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SUPPLEMENT TO
THE
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PUBLISHED BY AUTHORITY

THE PHARMACY (AMENDMENT) BILL, 1983

(Bill No. 1 of 1983)

(To be presented by the Minister for Health)

MEMORANDUM IN TERMS OF THE STANDING ORDERS OF PARLIAMENT

The object of this Bill is to amend the Pharmacy Act, 1929 in the following respects—

- (a) by replacing section 12 thereof with a new section 12 increasing the penalties for—
 - (i) the unlawful possession or conveying of poisons or potentially harmful drugs;
 - (ii) the unlawful dealing in poisons or potentially harmful drugs;
- (b) by increasing the penalties under section 13 in respect of persons practising as chemists who unlawfully sell or dispose of poisons or potentially harmful drugs.

D.P. MAKANZA
Attorney—General

A BILL
 entitled

An Act to amend the Pharmacy Act, 1929.

Short title and commencement.

1. This Act may be cited as the Pharmacy (Amendment) Act, 1983, shall be read as one with the Pharmacy Act, 1929 (hereinafter referred to as "the principal Act") and shall come into operation on such date as the Minister may, by notice in the Gazette appoint.

Amendment of section 12.

2. Section 12 of the principal Act is replaced with the following section—

"Unlawful possession or conveying of or dealing in poisons or potentially harmful drugs.

12. (1) A person who—

- (a) is found in unlawful possession of a poison or potentially harmful drug; or
- (b) unlawfully conveys a poison or potentially harmful drug,

shall be guilty of an offence and liable on conviction—

- (i) for a first offence to a fine not exceeding 15,000 Emalangeni or imprisonment for a term not exceeding fifteen years;
- (ii) for a second or subsequent offence to a fine not exceeding 20,000 Emalangeni or imprisonment for a term not exceeding twenty years.

(2) A person who unlawfully deals by way of sale or similar transaction in poisons or potentially harmful drugs shall be guilty of an offence and liable on conviction—

- (a) for a first offence to a fine not exceeding 10,000 Emalangeni or imprisonment for a term not exceeding ten years;
- (b) for a second or subsequent offence to a fine not exceeding 15,000 Emalangeni or imprisonment for a term not exceeding fifteen years.

(3) The court convicting a person under this section may order to be forfeited to the Government—

- (a) any poison or potentially harmful drug;
- (b) any motor vehicle, conveyance, receptacle or thing which was used for the purpose of or in connection with the contravention of this section.

(4) An order of forfeiture under subsection 3 (b) shall not affect the rights of any person other than the person convicted to recover the motor vehicle, conveyance, receptacle or thing if it is proved that he did not know nor had reason to believe that it was or would be used for committing the offence or that he could not prevent such use.

(5) The court may, during the trial resulting in the order of forfeiture under subsection 3 (b) or at any time after the order has been made, inquire into and determine any person's rights to the motor vehicle, conveyance, receptacle or thing and if such inquiry or determination is against any person, the person may appeal therefrom as if he were appealing from a conviction and sentence and such appeal may be heard either jointly with or separately from the appeal, if any, against the conviction for contravention of this section.

(6) Where an order of forfeiture is set aside or varied on appeal after the motor vehicle, conveyance, receptacle or thing has been forfeited to the Government and sold or otherwise disposed of, the person whose appeal was upheld may, at his option, enforce his rights against the Government or any person in possession or custody of the motor vehicle conveyance, receptacle or thing."

Amendment of section 13.

3. Section 13 of the principal Act is amended—

- (a) by replacing the words "one hundred Emalangeni" with the words "five hundred Emalangeni";
- (b) by replacing the words "six months" with the words "twelve months";
- (d) by replacing the words "twelve months" with the words "two years."

LEGAL NOTICE NO. 5 OF 1983

THE MAGISTRATE'S COURT ACT, 1938
(Act No. 66 of 1938)

APPOINTMENT OF MAGISTRATE
(Under Section 4)

In exercise of the powers conferred by section 4 of the Magistrate's Court Act, 1938, the Minister of Justice, with the concurrence of the Prime Minister hereby appoints:

HEZEKIEL SIPHO ZWANE

as a magistrate to preside over Magistrate's Courts of 1st Class with effect from 1st October, 1982.

R.M. MABILA
Permanent Secretary.

MBABANE.
1st February, 1983.

LEGAL NOTICE NO. 6 OF 1983

THE COTTON ACT, 1967
(Act No. 26 of 1967)

THE REGISTRATION OF COTTON GROWERS (AMENDMENT) REGULATIONS,
1983
(Under section 17)

In exercise of the powers conferred upon him by section 17 of the Cotton Act, 1967, the Minister for Agriculture and Co-operatives, after consultation with the Cotton Board, hereby makes the following Regulations:—

Citation and commencement.

1. These Regulations may be cited as the Registrations of Cotton Growers (Amendment) Regulations, 1983, shall be read as one with the Registration of Cotton Growers Regulations, 1982 (hereinafter referred to as “the principal Regulations”) and shall be deemed to have come into force on 8th December, 1982.

Amendment of Regulation 2.

2. Regulation 2 of the principal Regulations is amended—

- (a) by adding the words “and registered ginneries” after the word “Swaziland” in the line four of Regulation 2;
- (b) by inserting the following definition after the definition of “Financing Organization”—

“Cotton Buying Organization” means a ginnery registered in terms of the Cotton Regulations, 1924 and also includes registered Societies in Swaziland.”

Amendment of Regulation 4.

3. Regulation 4 of the principal Regulations is amended—

(a) by adding the following sub-regulation after sub-regulation 2—

“(3) The Board shall take appropriate measures to satisfy itself as to the correctness of the information given by the person seeking registration.

(b) by renumbering sub-regulation (3) to be sub-regulation 4.

Amendment of Regulation 5.

4. Regulation 5 of the principal Regulations is amended by adding the following sub-regulations after sub-regulation (2)—

“(3) A cotton buying organization shall ensure that details of a sale of seed cotton are recorded and certified on the registration document of the grower and the Board notified of such sale within thirty days from the date on which the sale was made.”

“(4) Where the registration document of a grower shows that he has not repaid a financing organization in full, a cotton buying organization shall, when the grower delivers seed cotton for sale, withhold payment and certify such withholding on the registration document of the grower.”

“(5) The cotton buying organization shall—

(a) notify the Board of the withholding within thirty days from the date on which the withholding was made.

(b) remit the payment withheld to the financing organization within thirty days from the date on which the withholding was made.

A.R.V. KHOZA
Permanent Secretary.

MBABANE.
30th December, 1982.