



SWAZILAND

GOVERNMENT GAZETTE

VOL. XXII]

MBABANE, Friday, May 11th., 1984

[No. 291

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PUBLISHED BY AUTHORITY

1084

GENERAL NOTICE NO. 38 OF 1984

THE PRICE CONTROL ORDER, 1973

(Order No. 25 of 1973)

APPOINTMENT OF FUEL PRICE CONTROLLER

(Under Section 3)

In exercise of the powers conferred by section 3 of the Price Control Order, 1973, I DEREK VON WISSEL, Minister for Commerce, Industry, Mines and Tourism hereby appoint:

A.R. SHABANGU

as the Fuel Price Controller with effect from the 2nd May, 1984.

D. VON WISSEL

Minister for Commerce, Industry, Mines & Tourism

MBABANE,
2nd May, 1984.

NOTICE

Notice is hereby given that we intend applying for a Certified Copy of Crown Grant No. 66/1962 dated 5th September 1962 passed by and registered on the 24th day of September, 1962 in favour of ALBERT CLARENCE HENWOOD in respect of certain Farm No. 997 situate in the Shiselweni District (formerly Hlatikulu) Swaziland; Measuring 2337,1917 (Two Three Three Seven comma One Nine One Seven) hectares;

Any person having objection to the issue of such copy is hereby requested to lodge it in writing with the Registrar of Deeds within (3) Three weeks of the last publication of this notice.

DATED at MBABANE this 2nd day of APRIL, 1984.

Robinson, Bertram & Co.
Attorneys for/Applicant
P.O. Box 24,
MBABANE.

V361 2x18.5.84

NOTICE

**SWAZILAND CHEMICAL INDUSTRIES (PROPRIETARY) LIMITED
(IN LIQUIDATION)**

Notice is hereby given in terms of Section 56(3) of the Insolvency Act, 1955 that John Hayter of 124 Development House, Swazi Plaza Mbabane (P.O. Box 1099, Mbabane) has been appointed liquidator of the above company.

In terms of Section 77 of the Insolvency Act, 1955, all persons indebted to the company are called upon to pay their debts, within 30 days hereof, to the liquidator at the above address.

27th April, 1984.

V362 11.5.84

NOTICE

SWAZILAND NITRATES (PROPRIETARY) LIMITED (IN LIQUIDATION)

Notice is hereby given in terms of Section 56(3) of the Insolvency Act 1955 that John Hayter of 124 Development House, Swazi Plaza Mbabane (P.O. Box 1099, Mbabane) has been appointed Liquidator of the above company.

In terms of Section 77 of the Insolvency Act 1955, all persons indebted to the company are called upon to pay their debts, within 30 days hereof, to the Liquidator at the above address.

27th April, 1984.

V364 11.5.84

NOTICE

Notice is hereby given that an application has been made for the grant of a dealer in Motor vehicle's Licence to operate under the style of "SWAZILAND TRUCK AND TRAILORS (PTY) LIMITED" at Plot 213 Tenbergen Street, Manzini. The application will be heard in the District Commissioner's Conference Room on the 22nd day of May, 1984, at 10.00 a.m.

Objections thereto must be lodged with the undersigned as well as the applicants attorneys on or before the 19th day of May, 1984 not later than 4.00 p.m.

R.S. NXUMALO
Licencing Officer/Manzini
WILSON AND PARTNERS
1st Floor, Shiselweni House
Allister Miller Street
MBABANE

V363 11.5.84

NOTICE

ESTATE OF THE LATE FOLKERS JOHANNES DELPORT

(Identity No. 280627 5076 006)

A farmer of P.O. Box 288, Pongola (and of Luthoff Hluti, Swaziland) who died on the 9th May, 1981 Married out of community of property.

ESTATE No. E4161

Creditors and Debtors in the above Estate are hereby called upon to file their claims with, and to pay their debts to, the undersigned within thirty (30) days from date of publication hereof.

BARCLAYS NATIONAL BANK LIMITED
(Registered commercial Bank)

PRETORIA Trustee Branch
P.O. Box 40076,
ARCADIA 0007.

