



**SWAZILAND
GOVERNMENT GAZETTE
EXTRAORDINARY**

VOL. XXX]

MBABANE, Wednesday, December 16th, 1992

[No. 918

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SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
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PART B

S1

THE ESTABLISHMENT OF THE PARLIAMENT OF SWAZILAND ORDER, 1992

(King's Order-in-Council No. 1 of 1992)



I ASSENT
MSWATI III
King of Swaziland
10th December, 1992

AN ORDER-IN-COUNCIL entitled

A King's Order-in-Council to provide for the Establishment of the Parliament of Swaziland and other matters relating thereto.

ENACTED by the King in collaboration with the Council.

PART 1 PRELIMINARY

Short Title and Commencement.

1. This Order-in Council may be cited as the Establishment of the Parliament of Swaziland Order, 1992, and shall come into force upon publication in the Gazette.

Interpretation.

2. Unless the context otherwise requires, in this Order -

"Bucopho" means the Committee established in terms of section 5;

"House" means the House of Assembly established under Party V;

"Indvuna yeNkhundla" means the person appointed in terms of section 4;

"Inkhundla" means an Inkhundla established in terms of section 3;

"Minister" means the Minister responsible for parliamentary affairs;

"umphatsi-Lukhetfo" means the officer responsible for elections of members of the House appointed in terms of the Voter's Registration Order, 1992.

TINKHUNDLA

Establishment of Tinkhundla.

3. (1) The King may establish or confirm the existence of an **Inkhundla** by public statement made by him at **Sibaya** or in such other manner as to him may seem fit and shall define the area covered by each **Inkhundla**.

(2) For the purpose of the election of the elected members of the House of Assembly, Swaziland shall be divided into as many **Tinkhundla** as may be recommended by the Delimitation Commission.

(3) Save as may be provided by Act of Parliament from time to time, an **Inkhundla** shall perform all such functions as **Tinkhundla** traditionally perform.

Indvuna yeNkhundla.

4. (1) The King may appoint an **Indvuna yeNkhundla** to supervise the activities of each **Inkhundla** and to see to it that all the functions of the **Inkhundla** are duly performed.

(2) The nomination of candidates for **Indvuna yeNkhundla** election shall be by acclamation by **Bandlakhulu** at each **Umphakatsi**.

(3) The King shall appoint an **Indvuna yeNkhundla** a person elected by the members of the **Inkhundla** concerned by secret ballot who shall be presented to the King by the Chiefs of that **Inkhundla**.

(4) The **Indvuna yeNkhundla** shall preside over meetings of the **Inkhundla** or the **Inkhundla** Committee (**Bucopho**).

(5) The tenure of office of the **Indvuna yeNkhundla** shall be five years.

Bucopho (Inkhundla Committee).

5. (1) There shall be a committee for each **Inkhundla** styled **Bucopho**, which shall be elected by the people of the respective chiefdoms of the **Inkhundla** concerned.

(2) The nomination and election of candidates for membership of **Bucopho** shall be by a show of hands by **Bandlakhulu** at each **Umphakatsi**.

(3) **Bucopho** is the executive committee of the **Inkhundla** and is responsible for the proper upkeep and repair of the **Inkhundla** buildings and premises.

(4) The tenure of office of members of **Bucopho** shall be five years.

PART 111

ELECTIONS AND QUALIFICATION OF VOTERS

Right to vote at elections.

6. (1) Any person who is registered as a voter shall be entitled to vote at any election of a member to the House of Assembly and, in the case of any general election, shall be entitled to cast one vote at primary and secondary elections.

(2) No person shall be entitled to vote in terms of sub-section (1) if on the date prescribed for polling he is for any reason unable to attend in person at the place and time prescribed for polling except as it may otherwise be prescribed.

(3) No person shall vote at any election for a candidate who is not registered as a voter in that **Inkhundla** or polling division.

Election by secret ballot.

7. The nomination of candidates and the election of the elected members of the House of Assembly shall be done by secret ballot at both primary and secondary levels

Supervision of Elections by Umphatsi-Lukhetfo (Chief Electoral Officer).

8. The election of the elected members of the House of Assembly at both primary and secondary levels shall be under the general responsibility and supervision of Umphatsi-Lukhetfo acting as an independent commission as may be prescribed under any law regulating the registration of voters and the conduct of elections.

Qualification of Voters.

9. (1) Subject to the provisions of section 7, a person shall be qualified to be registered as a voter for the purpose of election of elected members of the House of Assembly if, and shall not be qualified unless, he has attained the age of eighteen years and is a citizen of Swaziland.

(2) A person shall be entitled to be registered in one **Inkhundla** or polling division only.

Disqualification of voters.

10. No person shall be qualified to be registered as a voter or to vote, if -

(a) he is certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Swaziland;

(b) he is, for an offence which is a criminal offence in Swaziland, under sentence of death imposed on him by a court in any country;

Delimitation Commission.

11. (1) There shall be a Delimitation Commission which shall be appointed by the King after consultation with the Minister.

- (2) The Commission shall consist of a chairman and four other members.
- (3) The chairman of the Commission shall be a person who possesses such qualities as the King may deem fit.
- (4) No person shall be qualified to be appointed as a member of the Commission if -
 - (a) he is a Senator or a member of the House of Assembly or is nominated for election to the House of Assembly;
 - (b) during the period of five years immediately preceding the date of appointment -
 - (i) he has been a member of Senate or House of Assembly;
 - (ii) he has been nominated to the Senate or House of Assembly;
 - (c) he is a public officer;
- (5) A person shall not be disqualified under subsection (4) be reason only that he has been Speaker of the House of Assembly or President of Senate.
- (6) In the exercise of its functions the Commission shall not be subject to the direction of or control by any other person or authority.
- (7) The Commission may regulate its own procedure and with the consent of the Prime Minister, may confer powers or impose duties on any public officer or on any authority of the Government for the purpose of its functions.
- (8) The Commission may act notwithstanding any vacancy in its membership.
- (9) The Commission shall be appointed on such other terms and conditions as the King after consultation with the Minister, may determine.

Election of members of the House of Assembly.

12. (1) The elections for the elected members of the House of Assembly shall be conducted at primary and secondary levels.
- (2) The primary elections shall take place at **Imiphakatsi** and such other polling divisions as may be determined by the Delimitation Commission.
 - (3) The secondary elections shall take place at **Tinkhundla** centres, at which the candidates shall be those persons who have been elected at the primary level.
 - (4) Immediately after primary elections and before secondary elections, each candidate shall be afforded an opportunity, on an equal basis, to address the Inkhundla meeting on development and other issues, in line with national policy.

PART IV

ESTABLISHMENT AND COMPOSITION OF PARLIAMENT

Establishment of Parliament.

13. There is hereby established the Parliament of Swaziland which consists of a Senate and House of Assembly.

Composition of Senate.

14. (1) The Senate shall consist of thirty members (hereinafter called "Senators").

(2) Ten Senators shall be elected the House of Assembly.

(3) Twenty Senators shall be appointed by the King to include Chiefs, Bantfwabenhosi and Special interests.

(4) The appointment of Chiefs to Parliament shall take account of regional interests and shall be made on rotational basis.

(5) The King shall appoint the Senators after consultation with such bodies as the King may consider appropriate in an endeavour to appoint such persons who are by reason of their special knowledge or practical experience able to represent cultural, economic and social interests and able to contribute substantially to the good government of Swaziland.

Election of Senators.

15. The election of members to the Senate by the House of Assembly shall be by a majority vote of those present and voting, and in the case of a tie there shall be a further election of the persons who have tied until all the persons shall have been elected.

Composition of the House of Assembly.

16. The House of Assembly shall consist of as many members as there are Tinkhundla elected directly one from each Inkhundla, ten members appointed by the King, and the Attorney-General who shall be an *ex officio* member.

Elected members of the House of Assembly.

17. Swaziland shall in accordance with the determination of the Delimitation Commission, be divided into Tinkhundla and each Inkhundla shall elect one member to the House in such manner as may be prescribed by law.

Nominated members of the House of Assembly.

18. The nominated members of the House of Assembly shall be appointed by the King, after consultation with such bodies as, he may consider appropriate and after taking into account any special interest not already adequately represented in the House

Qualifications for membership of Parliament.

19. Subject to the provisions of section 18, a person shall be qualified to be elected or appointed as a Senator or to be elected or appointed as a member of the House of Assembly if, and shall not be qualified to be so elected or appointed unless, he -

- (a) is ordinarily resident in Swaziland;
- (b) is a person qualified for registration as a voter; and
- (c) has been so registered in any **Inkhundla**.

Disqualifications for membership of Parliament.

20 (1) No person shall be qualified to be elected or appointed as a Senator or to be elected as an elected member of appointed as a nominated member of the House of Assembly who -

- (a) is, by virtue of his own act, under acknowledgment of allegiance, obedience or adherence to a foreign power or state;
- (b) is a member of the armed forces of Swaziland or is holding or acting in any public office or is holding or acting in any other office established by or under any law that may be prescribed
- (c) is a party to, or is a partner in a firm or a director or manager of a company which is a party to, any subsisting Government contract, and has not made the appropriate disclosure of the nature of the contract and his interest, or the interest of the firm or company, therein:

Provided that the provisions of this paragraph shall not apply in the case of a Senator or a nominated member of the House of Assembly if he is appointed as such without his consent being obtained prior to the appointment;

- (d) is an unrehabilitated insolvent or an undischarged bankrupt, having been adjudged or otherwise declared an insolvent or a bankrupt under any law for the time being in force in any country;
- (e) is certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in Swaziland;
- (f) is, for an offence which is criminal offence under the law of Swaziland, under sentence of death imposed on him by a court in any country, or is, for such an offence, under a sentence of imprisonment (by whatever name called) for a term of or exceeding six months, including a suspended sentence, imposed on him by such a court or substituted by the competent authority for some other sentence imposed on him by such a court;
- (g) has at any time been, for an offence which is a criminal offence under the law of Swaziland, under a sentence of imprisonment for a term of or exceeding six months (other than a suspended sentence which has not been enforced) imposed on him by a court in any country or substituted by competent authority for some other sentence imposed on him by such a court;

Provided that if two years or more have elapsed since the termination of the sentence of imprisonment, the person shall not be disqualified for membership of Parliament by reason only of such sentence;

- (h) is disqualified for membership of the Senate or House of Assembly under any law for the time being in force relating to offences connected with elections; or
 - (i) in the case of an elected member of the house of Assembly, holds or is acting in, any office, the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register.
- (2) For the purposes of subsection (1) (c) the appropriate disclosure of the nature of and interest in a Government contract shall be -
- (a) in the case of an elected Senator, disclosure to the elected members of the House of Assembly through the Speaker of the house immediately after the election is held under section 39 of this order;
 - (b) in the case of an appointed Senator or a nominated member of the House of Assembly, disclosure to the King immediately after the appointment is made;
 - (c) in the case of an elected member of the House of Assembly, disclosure during the period commencing with the notification of the writ for the election in the Gazette and ending three days before the date of the election, by publication of a notice in English in the Gazette and in English and Siswati in a newspaper circulating in Swaziland.

Tenure of seats of members of Parliament.

