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SUPPLEMENT TO  
THE  
SWAZILAND GOVERNMENT  
GAZETTE

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VOL. XXIV]

MBABANE, Friday, March 21st., 1986

[No. 430

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PUBLISHED BY AUTHORITY

THE MAGISTRATES COURTS (AMENDMENT) BILL, 1986

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(Bill No. 8 of 1986)

(To be presented by the Minister for Justice)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend the Magistrates Courts Act, 1938 so as to increase the basic jurisdiction of magistrates with regard to civil and criminal matters and to effect other minor or consequential amendments to that Act.

D.P. MAKANZA  
*Attorney—General*

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A BILL  
entitled

An Act to amend the Magistrates Courts Act, 1938.

ENACTED by the Regent and the Parliament of Swaziland.

*Short title.*

1. This Act may be cited as the Magistrates Court (Amendment) Act, 1986, shall be read as one with the Magistrates Courts Act, 1938 (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 2.*

2. Section 2 of the principal Act is amended by replacing the definition "judicial officer" with the following new definition —

"judicial officer" means a person empowered under this Act or under the Judicial Service Commission Act, 1982 to hold a court.

*Amendment of section 16.*

3. Section 16(1) of the principal Act is amended —

- (a) in paragraph (a) by replacing the words "one thousand rand" with the words "two thousand Emalangeni"; and
- (b) in paragraph (b) by replacing the words "five hundred rand" with the words "one thousand Emalangeni".

*Repeal of section 32.*

4. Section 32 of the principal Act is repealed.

*Amendment of section 72.*

5. Section 72(1) of the principal Act is amended in the second proviso thereto by replacing the words "a fine not exceeding one thousand Emalangeni" with the words "such fine as may in accordance with law, be imposed" and by replacing the words "seven years" with the words "ten years".

*Amendment of section 73.*

6. Section 73 of the principal Act is replaced with the following new section—

*“Power to confer increased jurisdiction.*

73. The Minister may, in consultation with the Chief Justice and by notice in the Gazette, confer upon a magistrate jurisdiction in criminal matters to impose any penalty authorised by law in excess of the penalties prescribed in section 72(1) but not exceeding such penalties as are referred to in the second proviso thereto.”

*Amendment of section 76.*

7. Section 76 of the principal Act is replaced with the following new section —

*“Penalties in respect of cases remitted for trial or sentence.*

76. A magistrate before whom a case is remitted for trial in consequence of a preparatory examination or for sentence shall have the same jurisdiction as is vested in him under or in accordance with this Act.”

*Repeal of section 77.*

8. Section 77 of the principal Act is repealed —

*Amendment of section 79.*

9. Section 79 of the principal Act is replaced with the following new section —

*“Central sentences subject to automatic review by the High Court.*

79. (1) Without prejudice to the right of appeal against a judgment, which right may be exercised before or after a review under this section and subject to the time prescribed or for appeals, every sentence shall be subject to review in the ordinary course by the High Court were the punishment awarded —
- (a) exceeds two years of a custodial sentence or a fine of E2000 imposed by a magistrate in the exercise of his increased jurisdiction under section 73 or by a magistrate above the rank of senior magistrate; or
  - (b) exceeds six months of a custodial sentence or a fine of five hundred Emalangenzi imposed by a magistrate other than a magistrate referred to in paragraph (a).
- (2) The provisions of subsection (1) shall apply mutatis mutandis to any sentence which consists of whipping.”

*Amendment of section 84.*

10. Section 84(i) of the principal Act is amended by deleting the words “(except where a male child under the age of eighteen years has been sentenced under the Criminal Procedure and Evidence Act No. 67 of 1938)”.

*Consequential amendment of section 309 of the Criminal Procedure and Evidence Act, 1938.*

11. Section 309 of the Criminal Procedure and Evidence Act, 1938 is replaced with the following new section —

*“Conditions to be fulfilled before whipping.*

309. No punishment of whipping imposed by a court shall be carried out unless the sentence under which it was imposed has been reviewed under section 79 of the Magistrate's Courts Act, 1938 and such punishment shall be carried out privately in a convict prison or jail and in accordance with the regulations made under the law relating to prisons or jails.”

LEGAL NOTICE NO. 26 OF 1986

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THE SUGAR EXPORT LEVY ORDER, 1973

(Order No. 7 of 1973)

THE SUGAR EXPORT LEVY (AMENDMENT) NOTICE, 1986

(Under section 3)

In exercise of the powers conferred by section 3 of The Sugar Export Levy Order, 1973, the Minister for Finance hereby issues the following Notice.—

*Citation*

1. This Notice may be cited as the Sugar Export Levy (Amendment) Notice, 1986, shall be read as one with the Sugar Export Levy, 1983 and shall be deemed to have come into force on the 1st May, 1986.

*Amendment of Legal Notice No. 121 of 1983.*

2. The Sugar Export Levy Notice, 1983 is amended in paragraph 2 by replacing the figure "E385" with the figure "E440".

K. MBULI  
*Principal Secretary*

MBABANE,  
13th March, 1986.

THE INDUSTRIAL AND VOCATIONAL TRAINING ACT, 1982

(Act No. 16 of 1982)

THE INDUSTRIAL AND VOCATIONAL TRAINING ACT (DATE OF  
COMMENCEMENT) NOTICE, 1986

(Under section 1)

In exercise of the powers conferred by section 1 of the Industrial and Vocational Training Act, 1982 the Minister responsible for Labour hereby issues the following Notice—

*Citation.*

1. This Notice may be cited as the Industrial and Vocational Training Act (Date of Commencement) Notice, 1986.

*Date of Commencement of the Industrial and Vocational Training Act, 1982.*

2. The Industrial and Vocational Training Act, 1982 shall come into operation on the 1st April, 1986.

J.D. MNGOMEZULU  
*Principal Secretary*

MBABANE,  
18th March, 1986.