V367 11.5.84

NOTICE

TRADING LICENCES ORDER NO. 20 OF 1975

Take notice that Leslie Gerald Jacobs trading as Mangozeni Restaurant has applied for a transfer of the Restaurant Licence from P.M. Zikalala trading as "KAMLUNGISI RESTAURANT" in respect of the premises situate at Malkerns on Portion 4 of Farm No. 1243 Manzini. The application will be heard at the conference Room of the District Commissioner's Offices, Manzini on the 29th day of May 1984 at 10.00 a.m.

Objections, if any, must be lodged in writing to the undersigned and the Applicant's Attorney P.M. Shilubane, P.O. Box A93, Swazi Plaza, Mbabane not later than 4.00 p.m. on the 25th day of May, 1984.

R.S. NXUMALO
Licencing Officer

P.O. Box 13,
MANZINI.

V368 11.5.84

NOTICE

TRADING LICENCES ORDER NO. 20 OF 1975

Take Notice that Leslie Gerald Jacobs t/a Nicks Mini Supermarkert has applied for a General Dealer's Licence in respect of the premises situate at Malkerns, Manzini District on portion 4 of Farm No. 1243, Manzini. The application will be heard at the conference Room of the District Commissioner's Office, Manzini on the 29th day of May, 1984 at 10.00 a.m.

Objections, if any, must be lodged in writing to the undersigned and the applicant's Attorney P.M. Shilubane, P.O. Box A93, Swazi Plaza, Mbabane, not later than 4.00 p.m. on the 25th day of May, 1984.

R.S. NXUMALO
The Licencing Officer

P.O. Box 13,
MANZINI.

V369 11.5.84

NOTICE

ALMAG SWAZI (PTY) LIMITED (IN LIQUIDATION)

Notice is hereby given that the third and final Liquidation Account and Distribution Account of the above company will lie for inspection in the office of the Master of the High Court, Mbabane for a period of 21 days from the date of publication hereof.

G.H. ANDREWS
Liquidator
Suites 1 and 2
Empire Building
MBABANE.

V370 11.5.84

NOTICE

TRADING LICENCE ORDER NO. 20 OF 1975

Notice is hereby given that an application by Manzini Steel Merchants (Pty) Limited c/o Carlston, Landmark and company P.O. Box 143, Manzini for a grant of a General Dealer's Licence which will carry on the business on lot No. 204 Manzini District. The application will be heard on the 29th May, 1984 in the District Commissioner's Office at 10.00 a.m.

Objections thereto must be lodged in writing with the District Commissioner's Manzini as well as with the Applicant's Attorneys Carlston, Landmark and Company Emcozini Building, Ngwane Street P.O. Box 143, Manzini on or before the 23rd May, 1984.

R.S. NXUMALO
Licensing Officer

P.O. Box 13,
MANZINI.

V371 11.5.84

NOTICE

**POWERFORCE CONSTRUCTION (PTY) LIMITED (IN LIQUIDATION)
MASTERS REFERENCE MCL/67**

Pursuant to sub-section (2) of Section One hundred and eight of the Insolvency Act, 81 of 1955, notice is hereby given that the Liquidation account and plan of contribution in the above company in Liquidation will lie open for inspection by creditors at the offices of the Master of the High Court for a period of 14 days from the date of publication hereof.

C.A. JUGMANS
Liquidator

V372 11.5.84

NOTICE

CEMCO (PTY) LIMITED (IN LIQUIDATION) : MASTERS REFERENCE MCL/68

Pursuant to sub-section (2) of Section One hundred and eight of the Insolvency Act, 81 of 1955, notice is hereby given that the Liquidation account and plan of contribution in the above company in Liquidation will lie open for inspection by creditors at the offices of the Master of the High Court for a period of 14 days from the date of publication hereof.

C.A. JUGMANS
Liquidator

V373 11.5.84

NOTICE

**IN THE HIGH COURT OF SWAZILAND
IN THE ESTATE OF THE LATE JOSEPH JABULANE DUBE**

A meeting of the next of kin and all others concerned will be held before the Master of the High Court at Mbabane on the 18th May, 1984 at 10.30 a.m. for the nomination of an executor/ executrix dative in the above estate.