21. A Senator or a member of the House of Assembly shall vacate his seat as such if, but only if, -

- (a) Parliament is dissolved;
- (b) he resigns his seat by writing under his hand addressed to the President or Speaker of the chamber;
- (c) he is absent from two consecutive meetings of the Senate or, as the case may be, House of Assembly, without having obtained before the termination of either meeting from the President or Speaker, or other person presiding, permission to be or to remain absent therefrom;
- (d) in the case of a Senator or nominated member who was appointed without his consent being obtained prior to the appointment, he is at the time of his appointment a party to, or is a partner in a firm or a director or manager of a company which is a party to, a subsisting Government contract and has not within one week after his appointment been exempted by the King, by writing under his hand, from vacating his seat;
- (e) he becomes a party to any Government contract, or if any firm in which he is a partner or any company of which he is a director or manager becomes a party to any such contract, or if he becomes a partner in a firm or a manager of a company which is a party to any such contract:

Provided that, if in the circumstances it appears to them to be just to do so, the Senate may by resolution exempt a Senator and the House of Assembly may by resolution exempt a member of the House from vacating his seat under the provisions of this

paragraph, if the member, before becoming a party to the contract or before or as soon as practicable after becoming otherwise interested in the contract (whether as a partner in a firm or as a director or manager of a company), discloses to the President of the Senate or the Speaker of the House, as the case may be, the nature of the contract and his interest, or the interest, of the firm or company, therein;

- (f) he ceases to be qualified for registration as a voter;
- (g) he ceases to be ordinarily resident in Swaziland;
- (h) he becomes a member of the other chamber of Parliament;
- (i) any circumstances arise that, if he were not a Senator or a member of the House of Assembly, would cause him to be disqualified for election or appointment thereto by virtue of section 44 (1) (a), (b), (d), (e), (h) or (i); or
- (j) the circumstances mentioned in section 22 arise.

Vacation of seats on sentence, etc.

22. (1) Subject to the provisions of this section, if a Senator or an elected member or a nominated member of the House of Assembly is for an offence which is a criminal offence under the law of Swaziland, sentenced by a court in any country to death or to imprisonment (by whatever named called) for a term of or exceeding six months, including a suspended sentence, he shall forthwith cease to perform his functions as a Senator or member of the House and his seat therein shall become vacant at the expiration of a period of thirty days thereafter:

Provided that this Section shall not apply to a person who has been sentenced by Court of a foreign country for a political offence:

Provided that the President of the Senate or the Speaker of the House, as the case may be at the request of the member, from time to time extend that period for thirty days to enable the member to pursue any appeal in respect of his conviction or sentence, so however that extensions of time exceeding in the aggregate one hundred and eighty days shall not be granted without the approval of the Senate or House signified by resolution.

(2) If at any time before the Senator or member vacates his seat he receives a free pardon or his conviction is set aside or his sentence is reduced to a term of imprisonment of less than six months or a punishment is substituted, his seat in the Senate or House of Assembly shall not become vacant under the provisions of this section, and he may again perform his functions as a Senator or member of the House of Assembly.

President and Deputy President of Senate.

23. (1) When the Senate first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be the President of the Senate, and if the office of President falls vacant at any time before the next dissolution of Parliament, the Senate shall elect as soon as practicable another person to that office.

(2) At any time after the election of a President the Senate may, if it thinks fit, elect a person to be the Deputy President of the Senate, and if the office of Deputy President falls vacant at any time

before the next dissolution of Parliament, the Senate may, if it thinks fit, elect another person to that office.

(3) The President or Deputy President shall be elected from among the Senators who are not Ministers.

(4) A person shall vacate the office of President or Deputy President -

(a) if, having been elected from among the Senators, he ceases to be a Senator otherwise than by a dissolution of Parliament or if he is appointed to be a Minister or if he is required, by virtue of section 21 to cease to perform his functions as a Senator;

(b) when the Senate first sits after any dissolution of Parliament;

(c) if he is removed from office by a resolution of the Senate supported by the votes of not less than two-thirds of all the Senators; or

(d) in the case of the Deputy President, if he is elected as President.

(5) A person holding the office of President or Deputy President may resign his office by writing under his hand addressed to the Senate and the office shall become vacant when the writing is received by the Clerk to the Senate.

(6) During any period when a person holding the office of Deputy President is acting as President of the Senate, he shall not perform the functions of Deputy President.

Speaker and Deputy Speaker of the House of Assembly.

24. (1) When the House of Assembly first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be the Speaker of the House of Assembly; and if the office of Speaker falls vacant at any time before the next dissolution of Parliament, the House shall elect as soon as practicable another person to that office.

(2) At any time after the election of a Speaker the House of Assembly may, if it thinks fit, elect a person to be the Deputy Speaker of the House of Assembly, and if the office of Deputy Speaker falls vacant at any time before the next dissolution of Parliament, the House may, if it thinks fit, elect another person to that office.

(3) The Speaker or Deputy Speaker shall be elected from the members of the House other than the Attorney-General or Ministers.

(4) A person shall vacate the office of Speaker or Deputy Speaker of the House of Assembly -

(a) if, having been elected from among the members of the House, he ceases to be a member otherwise than by the dissolution of Parliament or if he is appointed to be a Minister or Attorney-General or if he is required, by virtue of Section 21, to cease to perform his functions as a member of the House;

(b) when the House first sits after any dissolution of Parliament;

(c) if he is removed from office by a resolution of the House supported by the votes of not less than two-thirds of all the members thereof; or

(d) in the case of the Deputy Speaker, if he is elected as Speaker.

(5) A person holding the office of Speaker or Deputy Speaker may resign his office by writing under his hand addressed to the House and the office shall become vacant when the writing is received by the Clerk to the House.

(6) During any period when a person holding the office of Deputy Speaker is acting as Speaker of the House of Assembly he shall not perform the functions of Deputy Speaker.

Acting President and Speaker.

25. (1) During any period when the office of President or Speaker is vacant or the holder of the office of President or Speaker is absent from Swaziland or is for any other reason unable to perform the functions of his office, the Senate or the House of Assembly, as the case may be, may elect a person (not being a Minister or the Attorney-General) from among the members of the chamber to act as President or Speaker until a President or Speaker has been elected or, as the case may be, the President or Speaker has resumed the functions of his office.

(2) During any period when the office of Deputy President or Deputy Speaker is vacant or the holder of the office of Deputy President or Deputy Speaker is absent from Swaziland or is acting as President or Speaker or is for any other reason unable to perform the functions of his office, the Senate or the House of Assembly, as the case may be, may elect a person (not being a Minister, or the Attorney-General) from among the members of the chamber to act as Deputy President or Deputy Speaker until a Deputy President or Deputy Speaker has been elected or, as the case may be, the Deputy President or Deputy Speaker has resumed the functions of his office.

(3) The provisions of section 22 (4) and 22 (5) shall apply in relation to a person elected under this section act as President or Deputy President of the Senate as they apply in relation to the holder of the office of President or Deputy President, and the provisions of section 23 (4) and 23 (5) shall apply in relation to a person elected under this section to act as Speaker or Deputy Speaker as they apply in relation to the holder of the office of Speaker or Deputy Speaker.

Clerk of Parliament.

26. There shall be a clerk to Parliament who shall be in charge over all the administration of Parliament.

Clerks to Senate and House of Assembly and their staffs.

27. (1) There shall be a Clerk to the Senate and Clerk to the House of Assembly.

(2) The offices of the Clerk to the Senate and the Clerk to the House of Assembly and of the members of their staffs shall be officers in the public service.

(3) Nothing in this section shall be constructed as preventing the appointment of one person to the offices of Clerk to the Senate and Clerk to the House of Assembly or the appointment of one person to any office on the staff of the Clerk to the Senate and any office on the staff of the Clerk to the House of Assembly.

Decision of questions as to membership of Parliament.

28. (1) The High Court shall have jurisdiction to hear and determine any question whether -
- (a) any person has been validly elected a Senator by the members of the House of Assembly;
 - (b) any person has been validly elected as an elected member of the House;
 - (c) any person who has been elected as President or Deputy President of the Senate or as Speaker or Deputy Speaker of the house was qualified to be so elected; or
- (2) An application to the High Court may be made for the determination of any question -
- (a) under subsection (1) (a), by any elected member of the House of Assembly or by the Attorney-General;
 - (b) under subsection (1) (e), by any Senator or elected or nominated member of the House, as the case may be, or by the Attorney-General.

Interpretation.

29. (1) In this Part of this Order "Government contract" means a contract with the Government for or on account of the public service the consideration for which exceeds one thousand emalangeni or which forms part of a large transaction or series transactions in respect of which the amount or value, or the aggregate amount or value, of the consideration exceeds one thousand emalangeni.

- (2) For the purpose of this Part of this Order -
- (a) two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms;
 - (b) references to a sentence of imprisonment shall not include a sentence of imprisonment in lieu of a fine.

PART V

SUMMONING, PROROGATING AND DISSOLUTION

Sessions of Parliament, etc.

30. (1) Each session of Parliament shall be held at such place within Swaziland and begin at such time (not being later than twelve months from the end of the preceding session if Parliament has been prorogued or fourteen days from the holding of a general election of elected members of the House if Parliament has been dissolved) as the King may appoint.

(2) Subject to subsection (1), the sittings of each Chamber of Parliament shall be held at such time and place as such chamber may, by its rules of procedure or otherwise, determine.

Prorogation and dissolution of Parliament.

31. (1) The King may at any time prorogue or dissolve Parliament.

(2) Subject to subsection (3), parliament unless sooner dissolved shall continue for five years from the date when the House first meets after any dissolution of Parliament and shall then stand dissolved.

(3) At any time when Swaziland is at war the period of five years specified in subsection (2) may be extended by Act of Parliament for not more than twelve months at a time:

Provided that the life of Parliament shall not be extended under this subsection for more than five years.

Recalling Parliament in case of emergency.

32. If, between a dissolution of Parliament and the next ensuing general election of elected members of the House, an emergency arises of such a nature that in the opinion of the King, after consultation with the Prime Minister, it is necessary for the two chambers of Parliament to be summoned before such general election can be held the King may by notice in the Gazette and a newspaper circulating in Swaziland summon the preceding chambers of Parliament as constituted immediately before such dissolution, and such chambers shall thereupon be deemed not to have been dissolved but shall be deemed to be dissolved on the date when the next ensuing general election of elected members of the House is held.

PART VI

LEGISLATION AND PROCEDURE IN PARLIAMENT

Power to make laws.

33. Subject to this Order, the King and Parliament may make laws for the peace, order and good government of Swaziland.

Oaths to be taken by members of Parliament.

34. (1) Every member of either chamber of Parliament shall, before taking his seat in that chamber, take and subscribe before the chamber the oath of allegiance that is set out in Schedule 2 or such other oath may be prescribed, but a member may before taking and subscribing that oath take part in the election of the President or Speaker of the chamber.

(2) Any person elected as President or Deputy President or Speaker or Deputy Speaker of a chamber of Parliament shall if he has not already taken and subscribed the oath of allegiance under subsection (1), take and subscribe that oath before the chamber before entering upon the duties of his office.

Presiding in Senate.

35. (1) There shall preside at any sitting in the Senate -

- (a) the President of the Senate;
- (b) in the absence of the President and in circumstances in which the rules of procedure of the Senate authorises the Deputy President to preside, the Deputy President, or
- (c) in the absence of the President or the Deputy President such other Senator as the Senate may elect for the purpose of presiding at the sitting.

(2) Any reference in this section to circumstances in which the President or Deputy President is absent include a reference to circumstances in which the office of President or Deputy President is vacant.

Presiding in House of Assembly.

36. (1) There shall preside at any sitting of the House -

- (a) the Speaker of the House;
- (b) in the absence of the Speaker and in circumstances in which the rules of procedure of the House authorises a Deputy Speaker to preside, the Deputy Speaker, or
- (c) in the absence of the Speaker and a Deputy Speaker authorised as aforesaid to preside such member as the House may elect for the purpose of presiding at the sitting.

