



SWAZILAND
GOVERNMENT GAZETTE
EXTRAORDINARY

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SUPPLEMENT TO
THE
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THE ROYAL EMOLUMENTS AND CIVIL LIST BILL, 1992

(Bill No. 20 of 1992)

(To be presented by the Minister for Finance)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to repeal and replace the Royal Emoluments and Civil List Act, 1986 and to provide as follows:

- (a) for the payment of yearly sums of money for every period of five years with effect from the commencement of the Act out of the Consolidated Fund in respect of the Royal Emoluments and Civil List;
- (b) for increases in such yearly sums to meet persistent deficits due to increases in the rate of inflation;
- (c) for the appointment of Royal Trustees, comprising the Minister for Finance, and not more than four persons of distinction appointed by the King who will monitor and manage the yearly sums for the King's Civil List and also monitor the pattern and levels of expenditure of the Swazi National Treasury;
- (d) for the audit of the Civil List expenditure and the accounts of the Swazi National Treasury by the Auditor-General;
- (e) for the appointment of a Chief Officer who will co-ordinate and manage the business of the Royal Household, and to oversee the conduct of business of the Swazi National Treasury on behalf of the King;
- (f) for the establishment of the King's Office and for the appointment, functions, terms and conditions of service of the staff of the King's Office; and
- (g) for related and incidental matters.

A.F.M. THWALA
Attorney-General

A BILL
entitled

An Act to provide for Royal Emoluments and Civil List and for the establishment of the King's Office and for matters related thereto.

ENACTED by the King and the Parliament of Swaziland.

Short title and commencement.

1. This Act may be cited as the Royal Emoluments and Civil List Act, 1992 and shall come into force on a day to be appointed by the Minister by notice in the *Gazette*.

Interpretation.

2. In this Act, unless the context otherwise requires:

"Civil List expenditure" means expenditure for the services and purposes of the Royal household set out in Part II of the Schedule to this Act;

"Chief Officer" means the person appointed Chief Officer under section 10 of this Act;

"Minister" means the Minister responsible for Finance;

"Royal Trustees" means the trustees constituted by section 4 of this Act.

Annual Payments for the Royal Emoluments and Civil List.

3. (1) For each period of five years with effect from the commencement of this Act there shall be paid in advance for the Royal Emoluments and Civil List set out in Parts I and II of the Schedule to this Act the yearly sum of E4,712,000.

(2) The yearly sum payable for the King's Civil List shall be appropriated to the services and purposes set out in Part II of the Schedule to this Act.

(3) In addition to the yearly sum for the King's Civil List payable under subsection (1) the relevant Government ministries or agencies shall make provision in their respective annual estimates for yearly amounts to be appropriated to expenditure for the services and purposes pertaining to the Royal Household set out in Part III of the Schedule to this Act for which services and purposes those Government Ministries or agencies are normally responsible.

(4) The yearly sum payable under subsection (1) may be increased in accordance with the provisions of this Act.

(5) If, in respect of any financial year the sum payable for the King's Civil List exceeds the audited Civil List expenditure, an amount equal to the excess shall be paid to the Royal Trustees out of the appropriation to the Civil List expenditure to be applied by them in accordance with the provisions of this Act:

Provided that any such excess amount received by the Royal Trustees shall be invested by them in such manner as they deem fit.

(6) If, before the Civil List expenditure for any financial year has been audited, it appears to the Minister that a payment will fall to be made under subsection (5) for that year, the Minister may authorise that such payment be made before the audit, and such adjustment shall be made after the audit as may in the circumstances of the case appear to the Minister to be required.

(7) If, in respect of any financial year the sum payable for the King's Civil List is less than the audited Civil List expenditure the Royal Trustees shall make good the deficiency by applying moneys available by virtue of subsections (5) and (6) of this section.

(8) The Royal Trustees may at the request of the Minister make out of moneys available under subsections (5) and (6) advances towards meeting Civil List expenditure before that expenditure has been audited, and where advances have been so made such adjustment shall be made as the circumstances of the case appear to the Minister to be required.

(9) Any money available under subsections (5) and (6) which is not applied in accordance with this section shall be dealt with at the end of the five years in such manner as the Minister may direct.