C.J. LITTLER
Master of the High Court

Master's Office,
P.O. Box 19,
MBABANE.

V374 11.5.84

NOTICE

Notice is hereby given that an application by Websters (Pty) Limited, P.O. Box 292, Mbabane for the grant of a General Dealer's Licence to operate at Shop No. 1, Plot No. 8 Jacaranda Avenue in the Lubombo District will be heard in the District Commissioner's Conference Room, Siteki on Tuesday the 12th June, 1984, at 10.00 a.m.

Objections thereto (if any) must be lodged in writing with the Licensing Officer for Lubombo District, P.O. Box 20, Siteki, and the undersigned by 4.00 p.m. on Friday the 8th June, 1984.

P.R. DUNSEITH
Applicant's Attorney
Lansdowne House
Post Street
P.O. Box 423,
MBABANE.

V375 11.5.84

NOTICE

**ESTATE OF THE LATE HARRIS ETBERG, (IDENTITY NO. 960527),
RETIRED, WIDOWER, OF THE UNION CLUB, CORNER JOUBERT AND
BREE STREETS, JOHANNESBURG, TRANSVAAL WHO DIED ON THE 21ST
FEBRUARY, 1981.
NO. E4106**

Creditors and Debtors in the above Estate are hereby called upon to file their claims with, and to pay their debts to, the undersigned within thirty (30) days from date of publication hereof.

BARCLAYS NATIONAL BANK LIMITED
(Registered Commercial Bank)

PRETORIA Trustee Branch
P.O. Box 40076,
ARCADIA 0007

V376 11.5.84

NOTICE

Notice is hereby given that the final creditors meeting of TAYGHOOR INVESTMENTS LIMITED (IN LIQUIDATION) will be held on June 8, 1984 at 10.00 a.m. at the offices of Arthur Young & Company, Embassy House, Allister Miller Street, Mbabane.

M.A. Bevan
P.O. Box 210,
MBABANE.

V377 11.5.84

NOTICE

NOTICE OF DISPOSAL OF BUSINESS

Notice is hereby given under the Insolvency Act that 1st Horse Restaurant (Pty) Ltd. intends to dispose off its business carried on under the style "1ST HORSE" at Ezulwini, Hhohho District to a company in the course of registration called R.H. Investments (Pty) Ltd.

R.D. FRIEDLANDER & CO.
Attorneys for the parties
P.O. Box A1,
Swazi Plaza,
MBABANE.

V354 2x11.5.84

NOTICE

Notice is hereby given that the final creditors meeting of GHOORBAR INVESTMENTS LIMITED (IN LIQUIDATION) will be held on June 8, 1984 at 10.00 a.m. at the offices of Arthur Young & Company, Embassy House Allister Miller Street, Mbabane.

M.A. BEVAN
P.O. Box 210,
MBABANE.

V378 11.5.84

NOTICES

TRADING LICENCE ORDER NO. 20 OF 1975

Notice is hereby given that an application by Miss Annah Dlamini of Box 108, Nhlngano for a grant of a Pedlar's Licence to operate in the Shiselweni District under the style "UMUSA PEDLARS" will be heard in the Nhlngano Conference Room on Wednesday 30th May, 1984 at 10.00 a.m.

Notice is hereby given that an application by Isaac Sibanyoni of Box 579, Nhlngano for a grant of a Shoerepair Licence to operate in Nhlngano Town Shiselweni District under the style "THANDABANTU SHOEREPAIR" will be heard in the Nhlngano Conference Room on Wednesday 30th May, 1984 at 10.00 a.m.

Notice is hereby given that an application by Mrs. Batintile M. Mamba of P.O. Kubuta for a grant of Pedlar's Licence to operate in the Shiselweni District under the style "BATINTILE PEDLARS" will be heard in the Nhlngano Conference Room on Wednesday 30th May, 1984 at 10.00 a.m.