(2) Any reference in this section to circumstances in which the Speaker or Deputy Speaker is absent includes a reference to circumstances in which the office of Speaker or Deputy Speaker is vacant.

Quorum in Senate and House of Assembly.

37. (1) If objection is taken by a Senator who is present that there are present in the Senate (besides the person presiding) fewer than half Senators and, after such interval as may be prescribed in the rules of procedure of the Senate the person presiding ascertains that there are still fewer than half Senators present, he shall thereupon adjourn the Senate.

(2) If objection is taken by any member of the house who is present that there are present in the House (besides the person presiding) fewer than half members of the House and after such interval as may be prescribed in the rules of procedure of the House, the person presiding ascertains that there are still fewer than half members of the House present, he shall thereupon adjourn the House.

Voting in Parliament.

38. (1) Any question proposed for discussion in either chamber of Parliament shall be determined by a majority of the votes of the members thereof present and voting.

(2) The President of Senate or the Speaker of the house or a member of either chamber of parliament presiding in such chamber shall have a deliberative but not a casting vote.

(3) The Attorney-General; shall have no vote in either chamber of Parliament.

(4) If upon any question before either chamber votes of the members are equally divided the motion shall be lost.

(5) The rules of procedure of either chamber of Parliament may make provision under which a member who votes upon a question in which he or his spouse has a direct pecuniary interest shall be deemed not to have voted.

Right of Minister etc. to address either Chamber of Parliament.

39. A Minister who is a member of the House or the Attorney-General shall be entitled to attend all meetings of the Senate and to take part in all proceedings thereof, but he shall not be regarded as a member of, or be entitled to vote on any question before the Senate, and a Minister who is a Senator

shall be entitled to attend all meetings of the House and to take part in all proceedings thereof, but he shall not be regarded as a member of, or be entitled to vote on any question before, the House.

Unqualified persons sitting or voting.

40. (1) Any person who sits or votes in either chamber knowing or having reasonable grounds for knowing that he is not entitled to do so shall be guilty of an offence and liable on conviction to a fine of one thousand Emalangeni for each day on which he so sits and votes in such chamber.

(2) Any prosecution for an offence under this section shall be instituted summarily in the High Court but shall not be so instituted without the written consent of the Attorney-General.

Mode of exercise of power to make laws.

41. (1) The power of the King and Parliament to make laws shall be exercised by Bills -

(a) passed by both chambers of Parliament;

(b) in the cases mentioned in Sections 42, 43, and 44 (3) passed by the House, and

(c) in the cases mentioned in Sections 44(2) and 45 passed at a joint sitting of the Senate and the House, and assented to by the King under his signature.

(2) Subject to section 45, when a Bill has been presented to the King for assent in terms of subsection (1) he shall under his signature notify that he assents or withholds assent -

(a) in the case of an Appropriation Bill forthwith, and

(b) in the case of any other Bills within thirty days.

(3) When a Bill which has been duly passed is assented to by the King it shall thereupon become law and the Attorney-General shall forthwith cause it to be published in the Gazette as a law:

Provided that no such law shall come into operation until it has been so gazetted.

And provided further that the King and Parliament may postpone in whole or in part the coming into operation of any such law and make laws with retrospective effect in which cases a reference thereto shall be made in the laws as published in the Gazette.

(4) All laws made by the King and Parliament shall be styled "Acts of PARLIAMENT" and the words of enactment shall be ENACTED by the King and the Parliament of Swaziland."

Introduction of Bills etc.

42. (1) A Bill may be introduced in either chamber of Parliament:

Provided that a money bill shall not be introduced by the Senate.

(2) Save with the consent of the Cabinet signified by the Prime Minister or the Minister responsible for finance, neither chamber shall -

(a) proceed upon any Bill or amendment thereof which in the opinion of the person presiding, makes provision for any of the following purposes -

- (i) the imposition of taxation or the alteration of taxation otherwise than by reduction;
- (ii) the imposition of any charge upon the Consolidated Fund or the alteration of any such charge otherwise than by reduction;
- (iii) the payment, issue or withdrawal from the Consolidated Fund or any other public fund of Swaziland of any moneys not charged thereon or any increase in the amount of such payment, issue or withdrawal, or
- (iv) the composition or remission of any debt to the Government; or

(b) proceeding on any motion (including an amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes.

Limitation on powers of Senate with respect to Appropriation Bills.

43. (1) When a Bill that is passed in the House and has been certified by the Speaker under subsection (2) as an Appropriation Bill is sent to the Senate it shall forthwith be introduced in the Senate and shall be passed by the Senate without delay.

(2) If such Bill is not passed by the Senate within five days after the day on which it was sent to the Senate or if it is passed by the Senate with amendments to which the House does not by then agree, the Bill with any amendments as may have been agreed upon by both chambers, shall, unless the House otherwise resolves, be presented to the King for his assent.

(3) When a Bill in the opinion of the Speaker is an Appropriation Bill is sent to the Senate from the House it shall be on the certificate of the Speaker that it is an Appropriation Bill.

(4) If Senate is not satisfied with a money Bill or Appropriation Bill, it shall have the power to return the Bills to the House for further consideration.

Limitation on power of Senate with respect to other money bills.

44. (1) Subject to section 43, when a Bill which is passed by the House is certified by the Speaker under subsection (2) as a money Bill other than an Appropriation Bill, and having been sent to the Senate at least thirty days before the end of the session, is not passed by the Senate within such thirty days or is passed by it with such amendment to which the House does not agree within thirty days after it was sent to the Senate, such Bill with any amendments thereto as many have been agreed upon by both Chambers shall, unless the House otherwise resolves, be presented to the King for his assent.

(2) When a Bill, which in the opinion of the Speaker is a money Bill other than an Appropriation Bill, is sent to the Senate from the House it shall bear the certificate of the Speaker that it is such a Bill.

Limitation of powers of Senate with respect to urgent Bills.

45 (1) This section applies to a Bill, other than a Bill certified under Sections 43 and 44.

(2) Subject to subsection (3), when a Bill to which this Section applies having been introduced and passed by one chamber of Parliament has been sent by it to the other chamber at least ninety days before the end of the session, and has been considered by such other chamber within such ninety days but has not within such period been passed either without amendment or with any amendment agreed to by the chamber in which the Bill was introduced, neither chamber shall proceed further on the Bill, which shall be referred to a joint sitting of the Senate and the House in accordance with Schedule 4.

(3) If a Bill to which this Section applies, having been introduced and passed by the House has been sent to the Senate at least ninety days before the end of the session and is not considered by the Senate within such ninety days, the bill shall not be referred to a joint sitting of the Senate and the House, but shall, unless the House otherwise resolves, be presented to the King for assent.

Reference back of Bills by King.

46. (1) This section applies to a Bill, other than a Bill certified under Section 41 (3) or 42 (2) or a Bill which has been passed at a joint sitting of the Senate and the House.

(2) When a Bill to which this Section applies, having been passed by both chambers sitting separately, is presented to the King for assent, the King, acting in his discretion, may by message refer back either the whole Bill or such provisions as he may specify for consideration at a joint sitting of the Senate and House and the provisions of Schedule 1 shall apply.

(3) If, within ninety days of the message by the King referred to in subsection (2) the Bill if passed by a joint sitting of the Senate and the House it shall again be presented to the King for his assent, but if it is not so passed the Bill shall lapse.

Interpretation and functions of the Speaker.

47. (1) In this Part "money Bill" means a Bill that contains only provisions dealing with -

- (a) the imposition, repeal, revision, alteration or regulation of taxation;
- (b) the imposition of charges on the Consolidated Fund or any other public Fund of Swaziland or the variation or repeal of any such charges;
- (c) the grant of money to the King or to any other person or authority or the variation or revocation of such grant;
- (d) the appropriation, receipt, custody, investment, issue or audit of the accounts of public money;
- (e) the raising or guaranteeing of any loan or the repayment thereof; or
- (f) subordinate matters incidental to any of these matters:

Provided that the expressions "taxation," public money," and "loan" do not include any taxation, money or loan raised by local governmental authorities or other local bodies

(2) When a Bill is presented to the King for assent in pursuance of sections 41 (1), 42 (1), 43 or 44 as the case may be, it shall be the certificate of the Speaker that these Sections have been complied with.

(3) Any function under this section or section 41, 42, 43 or 44 which falls to be exercised by the Speaker, may, if he is absent or is for any other reason unable to exercise it, be exercised by the Deputy Speaker.

(4) A certificate given by the Speaker or Deputy Speaker, as the case may be, shall be conclusive for all purposes and shall not be questioned in any court of law.

Regulation of procedure in Parliament.

48. (1) Subject to this Order, each chamber or Parliament may regulate its own procedure.

(2) Each chamber may notwithstanding any vacancy in its membership (including any vacancy not filled when the chamber first meets after any general election) and the presence or participation of any person not entitled to be present at or participate in the proceedings of the Chamber shall not invalidate such proceedings, unless that chamber decides otherwise.

(3) Subject to this Order, the Standing Orders of the House of Assembly, 1968, published under Legal Notice No. 52/1968, the Standing Orders relating to Private Bills, 1969, published under Legal Notice No. 17/1969, the Standing Orders of the Senate relating to public business published under Legal Notice No. 47/1970 shall *mutatis mutandis* apply to the procedure and conduct of the business of the House of Assembly and Senate unless and until altered or repealed by either Chamber or Parliament.

PART VII

THE EXECUTIVE

Executive authority of Swaziland.

49. (1) Subject to this Order, the executive authority of Swaziland shall vest in the King.

(2) Save as otherwise provided in this Order such authority may be exercised by the King directly or through officers or authorities of the Government of Swaziland.

(3) Nothing in this section shall prevent the conferment by Act of Parliament of functions on persons or authorities other than the King.

Ministers.

50. (1) There shall be a Prime Minister who shall be appointed by the King from among the members of the House.

(2) In addition to the Prime Minister there shall be a Deputy Prime Minister and such other Ministers of the Government as the King may appoint with the advice of the Prime Minister

(3) Ministers may be appointed from both chambers of Parliament.

(4) The majority of the Ministers shall be appointed from among members of the House.

(5) For the purposes of this section, during any period when Parliament is dissolved a person who was an elected or appointed member of either chamber immediately before the dissolution shall be regarded as continuing as an elected or appointed member as the case may be

Tenure of office of Prime Minister and other Ministers.

51. (1) The office of Prime Minister or any other Minister shall become vacant if -

- (a) he ceases to be a member of Parliament otherwise than by reason of a dissolution of Parliament
- (b) when Parliament first meets after a dissolution of Parliament, he is not then a member thereof, or
- (c) he resigns from office.

(2) The King may remove the Prime Minister or any other Minister from office at any time.

(3) The King May further remove from office the Prime Minister or Ministers, if a resolution of no confidence in him or in the Government is passed by the House or if he becomes unable to perform the functions of his office (whether arising from infirmity of body or mind) or for misbehaviour:

Provided that before removing the Prime Minister or other Minister from office on the ground of any such inability or misbehaviour the king shall appoint a tribunal consisting of a chairman and two other persons to enquire into the matter and report to the King or the facts thereof and render such advice to the King as it may deem fit:

Provided further that the King shall not remove the Prime Minister from office on the ground that a vote of no confidence has been in him or the Government unless three days have elapsed since such vote was passed and the King has decided not to dissolve Parliament under Section 29 (2).

(4) All questions for decision by the tribunal referred to in subsection (2) shall be decided by a majority vote of the chairman and the other two members.

(5) The provisions of the Commission of Enquiry Act No. 35 of 1963 shall subject to this Order, *Mutatis Mutandis*, apply to the procedure of the tribunal.