Royal Trustees.

(4) (1) The person who is for the time being the Minister for Finance and not more than four other persons of distinction appointed by the King shall constitute the Royal Trustees for the purposes of this Act, and any act of the Trustees shall be signified under their respective hands and official seals.

(2) The Royal Trustees shall hold office for such period and on such terms and conditions (including allowances) as the King may determine on the advice of the Minister.

(3) The Royal Trustees shall meet for the conduct of their business at least once in every three months and at such other times as the King may from time to time direct.

(4) Subject to the provisions of this Act, the Royal Trustees shall monitor and manage the Civil List expenditure.

(5) The Royal Trustees shall, for the discharge of their duties under this Act -

- (a) have access to all books, records, returns and other documents relating to the Civil List expenditure;
- (b) request such information relating to the Civil List expenditure as they deem necessary.

Report of Royal Trustees.

5. (1) The Royal Trustees shall for the discharge of their functions under section 4 keep under review the yearly amounts of the Civil List, and the sums available under this Act to meet the expenditure, and shall in accordance with this section from time to time make reports to the Minister concerning those matters; provided that such report may be made not later than three months after the end of each year.

(2) The Minister shall within fourteen days after he has received the report of the Royal Trustees submit it together with his observations thereon to the King.

Power to increase yearly sums.

6. (1) Where during any period of five years there has been persistent deficits in the yearly sums payable under section 1 due to increases in the annual rate of inflation the House of Assembly, upon a report laid before the House by the Minister, may by resolution authorise the Minister to increase any or all of the yearly sums by such amounts as the House may determine.

(2) The Minister shall in a report referred to in subsection (1) take account of the information afforded by any report made by the Royal Trustees under section 5 of this Act.

(3) The Minister shall by order published in the Gazette increase any or all of the yearly sums by such amounts as are determined by the House of Assembly under subsection (1) of this section.

(4) An order made under subsection (3) shall take effect from the beginning of the financial year in which it is made.

Audit.

7. (1) The Civil List expenditure in respect of each financial year shall be audited by the Auditor-General not later than three months after the end of that financial year.

(2) Subject to the provisions of this section, the Auditor-General shall in the discharge of his functions under this Act exercise the powers conferred upon him under the Finance Management and Audit Act, 1967.

(3) The Auditor-General shall within four months after the end of the financial year submit to the Royal Trustees a report on the audit of the Civil List expenditure carried out by him under subsection (1) and the Royal Trustees shall submit the report to the King within 30 days after they have received it.

Annual sums to be charged on the Consolidated Fund.

8. The yearly sums required for the King's emoluments and Civil List shall be charged on and paid out of the Consolidated Fund.

Establishment of the King's Office.

9. (1) There shall be established in the Royal Household by regulations made under section 15 the King's Office which shall subject to the provisions of this Act, be responsible for the administration of the affairs and management of the resources of the Royal Household in a cost effective and business-like manner.

(2) Until the King's Office is established under subsection (1) the office administering the Royal Household and in existence immediately before the commencement of this Act shall continue to operate as such office subject to the provisions of the Act and shall cease to operate as such upon the establishment of the King's Office.

The Chief Officer.

10. (1) There shall be a Chief Officer of the King's Office whose appointment shall be approved by the King upon recommendation of the Royal Trustees and on such terms and conditions of service as may be prescribed by regulations under section 15.

(2) The Chief Officer shall, in addition to such functions as may be prescribed by regulations under section 15, generally co-ordinate and manage the business of the Royal Household on behalf of the King.

(3) The Chief Officer shall be assisted in the performance of his functions under this Act by such staff as may be appointed under section 11.

Staff of the King's Office.

11. (1) The staff of the King's Office shall comprise such senior and junior officers and other employees as may be determined by the Chief Officer on advice of the Minister responsible for Public Service.

(2) The senior officers of the King's office (the titles and numbers of whom shall be determined by the King from time to time on the advice of the Minister responsible for Public Service) shall be appointed by the King on the advice of the Minister on the terms and conditions prescribed under section 15 of this Act.