Notice is hereby given that an application by Albert Mahlinza of Box 89, Nhlngano for a grant of an amendment of premises from stand No. 31 Mathendele Township to stand 24 Mathe-nde- Township Shiselweni District under the same style "MATHENDELE PHUMZAKHELE BUTCHERY" will be heard in the Nhlngano Conference Room on Wednesday 30th May, 1984 at 10.00 a.m.

Notice is hereby given that an application by Phendu Lazarus Nhlengetfwa of Box 625, Nhlngano for a grant of a Hawker's Licence to operate in the Shiselweni District under the style "VU-KANISIYIBAMBE HAWKERS" will be heard in the Nhlngano Conference Room on Wednesday 30th May, 1984 at 10.00 a.m.

Notice is hereby given that an application by Alfred Mkhonta of P.O. Mhlosheni for a grant of a Butchery Licence to operate at Engwenyameni area, Shiselweni District under the style "EKU-PHILENI BUTCHERY" will be heard in the Nhlngano Conference Room on Wednesday 30th May, 1984 at 10.00 a.m.

Notice is hereby given that an application by Mrs. Kheselina Motsa of Box 18, Magubheleni for a grant of a Pedlar's Licence to operate in the Shiselweni District under the style "ZITHULELE PEDLARS" will be heard in the Nhlngano Conference Room on Wednesday 30th May, 1984 at 10.00 a.m.

Notice is hereby given that an application by Mrs. Mary Manana of Box 3, Mahamba for a grant of a Pedlar's Licence to operate in the Shiselweni District under the style "COLANI PEDLARS" will be heard in the Nhlngano Conference Room on Wednesday 30th May, 1984 at 10.00 a.m.

Notice is hereby given that an application by Joseph Khehla Kunene of Box 374, Nhlngano for a grant of a General Dealer's Licence to operate at Emlambo Area, Shiselweni District under the style "AI GENERAL DEALER" will be heard in the Nhlngano Conference Room on Wednesday 30th May, 1984 at 10.00 a.m.

Notice is hereby given that an application by Sibongile Primrose Dlamini of Box 628, Nhlngano for a grant of a Pedlar's Licence to operate in the Shiselweni District under the style "THUTHUKANI PEDLARS" will be heard in the Nhlngano Conference Room on Wednesday 30th May, 1984 at 10.00 a.m.

Notice is hereby given that an application by Samson Nhleko of Box 379, Nhlngano for a grant of a Street Vendor's Licence to operate in the Shiselweni District under the style "GILJIA STREET VENDOR" will be heard in the Nhlngano Conference Room on Wednesday 30th May, 1984 at 10.00 a.m.

Notice is hereby given that an application by Joseph Hlophe of Ngwane Central School, P/B 2, Nhlngano for a grant of a Pedlar's Licence to operate in the Shiselweni District under the style "JOSEPH'S FASHION" will be heard in the Nhlngano Conference Room on Wednesday 30th May, 1984 at 10.00 a.m.

Objections if any should be lodged in writing with the undersigned as well as the applicant on or before 4.00 p.m. the 25th May, 1984.

T.M. NYONI
Licencing Officer/Shiselweni District

V380 11.5.84

NOTICE

TRADING LICENCES ORDER NO. 20 OF 1975

Notice is hereby given that application has been made by R.H. Investments (Pty) Ltd. trading under the style "THE 1ST HORSE" for the grant of a Restaurant Licence in respect of premises situated on Portion 8 of Farm No. 50 (known as Yen Saan Mews), Ezulwini, Hhohho District and that such application will be heard at 10.00 a.m. on the 5th June, 1984 in the offices of the District Commissioner, Mbabane.

Objections if any must be lodged with the undersigned and the applicant's Attorneys R.D. Friedlander & Co., P.O. Box A1, Swazi Plaza, Mbabane not later than the 1st June, 1984.

Licensing Officer

P.O. Box 45,
MBABANE.