Provided that -

- (a) the enquiry shall be held in camera;
- (b) the fact of the appointment of the tribunal shall not be published in the Gazette;
- (c) its report shall be a confidential report to the King only, and
- (d) the proceedings or regularity of the inquiry or its decision shall not be challengeable in a Court of law.

Cabinet.

52. (1) There shall be a Cabinet of Ministers, consisting of the Prime Minister and other Ministers.

(2) The functions of the Cabinet shall be to advise the King in the government of Swaziland, and the Cabinet shall be collectively responsible to Parliament for any advice given to the King by or under the general authority of the Cabinet and for all things done by or under the authority of any Minister in the execution of his office.

Assignment of responsibilities to Ministers.

53. The King may after consultation with the Prime Minister by directions in writing assign to the Prime Minister or any other Minister responsibility for the conduct (subject to this Order or any other law) of any business of the Government of Swaziland including the administration of any department of government.

Exercise of the Prime Minister's functions during his absence or illness.

54. If the Prime Minister is absent from Swaziland or is by reason of illness or any other cause whatsoever unable to exercise the functions conferred on him by this Order, such functions shall be exercised by the Deputy Prime Minister or if the Deputy Prime Minister is for any reason whatsoever unable to exercise the functions of the office of Prime Minister, by such other Minister as the King may, by directions, in writing, authorise in that behalf.

King to be consulted and informed concerning matters of Government.

55. The King may require the Prime Minister and other Ministers to consult with him on any matter relating to the Government of Swaziland, and the Prime Minister shall keep the King fully informed concerning the general conduct of the government of Swaziland and shall furnish him with such information as he may request in respect of any particular matter relating to the government of Swaziland.

Oaths of Ministers.

56. A Minister shall not enter upon the duties of his office unless he has taken and subscribed to the Oath of Allegiance and the oath for the due execution of his office that are set out in Schedule, 2 and such the Attorney-General or his Deputy.

Secretary to Cabinet.

57. (1) There shall be a Secretary to the Cabinet whose office shall be an office in the public service.

(2) The Secretary to the Cabinet shall have charge of the Cabinet office and shall be responsible in accordance with such general or specific instructions as may be given by the Prime Minister for arranging the business for, and keeping the minutes of the meetings of the Cabinet and for conveying decisions of the Cabinet to the appropriate person or authority, and shall have such other functions as the Prime Minister may from time to time direct.

Direct of government departments.

58. If a Minister has been charged with the responsibility for any department of government, he shall exercise general direction and control over such department and, subject to such direction and control, the department shall be under supervision of a principal secretary whose office shall be an office in the public service.

Provided that two or more government departments may be placed under the supervision of one principal secretary, and any department of government in which the Minister charged with responsibility is assisted by a Deputy Minister, may be placed under the supervision of two principal secretaries or such greater number of principal secretaries as does not exceed the number of Ministers in such department.

PART VIII

REPEALS AND SAVINGS

Saving of prior and existing laws.

59. (1) Nothing in this Order shall affect the validity of any prior law save as hereby amended or repealed.

(2) All existing laws shall continue to operate with full force and effect but shall be construed with such modifications, qualifications and exceptions as may be necessary to bring them, into conformity with this Order (as may be amended).

Repeal of Order-in-Council No. 23 of 1978.

60. The Establishment of the Parliament of Swaziland Order No. 23 of 1978 is hereby repealed.

SCHEDULE 1

SUMMONING AND PROCEDURE OF JOINT SITTING OF SENATE AND HOUSE OF ASSEMBLY

Section 44 and 45.

1. (1) The King shall summon a joint sitting of the Senate and House in the circumstances mentioned in section 44 (2) or 45 (2).

(2) Subject to sub-paragraph (4), the summons of a joint sitting shall be message to the Senate and the House through the President or Speaker, as the case may be, and shall state the business which the sitting is summoned to transact and shall appoint a day for the joint sitting, being not more than fourteen days after the date of the message in the case of a sitting for the purpose mentioned in sub-paragraph (1) and not more than twenty-one days after the message in any other case.

(3) The prorogation of Parliament shall not affect any business which a joint sitting of the Senate and the House has, at the date of the prorogation, been summoned to transact in accordance with the provisions of this paragraph or, which is then under consideration by a joint sitting, but, subject to sub-paragraph (4), any business pending for consideration or under consideration by a joint sitting when Parliament is dissolved shall lapse at the date of the dissolution.

(4) Section 50 (which relates to the recall of the chambers of Parliament after a dissolution) shall apply for the purpose of authorising the recall of members of those chambers in a joint sitting as it applies for authorising the recall of chambers of Parliament.

2. The members of the Senate and House shall meet together in joint sitting on the day appointed and on any succeeding day or days that may be necessary and may deliberate and shall vote together upon the business the joint sitting was summoned to transact.

3. Where a joint sitting of the Senate and the House is summoned for the purpose of deliberating and voting upon a bill in the circumstances mentioned in section 44 the following provisions shall apply -

- (a) the members of the Senate and the House may deliberate and shall vote together upon the bill as last proposed in the chamber in which it was introduced and upon such admissible amendments to the Bill as may be proposed in the joint sitting;
- (b) if the bill, with such admissible amendments, if any, as are agreed to by the joint sitting, is affirmed by the joint sitting, the bill as so affirmed shall be deemed to have been duly passed;
- (c) for the purpose of this paragraph -
 - (i) if the bill has not been by the chamber to which it was sent with amendments and returned to the chamber in which it was introduced, there shall be admissible only such amendments, if any, as are made necessary by the delay in the passage of the bill;
 - (ii) if the bill has been passed by the Chamber to which it was sent with amendments and returned to the chamber in which it was introduced, there shall be admissible only such amendments, if any, as are made necessary by the delay in the passage of the bill and such other amendments as are relevant to the matters with respect to which the chambers have not agreed;
 - (iii) the decision of the person presiding in the joint sitting as to the amendments that are admissible under the provisions of this sub-paragraph shall be final.

4. (1) Where a joint sitting of the Senate and the House is summoned for the purpose of considering a bill referred back by the King in accordance with section 45 (2) the following provision shall apply -

- (a) if the whole bill has been referred back, the joint sitting may deliberate and shall vote upon the bill as presented to the King for assent together with any amendment to any provision of the bill which may be proposed in the joint sitting;
- (b) if the bill has been referred back for consideration of provisions of the bill specified by the King, the joint sitting may deliberate and shall vote upon the bill as presented to the King for assent together with any admissible amendment which may be proposed in the joint sitting;
- (c) if the bill is affirmed with such amendments (if any) as are mentioned in the preceding sub-paragraph and are agreed by the joint sitting, it shall be deemed to be duly passed.

(2) For the purpose of sub-paragraph (1) (b) there shall be admissible only amendments to the provisions specified by the King and such other amendments as are relevant to the matters contained in the King's message, and the decision of the person presiding at the joint sitting as to the amendments that are admissible shall be final.

5. The Speaker of the House and the President of the Senate shall, in that order, preside alternately at joint sittings of the Senate and the House of the business relating to any bill referred to a joint sitting in accordance with section 44 (2) or 45 (2).

6. A joint sitting shall not be disqualified from the transaction of business by reason of any vacancy in the membership of either chamber.

7. If objection is taken by a member of either chamber who is present that there are present in such sitting (besides the person presiding) fewer than half members of the Chambers of Parliament and, after such interval as may be prescribed in the rules, of procedure applying to a joint sitting, the member presiding ascertains that there are still fewer than half members of the chambers of Parliament present, he shall thereupon adjourn the joint sitting.

8. (1) A question proposed for decision in joint sitting of the Senate and the House shall be determined by a majority of the votes of the members of Parliament present and voting.

(2) A President elected from among persons who are Senators or a Speaker elected from among persons who are members of the House (whether or not he is presiding in a joint sitting) shall have a deliberative but not a casting vote.

(3) The Attorney-General shall have no vote.

(4) If upon any question before a joint sitting the votes of the persons entitled to vote are equally divided the motion shall be lost.

(5) If the rules of procedure of a chamber of Parliament make provision under which a member who votes upon a question in which he has a direct pecuniary interest shall be deemed not to have voted, those rules of procedure shall have effect for determining whether a member of such chamber has voted in a joint sitting.

9. Subject to this Schedule, the rules of procedure for the time being of the House shall apply, with the necessary modifications, for regulating any proceedings of a joint sitting under this Order which correspond to proceedings of the House.

SCHEDULE 2

(OATH OR AFFIRMATION OF ALLEGIANCES)

I,.....
do swear (or do solemnly affirm) that I will be faithfull and bear true allegiance to King.....
.....
his heirs and successors according to law.

So, Help Me God. (To be omitted in affirmation)

(OATH OR AFFIRMATION FOR DUE EXECUTION OF OFFICE)

I,.....
do swear (or solemnly affirm) that I will well and truly serve King.....
his heirs and successors, in the office of (here insert the description of the office).

So, Help Me God. (To be omitted in affirmation)

(JUDICIAL OATH OR AFFIRMATION)

I.....do swear (or solemnly affirm)
that I will well and truly serve King.....,
his heirs and successors, in the office according to the law without fear or favour, affection or ill-
will.

So, Help Me God. (To be omitted in affirmation)

ELECTIONS ORDER, 1992
(A King's Order-in-Council, No 2 of 1992)



I ASSENT
MSWATI III
King of Swaziland
10th December, 1992

AN ORDER-IN-COUNCIL
entitled

A King's Order-in-Council to provide for the general election.
ENACTED by the King in collaboration with the Council.

Short Title and Commencement

1. This order may be cited as the Elections Order, 1992, and shall come into force upon publication in the Gazette.

Interpretation

2. In this Order unless the context otherwise requires –

“approved form” means the approved Form listed and numbered in the First Schedule;

“candidate” means a person who is nominated for election as a member;

“competent witness” means –

(a) a chief or Indvuna of Chiefdom;

(b) a person who, within Swaziland, holds the office of, or appoint as, a district assistant, registration officer, returning officer, or a town clerk of a municipality or a chairman or secretary of a town council or town board or police officer of or above the rank of sub-inspector;
or

(c) An ambassador or High Commissioner of Swaziland or a member of his staff outside Swaziland who has been appointed by him as competent witness;

(d) a person who, within or without Swaziland, is or holds the office of, or appointment as, an advocate, attorney, magistrate, bank manager, consular officer of a country or territory of the Commonwealth, commissioner of oath, justice of the peace.

but does not include candidate for election or election agent;

“corrupt practice” means a corrupt practice as described in Part II;

“counting officer” means an officer, appointed as such under section 3.

