*

1. This Decree may be cited as the King's Proclamation (Amendment) (No. 2) Decree, 1981, shall be read as one with the King's Proclamation to the Nation of the 12th April, 1973 and shall be deemed to have come into operation on the 28th October, 1981.

*Amendment of King's Proclamation to the Nation.*

2. The King's Proclamation to the Nation of the 12th April, 1973 is amended by adding the following proviso to paragraph 7 of the Decree;

"Provided that sub-section (2) of section 98 of the Constitution shall be replaced with the following:-

"(2) (a) A person shall not be qualified for appointment as a judge of the High Court unless-

- (i) he is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in any part of the Commonwealth or in the Republic of Ireland or in any other country outside the Commonwealth that may be prescribed by Act of Parliament, or a court having jurisdiction in appeals from any such court; or
- (ii) he is and has been, for a period in the aggregate of at least six years, a barrister, an advocate or an attorney entitled to practise in any such court and has either so practised for not less than six years or, if he has not so practised he has, in Swaziland, engaged in any other profession relating to law for a period of not less than ten years; or
- (iii) he is entitled to practise as a barrister, an advocate or an attorney in a court referred to in sub-paragraph (i) and has held for a period or periods amounting to not less than six years any one or more of the following offices, that is to say, Attorney-General, Deputy Attorney-General, Solicitor General,

Director of Public Prosecutions, Deputy Director of Public Prosecutions, Principal Magistrate, Chief Magistrate, Senior Magistrate, Chief Crown Counsel, Principal Crown Counsel or Senior Crown Counsel.

- (b) For the purposes of this subsection, a barrister, an advocate or an attorney shall be regarded as entitled to practise, and as having practised as such, during any period in which he held office as a judge, magistrate, Attorney-General, Deputy Attorney-General, Solicitor-General, Director of Public Prosecutions, Deputy Director of Public Prosecutions, Crown Counsel or State Counsel in any part of the Commonwealth or in any country outside the Commonwealth referred to in this subsection”.

DONE UNDER MY HAND AT LOZITHEHLEZI THIS 9TH DAY OF DECEMBER, 1981

SOBHUZA II  
KING OF SWAZILAND



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