V381 11.5.84

LIQUOR NOTICES

LIQUOR LICENCING ACT NO. 30 OF 1964

It is notified for general information that the Liquor Licencing Board will hold its mid-year meeting to hear the following applications on the dates, time and place(s) indicated below:-

LUBOMBO DISTRICT

In the District Commissioner's Conference Room on the 5th June, 1984 beginning at 10.30 a.m.

- 2/84 **FRANCISCO ALVARO CAMPOSREAL:-** Grant of a Restaurant Liquor Licence situate on Shop No. 43/44 Simunye Plaza.
- 3/84 **JOSE REGO MONTERIO:-** Grant of a Restaurant Liquor Licence situate on Malindza Highway Mpaka-Manzini Road known as Enkanyezini Road house.
- 4/84(a) **PETROS KHUBA MPUNGOSE:-** Grant of a Bottle Store Liquor Licence situate on Portion 1 of Farm No. 95 Maphiveni.
- 4/84(b) **PETROS KHUBA MPUNGOSE:-** Grant of an Unfortified Wine and Malt Liquor Licence situate on Portion 1 of Farm No. 95 Maphiveni.

Any person wishing to lodge an objection to the grant of any of the above applications, may do so with the Secretary in writing sending a copy to the applicant by registered post to reach him at least ten (10) days before the sitting of the Board.

W.L. SIMELANE
Secretary to the Liquor Board

LIQUOR NOTICES

LIQUOR LICENCING ACT NO. 30 OF 1964

It is notified for general information that the Liquor Licencing Board will hold its mid-year meeting to hear the following applications on the date, time and place indicated below:-

MANZINI DISTRICT

In the Manzini Town Council Chambers on the 7th June, 1984 beginning at 10.30 a.m.

- 1/84 **FRANCESCO RUSSO:-** Grant of a Wholesale Liquor Licence to be situate on Lots 37 and 38 Matsapa area and Known as Discount Liquor Distributors.
- 2/84 **ENOCK ZEZIVE MLAMBO:-** Grant of a Wine and Malt Liquor Licence situate on Plot No. 201 Ngwane Park Extension.
- 3/84 **ROBERT DLAMINI:-** Grant of a Wine and Malt Liquor Licence situate on Lushiki-shini area and known as Mandlendoda Wine and Malt.
- 4/84 **MARRY INSKIP:-** Grant of a Wine and Malt Liquor Licence situate on Plot No. 892 Malkerns and known as Ekufikeni.

Any person wishing to lodge an objection to any of the above applications may do so with the Secretary in writing sending a copy to the applicant by registered post to reach him/her at least ten days before the sitting of the Board.

W.L. SIMELANE
Secretary to the Liquor Board

LIQUOR NOTICES

LIQUOR LICENCING ACT NO. 30 OF 1964

It is notified for general information that the Liquor Licencing Board will hold its mid-year meeting to hear the following applications on the date, time and place indicated below:-

SHISELWENI DISTRICT

In the District Commissioner's Conference Room on the 13th June, 1984 beginning at 10.30 a.m.

- 1/84(a) **PETER McINTYRE:-** Transfer of a Hotel Liquor Licence situate on Farm No. 557 558,559,560,562,678,898 and 899 Shiselweni from Dan Richard Van Hille known as Lavumisa Hotel.
- (b) **PETER McINTYRE:-** Transfer of a Bottle Store Liquor Licence situate on Farm 557 — 899 Shiselweni from Don Richard Van Hille known as Lavumisa Bottle Store.

Any person wishing to lodge an objection to the transfer of the above application may do so with the Secretary in writing sending a copy to the applicant by registered post to reach him at least ten days before the sitting of the Board.

W.L. SIMELANE
Secretary to the Liquor Board

LIQUOR NOTICES

LIQUOR LICENCING ACT NO. 30 OF 1964

It is notified for general information that the Liquor Licencing Board will hold its mid-year meeting to hear the following applications on the date, time and place indicated below:-

HHOHHO DISTRICT

In the Mbabane Town Council Chambers on the 15th June, 1984 beginning at 10.30 a.m.