“election” means an election in terms of section of the Establishment of Parliament of Swaziland Order 1992;

“election agent” means an election agent appointed under section 15 by or on behalf of a candidate or his agent for an election and includes, where the candidate has appointed himself as his election agent, the candidate acting in his capacity as election agent;

“electoral officer” means an electoral officer designated under section 3;

“election petition” means a petition referred to in the Parliament (Petitions) Act No. 16 of 1968;

“illegal practice” means an illegal practice as defined by section 67;

“Indvuna yeNkhundla” means the Indvuna appointed by the King in terms of section 4 of the Establishment of Parliament Order of 1992;

“Inkhundla” means Inkhundla as proclaimed under section 3 of the Establishment of Parliament of Swaziland Order of 1992 and for the purpose of this Order includes Umphatsi and polling division;

“intoxicating liquor” has the same meaning as is assigned to “liquor” or “intoxicating” under the law relating to liquor licences;

“member” means an elected member of the House of Assembly;

“Minister” means the Minister responsible for Tinkhundla;

“nomination day” means the day specified under section 4 as nomination day;

“nomination paper” means the approved Form No.12;

“official mark” means a mark decided in accordance with section 18;

“official seal” means a mark or seal approved under Section 18;

“payment” means any pecuniary or other reward;

“pecuniary reward” or “money” includes any office, place of employment, valuable security or other equivalent of money, and any valuable consideration, and any expressions referring to money shall be construed accordingly;

“polling agent” means a polling agent appointed under section 15;

“polling day” means the day or days specified under section 4 as polling day;

“polling division” means a polling division specified under section 11;

“polling officer” means a polling officer appointed under section 5;

“polling station” means a polling station specified under section 11;

“presiding officer” means a presiding officer appointed under section 3;

“printing” includes typewriting, reneeing, lithography, photography, and all other modes of representing or reproducing words in visible form;

“public meeting” means a meeting consisting of ten or more persons held in a public place;

“public place” means a place to which for the time being the public, or any section of the public, is entitled or permitted to have access, whether on payment or otherwise including Imiphakatsi;

“registered voter” means a voter whose name appears on the voters list;

“returning officer” means a returning officer appointed under section 3;

“speaking apparatus” means an apparatus adapted or constructed for the amplification or reproduction of the human voice;

“tendered ballot paper” means a ballot paper referred to in section 32;

“Umphatsi-Lukhetfo” means the Umphatsi-Lukhetfo or Chief Electoral Officer appointed by the King in terms of section 3 of, the Voters Registration Order 1992;

“valuable consideration” includes any office, place of employment, valuable security or other equivalent for money or pecuniary reward;

“voter” means a person whose name is on a voters list;

“voters list” means the voters list for an Inkhundla, and where applicable includes a supplementary voters list,

and
“registration” and its grammatical variations shall be construed accordingly.

Appointment of returning and other election officers

3. (1) Umphatsi-Lukhetfo shall designate a public officer to be a returning officer for each Inkhundla.
- (2) The Deputy Umphatsi-Lukhetfo shall, in consultation with Umphatsi-Lukhetfo appoint a presiding officer and counting officers as may be necessary for taking the poll and counting the votes.
- (3) The Deputy Umphatsi-Lukhetfo shall issue to a presiding officer and polling officer appointed by him an appointment in accordance with the approved Form No.8 duly completed and signed, and to a counting officer appointed by him and appointment in accordance with the approved Form No.9 duly completed and signed.
- (4) No person who has been or is being employed by any other person in or about the election shall be appointed presiding officer, polling officer or counting officer.

Writ of election

4. (1) For the purpose of a general election of members of the House of Assembly or of a bye-election to fill a vacancy caused by death, resignation or otherwise of a member of such House, the King shall issue a writ addressed to the returning officer of each Inkhundla for which members are to be returned, which writ shall be forwarded to Umphatsi-Lukhetfo for transmission to the returning officer to whom it is addressed.
- (2) Subject to sub-section (3), a writ shall be in the approved Form No.10 and shall specify the day for nomination of candidates, the times and place of the nomination, and the day or days on which the poll shall be taken if necessary.
- (3) If he considers it necessary, the returning officer may adjourn the taking of the poll to a day or days not less than seven days subsequent to the day or days so specified.
- (4) So soon as any writ or writs have been issued under sub-section (1), Umphatsi-Lukhetfo shall publish a notice in sub-section (2) for the nomination of candidates in respect of the Umphatsi concerned, the day or days on which, if necessary, but subject sub-section (3), the poll shall be taken in the Inkhundla concerned or, if the poll is to be taken on different days in different polling divisions, the day on which polling shall take place in each polling division.
- (5) Upon receipt of a writ issued under sub-section (1) the returning officer shall proceed to hold an election in the manner provided in the Order, and shall give and publish notice thereof throughout the Inkhundla in such manner as he thinks fit and shall cause a notice to be posted in the approved Form No.11 in such places as he considers desirable.
- (6) The returning officer shall, from nine o'clock in the morning until four o'clock in the afternoon, receive at the place of nomination, papers and declarations made under section 5 (6).

Nomination of candidate

5. (1) On the day and at the times and place specified under section 4 for the nominations of candidates in respect of an Umphatsi, the returning officer shall attend to receive nominations of candidates for election.
- (2) The number of candidates nominated by each Umphatsi or recognisable community shall not be less than four and not more than fifteen.
- (3) The nomination of a candidate for election shall be endorsed with the consent of the candidate to nomination and supported by not less than fifteen persons who are registered voters in the Inkhundla.
- (4) The fact that the name of a supporter of a candidate is struck off the voters list for the Umphatsi or Inkhundla subsequent to nomination shall not invalidate the nomination of the candidate.
- (5) The nomination of a candidate shall be made on the approved Form No.12 which shall be delivered to the returning officer.
- (6) A candidate shall at the time of his nomination deliver to the returning officer a declaration on oath in the approved Form No.13 to his qualifications to be elected a member and also that he is not disqualified from being so elected.
- (7) Following nomination, a candidate shall present himself to the Police for the purpose of getting a clearance certificate which shall be delivered to the returning officer.
- (8) No candidate may be nominated for election –
 - (a) for more than one Umphakatsi or recognisable community,
 - (b) in more than one Inkhundla, or
 - (c) whilst he is a member of the House of Assembly.

Decision as to validity of nomination paper

6. (1) Where, in accordance with this Order, a nomination paper endorsed with the consent of the candidate and signed by not less than fifteen persons and a clearance from the Police are delivered to the returning officer, the candidate shall be deemed to stand nominated unless and until the returning officer decides, in accordance with this section, that the nomination paper is invalid, or proof is given to the satisfaction of the returning officer of the withdrawal or death of the candidate.

Withdrawal of candidature

8. (1) A candidate may, before four o'clock of the afternoon of nomination day, and not afterwards, withdraw his candidature by giving notice to that effect to the returning officer signed by himself.
- (2) The returning officer shall forthwith cause notice of the withdrawal to be posted in a conspicuous position outside the place of nomination.

Uncontested elections

9. (1) In the case of an election if at four o'clock in the afternoon of nomination day, the number of candidates duly nominated does not exceed the number of candidates to be elected, the returning officer shall as soon as possible publicly declare the candidates to be elected and shall immediately thereafter by endorsement of the writ, certify the return of those Umphatsi-Lekhetfo.
- (2) Where Umphatsi-Lukhetfo has specified a nomination day for any Inkhundla and the number of candidates duly nominated is less than the number of candidates to be elected, Umphatsi-Lukhetfo shall issue a fresh writ under section 4 for the Inkhundla concerned for the election of the number of members required to be elected for with candidates have not been returned under sub-section (1).

Contested elections

10. (1) If the number of candidates duly nominated in a Chiefdom/Urban Industrial area or Inkhundla exceeds the number of candidates to be elected the returning officer shall adjourn the election for the holding of a poll, and a poll shall be taken in the manner hereinafter provided.
- (2) The returning officer shall as soon as practicable after adjourning the election, give notice in the Gazette and in such other manner in each polling division as Umphatsi-Lukhetfo shall direct, of the –
- (a) day or days on which and the time or times at which the poll will be taken;
- (b) situation of the polling station;
- (c) voters (by serial number or otherwise) assigned to each polling station in a polling division where there is more than one polling station; and
- (d) full names, addresses, occupations and photographs of the candidates nominated for election.

Polling division and polling stations

11. (1) Any Inkhundla may be sub-divided by the Delimitation commission by notice in t/ Gazette into as many polling divisions as may be necessary for the purpose of conveniently taking a poll of the registered voters of the Inkhundla.
- (2) For this purpose and in like manner the number of polling divisions in any Inkhundla may be increased or decreased or the boundaries thereof may be altered.
- (3) Any sub-division of an Inkhundla into polling divisions shall remain in force until altered under this section.
- (4) For this purpose there shall be one polling station at such convenient place within the Inkhundla as determined by the Delimitation Commission or, if the Inkhundla is divided into polling divisions, there shall be one polling station within each such polling division:

Provided that if Umphatsi-Lukhetfo is of opinion that the conduct of an election will be facilitated thereby, he may consult the Delimitation Commission concerning the establishment of more than one polling station in the Inkhundla or in any polling division therein for voters whose names appear on the opposite serial numbers specified by him in respect of each polling station or to establish one polling station in respect of two or more polling divisions.

- (5) In addition to the polling stations referred to in the preceding provisions of this section the office of each Ambassador, High Commissioner and Trade Representative of Swaziland abroad shall be a polling station at which registered voters residing in the country to which such Ambassador, High commissioner, Trade Representative, as the case may be, is accredited, may cast their votes in respect of any contested election held under this Order, and the Ambassador, High Commissioner or Trade Representative, as the case may be, or a person deputed thereto by him, shall be the presiding officer for such polling station.

Power to adjourn polling day in event of emergency

12. (1) If at any time between the issue of a writ under section 4 and the day appointed by the writ for the taking of the poll at an election, Umphatsi-Lukhetfo is satisfied that it is expedient in the public interest to do so, he may by notice in the Gazette adjourn the taking of the poll to some other day or days specified in the notice, not being more than thirty days after the day specified in the writ or writs issued under section 4.
- (2) A notice made under sub-section (1) may be expressed to apply only to such Inkhundla as are specified in it, in which event the poll shall be taken in every Inkhundla for which the writ has been issued, and which is not so specified, upon the day or days appointed for the taking of the poll.
- (3) Where a notice is given under sub-section (1), the writs for all Inkhundla to which it applies shall be deemed to have been amended by the substitution for the day or days specified in the writs as being the day or days for the holding of the poll of the day so specified in the notice.
- (4) Where a notice under sub-section (1), is published before the day which would have constituted the nomination day if the notice had not been given, the nomination day shall be deemed to have been adjourned to the twenty-third day next before the day to which the holding of the poll is adjourned by the notice:

Provided that if the twenty-third day is a Sunday or a public holiday, the nomination day shall be deemed to have been adjourned to the first day, not being Sunday or a public holiday, after the twenty-third day.

Death of candidate

13. If, after the polling day has been fixed for an election in any Inkhundla, any duly nominated candidate thereat dies before the poll has commenced, the Umphatsi-Lukhetfo shall, upon being satisfied of the fact of the death, withdraw so far as it concerns the Inkhundla the notice fixing the polling day, and all proceedings relating to that election shall be commenced afresh in precisely the same manner as if a vacancy had occurred:

Provided that no fresh nomination shall be necessary in the case of a candidate who was duly nominated at the time when such notice was withdrawn.

Requisition of building for polling station

14. (1) The returning officer may require that any convenient building (other than a dwelling house) be used for the purpose of taking a poll:

Provided that if so required he shall make adequate compensation to the owner or occupier, as the case may be, of such building for use or any damage thereto as a result of the poll being taken therein.

Printing of ordinary and tendered papers

14. bis (1) On the expiry of the time allowed by section 8 after the withdrawal by a candidate of his candidature, the returning officer shall, in the case of candidates in respect of whom a poll is to be taken, cause to be printed in the approved Form No.14 a sufficient number of ordinary ballot papers on white paper and a sufficient number of tendered ballot papers on coloured paper.

(2) A ballot paper shall contain the names of the candidates in alphabetical order of their surnames and, if there are two or more candidates of the same surname, in alphabetical order of their other names.

(3) Both ordinary ballot papers and tendered ballot papers shall be numbered consecutively commencing with number one on the back thereof, each having a counterfoil with the corresponding number on the face thereof:

Provided that a photograph shall be printed opposite the name of the candidate to whom it is allotted.

