



SWAZILAND  
GOVERNMENT GAZETTE  
EXTRAORDINARY

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VOL. XXVI]

MBABANE, Monday, July 11th., 1988

[No. 605

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PUBLISHED BY AUTHORITY

SUPPLEMENT TO  
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THE COMMISSION OF ENQUIRY ACT, 1963

(Act No. 35 of 1963)

THE COMMISSION OF ENQUIRY INTO THE SWAZILAND RAILWAY  
NOTICE, 1988

(Under Section 3)

In exercise of the powers conferred by Section 3 of the Commission of Enquiry Act, 1963, I Wilson F.C. Mkhonza, Minister for Works and Communications, hereby issue the following Notice—

*Citation.*

1. This Notice may be cited as the Commission of Enquiry into the Swaziland Railway Notice, 1988.

*Establishment of Commission.*

2. (1) There is hereby issued and established a Commission to be known as the Commission of Enquiry into the Swaziland Railway, hereinafter referred to as "the Commission".

(2) The Commission shall consist of Mr. Charles Francois Wapenaar Van Zyl who shall be the sole Commissioner and Mrs. Thembi Maphanga who shall be the Secretary.

*Functions of the Commission.*

3. (1) The Commission shall examine and enquire into the activities of the Swaziland Railway and shall, without prejudice to the generality of the foregoing, enquire particularly into—

- (a) The financial operations of the Railway commencing from the financial year 1985 to 1988 or such other period the Commission may consider relevant;
- (b) the collection control and application of the Railway funds and the maintenance of proper records in respect of such funds;
- (c) the purchase, sale, lease, use and control, letting and hiring and/or loss of the Railways movable and immovable property including Government land;
- (d) the terms and conditions of service of employees of the Railway;
- (e) the recruitment of staff and the disciplinary action taken against the employees of the Railway;
- (f) the irregularities or unlawful acts appertaining to the acquisition of property, advantage or any other consideration by employees of the Railway;
- (g) the procedure followed in—
  - (i) the feasibility study and recommendations of the Railway's projects;
  - (ii) the award of the tenders for such projects;
  - (iii) the monitoring and the extension of the projects and the payment thereof;

- (h) the issuing of authority to construct, alter, occupy or demolish buildings of the Railway; and
  - (i) the benefit or losses of the Railway (Gratuities) Scheme.
- (2) The Commission shall further-
- (a) examine and enquire into any other matter relating to the activities which are the subject matter of this enquiry as it may consider relevant and
  - (b) make any recommendations it finds appropriate based on its findings with a view to-
    - (i) preventing any irregularities or unlawful acts in the administration and conduct of affairs of the Railway; and
    - (ii) taking appropriate action, whether civil, criminal or disciplinary against employees involved in such irregularities or unlawful acts.

*Enquiry venue.*

4. The enquiry shall be held at Town Council Chambers, Mbabane at such times as the Commissioner may determine.

*Enquiry in Camera.*

5. Except where the Minister for Works and Communications otherwise directs, the enquiry shall be held in camera, and the Commission shall take such steps as to preserve the secrecy of the proceedings and recommendations.

*Interim Report.*

6. The Commissioner may submit an interim report or recommendation to the Minister on any matter which in the opinion of the Commissioner requires urgent action.

*Duration of Enquiry.*

7. The Commission shall commence its function on the 11th July, 1988, and shall submit its report to the Minister for Works and Communications by the 11th October, 1988 or on such later date as the Minister for Works and Communications may permit in writing.

W.F.C. MKHONZA  
*Minister for Works and Communications*

MBABANE,  
7th July, 1988.