(3) The junior officers and other employees of the King's Office shall be appointed by the Chief Officer on the advice of the Minister responsible for Public Service on the terms and conditions prescribed under section 15 of this Act..

Existing staff and other employees of the Royal Household.

12. (1) The person who immediately before the commencement of this Act was holding the office of Private Secretary or Deputy Private Secretary or Principal Chief of Protocol in the Royal Household shall continue to hold such office and shall be deemed to have been appointed to that office in the King's Office under the terms and conditions prescribed under section 15 of this Act.

(2) Except as otherwise provided in subsection (1), any person who immediately before the commencement of this Act was employed in any capacity in the Royal Household shall, unless transferred on or after commencement of this Act to the public service, be deemed to have been employed as such employee under the terms and conditions prescribed under section 15 of this Act.

(3) Any person transferred to the public service by virtue of subsection (2) may be appointed or assigned to a post or position in the public service equivalent or comparable to that held by that person immediately before the transfer under terms and conditions of service which are not less favourable than those applicable to that person before his transfer to the public service.

Swazi National Treasury.

13. (1) Notwithstanding the provisions of the Swazi National Treasury Act, 1950, the Chief Officer shall, on behalf of the King, oversee the conduct of business of the Swazi National Treasury, and for that purpose the person in charge of the Swazi National Treasury shall be answerable to the Chief Officer on all matters relating to the conduct of business of the Swazi National Treasury.

(2) The Chief Officer may from time to time request in writing the person in Charge of the Swazi National Treasury to furnish such information as he may require on the overall financial performance of the Swazi National Treasury.

(3) The Chief Officer shall submit to the Royal Trustees half yearly reports on the business affairs of the Swazi National Treasury.

(4) The Royal Trustees shall monitor the pattern and levels of expenditure of the Swazi National Treasury in respect of each financial year, and shall not later than three months after the end of the financial year submit to the King a report concerning those matters.

(5) The Royal Trustees shall, for the discharge of their duties under subsection (4), exercise the powers conferred upon them under Section 4.

(6) Notwithstanding the provisions of the Swazi National Treasury Regulations, 1951 the accounts of the Swazi National Treasury shall be audited not later than three months after the end of each financial year by the Auditor-General in accordance with the powers conferred upon him by the Finance Management and Audit Act, 1967.

(7) The Auditor-General shall within four months after the end of the financial year submit to the Royal Trustees a report on the audit of the Swazi National Treasury expenditure carried out by him under subsection (1) and the Royal Trustees shall submit the report to the King within 30 days after they have received it.

Amendment of Schedule.

14. The Minister may by notice in the Gazette amend the schedule to this Act to give effect to any changes in the Civil List as may become necessary from time to time.

Regulations.

15. The Minister may by notice in the Gazette make regulations relating to the following matters:

- (a) establishment of the King's Office;
- (b) appointment and terms and conditions of service of staff of the King's Office and Royal Household;
- (c) remuneration and retirement benefits of the staff of the King's Office and Royal Household;
- (d) disciplinary measures for inefficiency or misconduct of staff of the King's Office and Royal Household; and
- (e) generally for giving effect to the object and purposes of this Act.

Repeal of Act No. 10 of 1986.

16. The Royal Emoluments and Civil List Act, 1986 is hereby repealed.

SCHEDULE**PART I - ROYAL EMOLUMENTS**

Royal emoluments and related payments to such immediate members of the Royal Household as the King may from time to time determine.

PART II - CIVIL LIST EXPENDITURE

- Class I - Salaries and other related personnel costs of staff employed in the King's Office and in the Lozitha Palace, Ngabezweni Royal Residence, Embo State House, Ludzidzini Royal Residence, Nkoyoyo State House and the five Guest Houses.
- Class II - The expenses including the costs of routine daily maintenance of the King's Office and the Royal residences and Guest houses mentioned in Class I.

PART III - MISCELLANEOUS EXPENSES OF ROYAL HOUSEHOLD

1. Major maintenance of the King's Office, Royal Residences, State and Guest Houses referred to in Part II.
2. State functions.
3. State visits.
4. Maintenance and running costs of fleet of vehicles of the Royal Household.