Candidate's agents and messenger

15. (1) A candidate at any election may appoint –

(a) one election agent; and

(b) one polling agent and one messenger in respect of each polling station in the Inkhundla, and shall at least seven clear days before the date of the election, advise the returning officer, in accordance with the approved Form No.14, of the names of his agents and messenger, if any to attend at each polling station, and of the name of his election agent, if any, to be present at the counting of votes.

- (2) If an agent becomes incapable of acting or dies, the candidate may appoint another agent in his place and shall forthwith give the returning officer notice in writing of the name and address of the agent so appointed.

- (3) The returning officer shall notify each presiding officer of the names of the agents of the candidates and their messengers who will attend at his polling station.

Furniture for polling stations

16. The returning officer shall ensure that the following furniture is provided at each polling station before the day of the poll –
- (a) sufficient tables and chairs for the presiding officer, polling officer and the agents of the candidates; and
 - (b) a sufficient number of screened polling booths.

Forms, stationery and equipment for polling stations

17. (1) Umphatsi–Lukhetfo shall, before the day of the poll, supply each presiding officer through the returning officer with the following forms, stationery and equipment for use at the polling station of such presiding officer –
- (a) a list of the candidates;
 - (b) a sufficient number of the voters list or portion thereof containing the names of the voters entitled to vote at that polling station;
 - (c) a copy of this Order;
 - (d) a supply of ordinary ballot papers and tendered ballot papers;
 - (e) a supply of approved Forms Nos.16 to 33 inclusive, and No.40, and of the Form contained in the Second Schedule;
 - (f) a sufficient number of instruments for placing the official mark on ballot papers;
 - (g) a sufficient number of instruments for marking ballot papers;
 - (h) one official seal;
 - (i) a supply of pencils, sealing wax, matches, brown paper, tape, string, paste and drawing pins; and
 - (j) a sufficient number of ballot boxes;

and Umphatsi–Lukhetfo shall do such other acts and things as may be necessary for effectually conducting the election in the manner provided by this Order.

- (2) A returning officer shall give a receipt for the things supplied to him by Umphatsi–Lukhetfo and shall, in turn, receive a receipt from the presiding officer for the things supplied to the presiding officer.

Official mark and instrument

18. (1) Umphatsi–Lukhetfo shall decide on the official mark to be placed on the ballot papers and shall not communicate any particulars of that mark to any person other than the returning officer.
- (2) Before handling the instrument for placing the official mark on ballot papers to a presiding officer, the returning officer shall insert each such instrument in a separate envelope in the approved Form No.30 and seal it with sealing wax impressed with his official seal.

- (3) At the hour of commencement of the poll, and not before, the presiding officer shall open only as many instruments as may be necessary for the purpose of the poll.

Ballot boxes

19. A ballot box, which shall be provided with a lock or other device for securing it when closed, shall be so constructed that ballot papers cannot be removed therefrom without opening the lid which shall be attached by hinges and have an aperture of sufficient size to permit of the introduction of ballot papers into the ballot box.

Declaration of secrecy

20. (1) The returning officer and every presiding officer, polling officer, counting officer, candidate, agent and messenger of a candidate authorized to be present in a polling station at the counting of votes shall make and sign a declaration of secrecy as set out in the approved Form No.16 before a commissioner of oaths or a justice of the peace.
- (2) Every police officer authorized to be present in a polling station shall make and sign a declaration of secrecy in the approved Form No.16 before the presiding officer.
- (3) The declaration of secrecy of –
- (a) a presiding officer shall be handed to the returning officer before the returning officer supplies the things set out in section 17 to the presiding officer;
- (b) every other person authorized to be present in a polling station shall, before the commencement of the poll, be handed to the presiding officer at the polling station, except the declaration of a candidate which shall be retained by the candidate for production at polling stations and be handed to the returning officer before the commencement of the counting of votes; and
- (c) all persons authorized at the counting of votes shall be handed to the returning officer before the commencement of the counting of votes unless already handed in under paragraphs (a) or (b).

Notice at polling station

21. (1) Before the hour fixed for the commencement of the poll, the presiding officer shall, place a notice showing the full names (in alphabetical order of surname), addresses, occupations, and photographs, of the candidates for election in a conspicuous position outside the polling station.
- (2) All notices, both within and outside polling station, shall be in the English and siSwati languages.

Admission to polling stations

22. (1) No person shall be admitted to vote at a polling station –
- (a) except at the one in the polling division in respect of which his name appears on the voters list; and
 - (b) where there is more than one polling station in that polling division, except at the one assigned to him in accordance with section 11:

Provided that where a voter is employed by the returning officer for a purpose in connection with an election and the circumstances of the employment are, in the opinion of the returning officer, such as to prevent the voter from voting at the polling station at which he would otherwise be entitled to vote, the returning officer may in writing authorize the voter to vote at any other polling station in the Inkhundla, and that polling station shall be deemed to be the polling station allotted to such voter.

- (2) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time.
- (3) No other person, except Umphatsi-Lukhetfo, the returning officer, the presiding officer, the polling officers, the candidates, the polling agents and Regional officer and police officers on duty shall enter the polling station.

Right to enter polling booth

23. Subject to section 25 (3) and 33 no person other than a voter desirous of voting shall enter a polling booth during the hours of polling, and in no case shall more than one voter be in a polling booth at the same time.

Presiding officer's duties

24. (1) The presiding officer shall take such steps and give such directions to the persons inside the polling station as may be necessary to ensure compliance with this Order and to keep order at the polling station.
- (2) Save as is provided in section 22 (2) and (3) the presiding officer may require any person (other than a person actually recording his vote) who misconducts himself or fails to obey the lawful directions of the presiding officer, to leave the polling station.
- (3) The presiding officer may authorize a polling officer to perform the functions, under this Order, of the presiding officer –
- (a) during the temporary absence of the presiding officer from the polling station,

or

(b) in other special circumstances, and reference in sub-sections (1) and (2) to the presiding officer shall be construed accordingly.

- (4) A person who fails to leave the polling station when so required may be arrested by a police officer without warrant on the order of the presiding officer and shall be guilty of an offence and liable on conviction to a fine of five hundred emalangeni or, in default of payment thereof, imprisonment for three months.
- (5) The functions conferred by this section shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of voting at that polling station.

Polling booth

25. (1) A polling booth shall be provided with a writing-flap, desk or table, and shall be so arranged that no person can enter or leave it without being seen by the presiding officer or a polling officer.
- (2) Before the commencement of the poll, the presiding officer shall affix inside each polling booth, in such a position as to face the voter, a copy of the directions for the guidance of voters as set out in the approved Form No.17, and shall provide in each polling booth for use by voters an instrument, to be supplied by Umphatsi-Lukhetfo, which shall be attached by string to the writing-flap, desk or table.
- (3) The presiding officer shall, throughout the hours of polling, from time to time inspect or cause to be inspected every polling booth when not occupied by a voter, with a view to ensuring that the writing-flap, desk or table has an instrument attached to it, that a copy of the directions for the guidance of voters is still in position and has not been tampered with and that no other notice or paper is contained therein.

Sealing of ballot boxes before commencement of poll

26. (1) Before the commencement of the poll, the presiding officer shall show those present inside the polling station that the ballot box is empty.
- (2) Thereafter, he shall close and secure the lid of the ballot box and, with sealing wax impressed with his official seal and the seals of such candidates or their agents as may desire to affix their seals, seal the lock or device in such a way that the lid cannot be opened without the seals or fastenings being broken or damaged.
- (3) The ballot box so secured and sealed shall not be opened except as provided in this Order and shall not be removed from the polling station for the duration of the poll.
- (4) the presiding officer shall place and keep each ballot box in a position where it will be within his view for the duration of the poll.

Assistance to voters by election officer

27. Except as provided in this Order the presiding officer or polling officers shall not give any assistance or explanation to a voter beyond –
- (a) directing him to a polling booth where he may mark his ballot paper;
 - (b) informing him that directions for his guidance are posted inside the polling booth; or
 - (c) if he is illiterate, explaining to him the directions so posted; and
 - (d) instructing him as to how his ballot paper should be folded and disposed of after he has marked it.

Interference with voter

28. (1) Except as provided in this Order no person shall approach, interfere with, speak to, or assist a voter from the time he has received his ballot paper to the time he has, in the case of an ordinary ballot paper, deposited it in the ballot box, in the case of a tendered ballot paper, handed it to the presiding officer.
- (2) A person who contravenes sub-section (1) shall be guilty of an offence and liable on conviction to a fine of one thousand emalangeni or imprisonment for six months, or both.

Questions to voter

29. (1) No enquiry shall be made at a poll as to the right of any person to vote, except that when a person applies for a ballot paper the presiding officer may, and if so requested by any candidate or his polling agent shall, before allowing any person to vote, put to him any or all the questions set out in the form contained in the Second Schedule, and the presiding officer may record the answers of the applicant on that form and require to make and sign the declaration set out therein.
- (2) A person who does not answer the first question distinctly and absolutely in the affirmative and the second and third questions distinctly and absolutely in the negative, or who, when so required by the presiding officer, fails or refuses to complete and sign the declaration set out in the form contained in the Second Schedule shall not be permitted to vote.
- (3) Any person who makes a false answer to any of those questions shall be guilty of an offence and liable on conviction to a fine of five thousand emalangeni or, in default of payment thereof, to imprisonment for two years, or both.

Circumstances under which ballot paper may be refused by presiding officer

30. (1) If any candidate or his election agent or the polling agent of any candidate or any voter makes a declaration on oath in the approved Form No.40 before the presiding officer stating that a person enrolled on the voters list is dead or is so

incapacitated by sickness, absence, or otherwise, that it is impossible for such person to be present at the polling station to record his vote at the election then being held, the presiding officer shall refuse to hand a ballot paper to any person who applies for it in the name of the person the subject of the declaration, unless the person so applying proves his identity to the satisfaction of the presiding officer or makes a declaration on oath before the presiding officer that he is the person whose name appears on the voters list for the Inkhundla and that the statements made in the first-mentioned declaration (which shall be read over to him) are false.

- (2) The presiding officer is hereby authorized and required to administer any oath described in sub-section (1).
- (3) Any person who makes a false statement in any declaration mentioned in sub-section (1), knowing the statement to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.
- (4) More than one person may be referred to in any declaration on oath made under sub-section (1), but the reason why each of the persons referred to is unable to attend at polling station shall be clearly connected with the person to whom the declaration relates.

Issue of ordinary ballot papers

31. (1) A polling officer to whom application is made for a ballot paper shall, after satisfying himself that the applicant is enrolled as a voter and that there is no evidence that a ballot paper has already been issued under the name in which the applicant claims to be entitled to vote or, when so instructed by the presiding officer, issue to the applicant an ordinary ballot paper in the following manner, that is to say, he shall –
 - (a) call out the number and name of the voter as stated in the voters list;
 - (b) enter the number in the space provided on the counterfoil of the ballot paper to be issued to the applicant;
 - (c) tear out the ballot paper and mark it with the official mark on the back in the space provided;
 - (d) fold the ballot paper in four lengthwise and crosswise, so that the face thereof is on the inside and the official mark on the outside, then unfold it and hand it to the applicant; and
 - (e) draw a line in pencil through the number and name of the voter in the voters list as evidence that a ballot paper has been issued.
- (2) If, for any reason, the presiding officer or a polling officer has any doubt as to a ballot paper held by a voter being the ballot paper issued to him, he may for the purpose of comparison with the number printed on the counterfoil require a voter, before dropping the ballot paper in the ballot box, to show him the number and official mark on the back of the ballot paper.