- 1/84(a) **BARRY STEPHEN REED:-** Transfer of a Bottle Store Liquor Licence situate on Lot No. 10 Sandla Township from the name of Monica Mathews, known as Sandla Bottle Store.
- (b) **BARRY STEPHEN REED:-** Transfer of a Restaurant Liquor Licence situate on Lot No. 10 Sandla Township from Monica Mathews known as Sandla Restaurant.
- 2/84 **JOHANNES MASEKO:-** Grant of a Wholesale Liquor Licence situate on Lot No. 979 Mbabane Extension No. 8 Sidwashini and known as Mbabane Liquor Distributor (Pty) Ltd.
- 3/84 **RUDOLF HOFER:-** Transfer of a Restaurant Liquor Licence situate on Portion 8 of Farm No. 50 Ezulwini from the name of Joy King known as First Horse Restaurant.
- 4/84 **BARRY STEPHEN REED:-** Grant of a Wholesale Liquor Licence situate on Lot No. 953 Mbabane Extension 8 Sidwashini and known as Mbabane Liquor Wholesalers.

Any person wishing to lodge an objection to any of the above applications may do so with the Secretary in writing sending a copy to the applicant by registered post to reach him at least ten (10) days before the sitting of the Board.

W.L. SIMELANE
Secretary to the Liquor Board

LIQUOR NOTICES

LIQUOR LICENCING ACT NO. 30 OF 1964

It is notified for general information that the Liquor Board will sit to hear the following applications on the date, time and place indicated below:-

HHOHHO DISTRICT

In the Mbabane Town Council Chambers on the 15th June, 1984 beginning at 10.30 a.m.

5/84 **LUCKY M. HLATSHWAYO:-** Removal of a Wine and Malt Liquor Licence situate on Portion Q1 of West Street Mbabane to Plot 1016 Mbabane Ext. 8 Sidwashini Industrial Site.

6/84 **SAMUEL PELEDIA MAGAGULA:-** Grant of a Restaurant Liquor Licence to be situate on a Plot at Madlangampisi and known as Khushwa Restaurant.

Any person wishing to lodge an objection may do so with the Secretary in writing sending a copy to the applicant by registered post to reach him at least ten (10) days before the sitting of the Board.