Issue of tendered ballot papers

32. (1) If an applicant for a ballot paper states that a particular name in the voters list refers to him and there is evidence that a ballot paper has already been issued in respect of that name, the polling officer shall not issue an ordinary ballot paper to the applicant but shall refer the matter to the presiding officer who shall ask the applicant the questions set out in the form contained in the Second Schedule, record the answers and require him to make and sign declaration set out therein.
- (2) If the applicant answers the first of those questions distinctly and absolutely in the affirmative and the second and third questions distinctly and absolutely in the negative, and makes and signs such a declaration, the presiding officer shall issue to him a ballot paper, called a tendered ballot paper, in like manner to that provided by section 31.

Provided that a note "tendered ballot paper issued" shall be made in the voters list against the name concerned.

Marking of ballot paper

33. (1) A person to whom a ballot paper has been issued shall immediately take it to an unoccupied polling booth and there without delay secretly signify with the instrument provided the candidate for whom he desires to vote by making a mark or hole thereon in the –
- (a) square directly opposite the name and representative or candidate's photograph, or
- (b) space provided for the name or for the representative or candidate's photograph.
- (2) Having so marked the ballot paper, the voter shall then fold it in four lengthwise and crosswise so that the face thereof is on the inside and the official mark on the outside.

Disposal of marked ballot paper

34. (1) After compliance with section 33 the voter shall, in the case of an ordinary ballot paper, show the official mark to the presiding officer or a polling officer and put it in the ballot box provided or, in the case of a tendered ballot paper, hand it to the presiding officer and thereafter quit the polling station.
- (2) No voter shall remove a ballot paper from the polling station.
- (3) If through inadvertence the official mark has not been placed on an ordinary ballot paper about to be put into the ballot box or on a tendered ballot paper handed to the presiding officer, the presiding officer may cause the mark to be placed on the ballot paper.
- (4) The number and name of the voter as shown in the voters list shall be endorsed by

the presiding officer on the back of the tendered ballot paper and entered on the tendered votes register in the approved Form No.18 duly completed.

- (5) The presiding officer shall set aside the tendered ballot paper in a separate envelope in the approved Form No.19 duly completed.

Marking of ballot paper by presiding officer

35. (1) On application by a voter who, owing to inability to read or on account of blindness or other physical infirmity, is unable to vote in the manner provided by section 33 the presiding officer shall take the voter aside and shall ascertain from him, no other person being present or within hearing the name of the candidate or candidates for whom he wishes to vote.
- (2) The presiding officer shall then immediately go into the polling booth with the voter and mark the ballot paper of the voter in the manner directed by the voter, and the presiding officer shall thereupon fold the ballot paper as required by this Order and, in the case of an ordinary ballot paper put it in the ballot box, in the case of a tendered ballot paper, retain it to be dealt with as provided by section 34 (4) and 34 (5).
- (3) The presiding officer shall enter the number and name as shown on the voters list of any voter whose ballot paper has been marked by him in terms of sub-section (1) on a list in accordance with the approved Form No.20 duly completed.

Spoilt ballot paper

36. (1) If a voter has inadvertently spoilt a ballot paper he may return it to the presiding officer who shall, if he is satisfied of the inadvertence, issue him with a fresh ballot paper in which event the presiding officer shall –
- (a) retain and immediately cancel the spoilt ballot paper and note the fact of the cancellation on the counterfoil;
- (b) note on the counterfoil of the spoilt ballot paper the number of the fresh ballot paper issued thus “see also counterfoil No. and
- (c) note on the counterfoil of the fresh ballot paper issued the number of the spoilt paper thus “see also counterfoil No.
- (2) The presiding officer shall set aside the spoilt ballot papers in a separate envelope in the approved Form No.21 duly completed.

Close of poll and making up of election material

37. (1) No ballot paper shall be delivered to a person after the hour fixed for closing the poll but, if at that hour there is in the polling station a voter to whom a ballot paper has been delivered, that voter shall be allowed to record his vote.
- (2) After the voters inside the polling station entitled to vote have voted, the presiding officer shall close the poll and shall immediately close the aperture of the lid of

every ballot box and seal it with sealing wax impressed with his official seal and the seals of such candidates or their agents as may desire to affix their seals.

- (3) The presiding officer shall then sign the "Tendered votes register" in the approved Form No.18 and the "Register of voters whose ballot papers have been marked by the presiding officer" in the approved Form No.20, and complete and sign the "Ballot paper account", in duplicate, in the approved Form No. 22.
- (4) The presiding officer shall then in the presence of the persons lawfully present inside the polling station, enclose the following envelopes, and seal each envelope with sealing wax impressed with his official seal and the seals of such candidates or their agents as may desire to affix their seals –
 - (a) the appointment of the presiding officer and the polling officers, and the declarations of secrecy handed to him in terms of section 20 (3) (b) in an envelope in the approved Form No.23 duly completed;
 - (b) the completed approved Forms No.40 "Declarations of oath made in terms of section 30 (1)" and the declarations made under the Second Schedule in an envelope in the approved Form No.24 duly completed;
 - (c) used tendered ballot papers and tendered votes register in the approved Form No.18 in an envelope in the approved Form No.19 duly completed;
 - (d) register of voters whose ballot papers have been marked by the presiding officer in the approved Form No.18 in an envelope in the approved Form No.19 duly completed;
 - (e) the spoilt ballot papers in an envelope in the approved Form No.21 duly completed;
 - (f) the ballot paper account in duplicate in approved Form No.22 in an envelope in the approved Form No.26 duly completed;
 - (g) the counterfoils of the used ballot papers in an envelope in the approved Form No.27 duly completed;
 - (h) the marked copies of the voters list in an envelope in the approved Form No.28 duly completed;
 - (i) the unused ballot papers, in an envelope in the approved Form No.30 duly completed;
 - (j) the instruments for marking ballot papers with official marks, in an envelope in the approved Form No.30 duly completed;
 - (k) all other election material except such as may be necessary for the purpose of sub-sections (6) and (7) in an envelope in the approved Form No.31 duly completed.
- (5) For the purpose of separating the counterfoil of used ballot papers from the unused ballot papers, a partly used ballot paper book shall be divided into two.
- (6) The envelopes referred to in sub-section (4) shall, after being sealed as required and signed by the presiding officer, be made up into one parcel with a label signed by the presiding officer in accordance with the approved Form No.32 and duly completed and seal with wax impressed with his official seal and the seals of those candidates or their agents who may desire to affix their seals.

- (7) The presiding officer shall then enclose the official seal in an envelope in the approved Form No.33 duly completed and signed by him.

Procedure if poll on more than one day

38. (1) If in terms of section 4 the writ of election specifies that the poll shall be taken on more than one day, the presiding officer shall, for the purpose of closing the poll on each day that it continues, observe section 37 save the requirements of section 37 (4) relating to the completion and sealing of each envelope with sealing wax impressed with his official seal and the seals of the candidates or their agents, and shall adjourn the poll to the following day on which the hours of polling shall be the same as for the first day.
- (2) Before re-opening the poll on the following day, the presiding officer shall permit those candidates or their agents who may be present to examine the seals on the ballot box and all packages sealed on the previous day, and any seal which has been broken or tampered with shall be noted and the fact reported to the returning officer forthwith.

Adjournment of poll in case of riot

39. (1) If the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and forthwith give notice thereof to the returning officer.
- (2) If the poll is adjourned at any polling station the procedure shall be the same as provided in section 38.

Delivery of election material to returning officer

40. The ballot boxes, the envelope in the approved Form No.33 containing the official seal and parcel under label in the approved Form No.32 containing the other election materials shall be delivered to the returning officer personally or by a person deputed for the purpose by the presiding officer:

Provided that it shall be sufficient for a presiding officer referred to in section 35 (2) to forward such ballot boxes, envelope and parcel forthwith by diplomatic bag to the returning officer.

Receipt of election material by returning officer

41. The returning officer shall receive into his custody the ballot boxes and other election material mentioned in section 40 and shall, as soon as practicable after he has received all the ballot boxes and other election material, make arrangements for counting the votes given at the election and for that purpose shall give notice in writing to each candidate or his election agent of the time when and the place where those votes will be counted.

Persons allowed inside place of counting

42. The returning officer shall be in charge of the place where the counting of votes takes place and no person shall be admitted thereto by him, except Umphatsi-Lukhetfo, the electoral

officers, the counting officers, the candidates and one election agent for each candidate;

Provided that the presiding officers or their deputies shall be admitted for the purpose of delivering the ballot boxes and other election material.

Requisite at counting

43. The returning officer shall take with him into the place where the counting of votes is to take place –

- (a) a copy of this Order;
- (b) the official seal used by him for the purposes of the election;
- (c) a sufficient supply of approved Forms Nos.19, 21, 23, 24, 25, 26, 29, and 34 to 40 inclusive, and of sealing wax, matches, brown paper, string and paste.

Checking of election material

44. (1) The returning officer shall deal with the election material received from each polling station separately, as follows, that is to say, he shall –

- (a) open the envelope in the approved Form No.33 containing the official seal used by the presiding officer;
- (b) with such candidates or their agents as may desire to do so, examine the ballot boxes and parcel labelled in the approved Form No.32, in particular the seals thereon and the fastening thereof, in order to ascertain whether they have been tampered with;
- (c) open the parcel labelled in the approved Form No.32, and with such candidates or their agents as may desire to do so, examine the different packets therein, in particular the seals of each packet, in order to ascertain whether they have been tampered with;
- (d) open the envelope in the approved Form No.26 containing the ballot paper account;
- (e) open each ballot box and take out, count and return to the ballot box, the total number of ordinary ballot papers therein;
- (f) open the envelope in the approved Forms Nos. 19, 21 and 27 and verify the ballot paper account (in the approved Form No.22) with the –
 - (i) number of ordinary ballot papers in the ballot boxes;
 - (ii) number of tendered ballot papers according to the tendered register of voters (approved Form No.18);
 - (iii) spoilt ballot papers;
 - (iv) counterfoils of ballot papers issued; and
 - (v) number of unused ballot papers;
- (g) record on the ballot paper account any errors which he may find and permit such candidates or their agents, who may desire to do so, to make a copy of the account and his remarks thereon; and
- (h) replace the tendered votes register, the spoilt ballot papers, the ballot paper account, the counterfoils of used ballot papers, and the unused

ballot papers in their respective envelopes, and reseal those envelopes with his official seal.

- (2) The returning officer shall make a record of the seals and fastening of any ballot box or packet which appears to have been tampered with.

Counting of votes

45. (1) After complying with section 44 and whether or not the ballot paper accounts have been found correct, the ordinary ballot papers contained in all ballot boxes for each Inkhundla shall be mixed together.
- (2) The ballot papers shall then be unfolded with their backs upwards, and the official marks checked.
- (3) A ballot paper which does not bear the official mark shall be put aside for the decision of the returning officer.
- (4) Thereafter those ballot papers shall be turned over face upwards and the votes given for each candidate counted.
- (5) The ballot papers shall be kept face upwards and no person shall be permitted to look at the back thereof.

Dealing with doubtful ballot papers

46. The counting officer shall put aside for the decision of the returning officer all ballot papers –
- (a) which apparently do not bear the official mark; or
- (b) on which apparently the votes are given for more candidates than the voter is entitled to vote for; or
- (c) on which anything is apparently written or marked by which the voter could be identified, except the printed number on the back; or
- (d) which are unmarked or appear to be void for uncertainty.

Returning officer's decision on doubtful ballot papers

47. Subject to section 48, the returning officer shall, with such candidates or their agents as may desire to do so, scrutinize a ballot paper put aside for his decision, and shall, after considering any objections or arguments put forward in connection therewith by any candidate or his agent, decide –
- (a) whether he will reject it, or
- (b) having accepted it, for which candidate or candidates the vote is given.