W.L. SIMELANE
Secretary to the Liquor Board

V383 11.5.84

NOTICE

TRADING LICENCES ORDER NO. 20 OF 1975

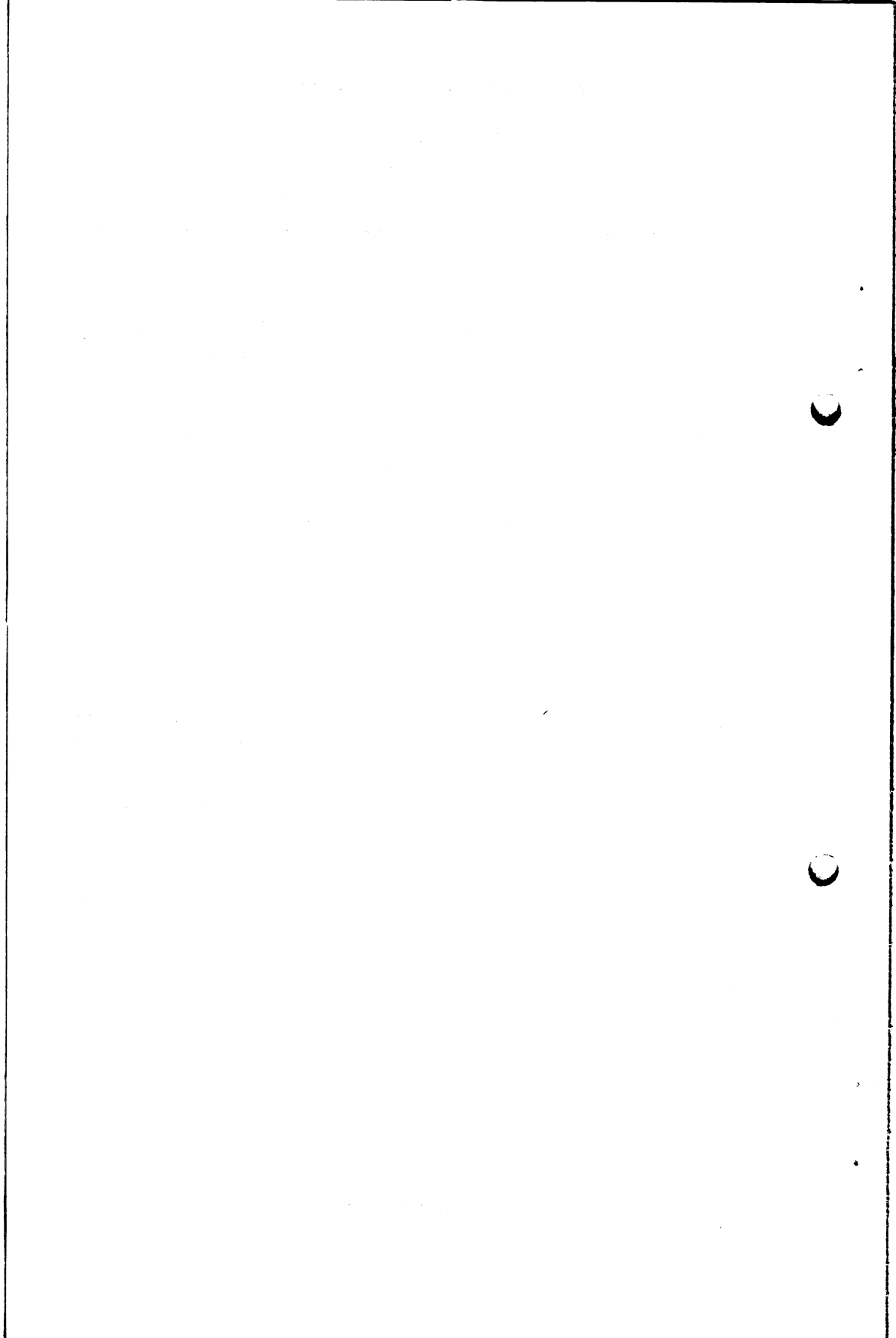
Notice is hereby given that application has been made by Swaki Investments Corporation (Pty) Ltd. for the grant of a Broker's Licence in respect of their premises at Provident Fund Building, Manzini, and that such application will be heard in the District Commissioner's Offices at Manzini at 10.00 a.m. on the 5th June, 1984.

Objections, if any, must be lodged in writing by the 1st June, 1984 with the undersigned and R.D. Friedlander & Company, Applicant's Attorneys, P.O. Box A1, Swazi Plaza, Mbabane.

Licensing Officer

P.O. Box 13,
MANZINI.

V384 11.5.84



SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE

VOL. XXII]

MBABANE, Friday, May 11th., 1984

[No. 291

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S1

LEGAL NOTICE NO. 61 OF 1984

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

THE PUBLIC WATER SUPPLIES (AMENDMENT) NOTICE, 1984

(Under Regulation 4)

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

Citation.

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

Amendment of Schedule.

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

A.R. SHABANGU
Principal Secretary

MBABANE,
30th April, 1984.

LEGAL NOTICE NO. 63 OF 1984

THE WORKMEN'S COMPENSATION ACT, 1983

(Act No. 7 of 1983)

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

(Under Section 48)

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

Citation and commencement.

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

Interpretation.

2. In these Rules unless the context otherwise requires —

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

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

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

“decision” includes an order of the Industrial Court;

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

Submission of application to the Court.

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

Institution of proceedings.

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

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

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

The hearing.

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

Court may seek clarification.

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

Proceedings of the Court etc.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Decisions of the Court.

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

Other powers of the Court.

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

Application of High Court Rules and power to regulate procedure.

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

J.A. HASSANALI
Acting Chief Justice

MBABANE,
12th April, 1984.

SCHEDULE
FORM. A

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

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

APPLICATION TO THE COURT

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

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

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

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

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.....
.....

Date: Applicant:

Note: *Delete as necessary