Rejection or acceptance of ballot papers

48. (1) The returning officer shall reject and not count a ballot paper –
- (a) which does not bear the official mark; or
 - (b) on which votes are given for more candidates than the number to be returned; or
 - (c) which is unmarked; or
 - (d) which bears writing or mark by which the voter could be identified except the printed number on the back; or
 - (e) which is so marked that he cannot determine for which candidate a vote was intended to be given.
- (2) The returning officer shall enter the word “rejected” on a ballot paper which he rejects and, if objection to his decision is made by or on behalf of a candidate, he shall add the words “rejection objected to”.
- (3) If objection to the acceptance of a ballot paper is made by or on behalf of a candidate, the returning officer shall enter thereon the words “acceptance objected to”.
- (4) A candidate or his election agent may, if present when the counting or any recount of votes is completed, require the returning officer to have the votes recounted or again recounted but the returning officer may refuse to do so, if in his opinion, the request is unreasonable.
- (5) No step shall be taken on the completion of the counting or any recount of votes until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-section (4).

Declaration of result

49. (1) After having finally counted the votes, and ascertain the number of votes given for each candidate, the returning officer shall declare the candidate who has received more votes than any other candidates to have won the election.
- (2) In the event of the number of votes for two or more candidates being equal, the returning officer shall by lot determine which of those candidates shall be declared the winner.
- (3) The returning officer shall then complete and sign the approved Form No. 34 shall forthwith -
- (a) declare the result of the poll by reading the completed form aloud outside the place of counting and displaying a copy thereof at that place;
 - (b) endorse the writ with the name of each successful candidate; and

- (c) forward to Umphatsi-Lukhetfo the endorsed writ and a copy of the completed approved Form No. 34.

Publication of name of successful candidate

50. As soon as Umphatsi-Lukhetfo has received an endorsed writ in accordance with section 4 and section 49 he shall forward it to the King and shall publish in the Gazette the result of the election and the names of the members so elected.

Opening of envelopes and other action by returning officer

51. As soon as possible after the declaration of the result of the poll, the returning officer shall –
- (a) open the envelope in the approved Form No.23 containing the appointment of presiding and polling officers and declaration of secrecy;
 - (b) open the envelope in the approved Form No.24 containing the approved Form No.24 "Declarations on oath made in terms of section 31 (L)" and declarations made under the Second Schedule;
 - (c) open the envelope in the approved Form No.25 containing the register of votes marked by the presiding officer in the approved Form No.20 and ascertain the number of votes marked by the presiding officer, reseal that envelope with his official seal and affix his signature to the back of that envelope; and
 - (d) open the envelope in the approved Form No.26 containing the ballot paper account in duplicate in the approved Form No. 22, remove from the envelope the duplicate copy of that account, reseal the envelope with his official seal and affix his signature to the back of the envelope.

Disposal of election papers

52. (1) The returning officer shall then make up into separate packets, sealed with sealing wax impressed with his official seal, the –
- (a) appointments of presiding officers, polling officers and counting officers in the approved Forms Nos. 8 and 9 the advices of appointments of candidates' election agents and messengers in the approved Form No.15 and the declarations of secrecy in the approved Form No. 16 placed together in an envelope in the approved Form No.23 duly completed;
 - (b) completed approved Form No.40 "Declarations on oath made in terms of section 30" and the declarations made under the Second Schedule, placed together in an envelope in the approved Form No. 24 duly completed;
 - (c) sealed envelopes in the approved Form No.19 containing tendered ballot papers and tendered votes register placed together in another envelope of the appropriate colour in the approved Form No.19 duly completed.
 - (d) sealed envelopes in the approved Form No.25 containing the register of votes marked by the presiding officers placed together in another envelope of the appropriate colour in the approved Form No.25 duly completed.
 - (e) sealed envelopes in the approved Form No. 21 containing spoilt ballot papers,

- placed together in another envelope of the appropriate colour in the approved Form No. 21 duly completed;
- (f) sealed envelopes in the approved Form No.26 containing ballot paper accounts placed together in another envelope of the appropriate colour in the approved Form No.26 duly completed;
- (g) sealed envelopes in the approved form No.27 containing counterfoils of used ballot papers placed together in another envelope of the appropriate colour in the approved Form No.27 duly completed;
- (h) sealed envelopes in the approved Form No.29 containing unused ballot papers, placed together in another envelope of the appropriate colour in the approved Form No.29 duly completed;
- (i) counted ordinary ballot papers, with a Label in the approved Form No.35 duly completed and affixed;
- (j) rejected ordinary papers placed together in an envelope in the approved Form No.36 duly completed;
- (k) all nomination papers and withdrawal forms of candidates placed together in an envelope in the approved Form No. 37 duly completed.
- (2) The returning office shall make up into a packet sealed with sealing wax impressed with his official seal, the sealed envelope in the approved Form No.28 and affix thereto the label No.38 in the approved Form, duly completed.
- (3) The returning officer shall place the packets referred to in sub-sections (1) and (2) in a bag or box, seal it with sealing wax impressed with his official seal, and affix thereto the label No.39 in the approved Form, duly completed.
- (4) The returning officer shall deliver the sealed bag or box to Umphatsi-Lukhetfo who shall be responsible for the safe custody of all election documents and shall retain those documents for a period of one year from the date of the election after which they shall, unless the High Court directs otherwise, be destroyed.

Opening or inspection of election papers

53. (1) The sealed bag or box referred to in section 52 (3) or any packet therein shall not be opened, nor shall any person be allowed to inspect any election document, except under the order of the High Court for the production by Umphatsi-Lukhetfo of the document, on its being satisfied by evidence on oath that the inspection or production is required for the purpose of instituting or maintaining a prosecution for an offence under this Order or for the purpose of proceedings questioning an election or a return, and such an order may be made subject to such conditions as to person, time, place and mode of inspection or production as such court may deem expedient:

Provided that in making and carrying out such order, care shall be taken that it is not discovered for which candidate a particular voter has voted until he has been proved to have voted and his vote has been declared by a competent court to be invalid.

- (2) where such an order has been made for the production by Umphatsi-Lukhetfo of any document or packet in his custody relating to a specified election –

- (a) the production by him of such document or packet, in the manner directed by the order or in accordance with a rule of court, shall be conclusive evidence that the document or packet relates to the election;
 - (b) any entry appearing on a packet produced by him shall be evidence of the contents of the packet being what they are stated to be by the entry; and
 - (c) the production by him of a ballot paper, purporting to have been used at the election and of a counterfoil marked with the same printed number and having a number marked thereon in writing, shall be *prima facie* evidence that the person who voted by such ballot paper was the person opposite whose name in the voters list there appeared at the election the same number as that written on the counterfoil.
- (3) Any power given to the court by this section may be exercised by a judge thereof in chambers.

Disqualification as polling agent

54. No returning officer or other officer appointed under this Order or a partner or clerk of such officer shall be or act as polling agent.

Disqualification as officer

55. No person shall be appointed to be or to act as an officer for the purposes of this Order in connection with an election who has been employed by or on behalf of a candidate.

Candidate's powers

56. (1) A candidate may himself do any act or thing which an agent of his, if appointed, would have been authorized or required to do or may assist his agent in doing any such act or thing.
- (2) Where a candidate has no agent, any notice to be given shall be given to the candidate.

Non-attendance of agent

57. Where in this Order an act or thing is required or authorized to be done in the presence of an agent of a candidate the non-attendance of any agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Secrecy of voting

58. No person shall, in any proceedings relating to an election, be required to disclose for whom he has voted.

Impartiality of election officers

59. The electoral officers, returning officers, polling officers and counting officers shall maintain the strictest impartiality in the discharge of their duties, and shall not, by anything in their speech or manner, give cause for imputing or suspecting the contrary.

Penalty for interference with election proceedings

60. A person who wilfully interrupts, obstructs, disturbs, or interferes with any proceedings relating to the conduct of a poll or the counting of votes shall be guilty of an offence and liable on conviction to a fine of five hundred emalangeni or, in default of payment thereof, imprisonment for three months.

Penalty for infringement of secrecy

61. (1) Every person authorized to be present in a polling station or at the counting of votes, shall maintain, and aid in maintaining, the secrecy of voting.
- (2) A person who –
- (a) wilfully attempts to obtain or directly or indirectly aids in obtaining information as to the supporters of a candidate, the candidate for whom a voter intended to vote or has voted, or the number on the back of a ballot paper issued to a voter;
 - (b) directly or indirectly induces a voter to display his ballot paper after he has marked it, in such a manner as to disclose the candidate for whom the voter has voted;
 - (c) unlawfully places on a ballot paper, other than the ballot paper issued to him, a mark or writing whereby the person who records the vote thereon may be identified;
 - (d) Except in reply to a question lawfully put to him in the course of proceedings in a competent court, discloses or communicates any information he may have obtained as to any candidate for whom a vote is given on any particular ballot paper or as to the number on the back of a ballot paper issued to a particular voter;
- or
- (e) unlawfully breaks the seal or fastening of a box, envelope or packet referred to in section 37 shall be guilty of an offence and liable on conviction to a fine of one thousand emalangeni or imprisonment for six months or both.

Offence relating to ballot papers and other documents

62. (1) A person who –
- (a) forges or fraudulently defaces or fraudulently destroys a nomination paper or delivers to the returning officer a nomination paper knowing the nomination paper to be forged;
 - (b) forges or counterfeits or fraudulently defaces or fraudulently destroys a ballot paper, or the official mark on a ballot paper;
 - (c) without due authority, supplies a ballot paper to any persons;
 - (d) sells or offers to sell a ballot paper to any person or purchases or offers to purchase a ballot paper from any persons;
 - (e) not being a person entitled under this Order to be in possession of a ballot paper which has been marked with the official mark in accordance with this Order, has such ballot paper in his possession;
 - (f) puts into a ballot box anything other than the ballot paper which he is authorized by law to put in;
 - (g) without due authority, takes a ballot paper out of the polling station or is found in possession of a ballot paper outside a polling station;
 - (h) without due authority, destroys, takes, opens, or otherwise interferes with, a ballot box or packet or ballot papers in use or intended to be used for the purposes of an election;
 - (i) without due authority, prints a ballot paper or what purports to be a ballot paper or is capable of being used as a ballot paper at an election; or
 - (j) manufactures, constructs, imports, has in his possession, supplies or uses for the purposes of an election, or causes to be manufactured, constructed, imported, supplied or used for the purposes of an election, any appliance, device or mechanism by which a ballot paper may be extracted or manipulated after having been deposited in a ballot box during the polling at any election;
- shall be guilty of an offence and liable on conviction to a fine of two thousand emalangeni or, in default of payment thereof to imprisonment for two years, or both, and shall become disqualified for a period of seven years from the date of this conviction from being registered as a voter or from being elected a member and, if at that date, he has been elected as a member, his election shall be void as from the date of the conviction.
- (2) A person who attempts to commit an offence specified in this section shall be liable to the punishment prescribed for that offence.
- (3) In the prosecution for an offence in relation to a nomination paper, ballot box, ballot paper or marking instrument at an election, the property in the nomination paper, ballot box, ballot paper or marking instrument, as well as the property in the counterfoil of a ballot paper may be stated to be in the returning officer at that election.

PART II
CORRUPT PRACTICES AND OTHER OFFENCES

Treating

63. (1) A person who corruptly by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, lodging or provisions to or for a person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at the election, shall be guilty of the offence of treating.
- (2) A voter who corruptly accepts or takes any such food, drink, entertainment, lodging or provision shall be guilty of the offence of treating.
- (3) Any person contravening sub-section (1) or (2) shall be liable on conviction to a fine of two thousand emalangeni or to imprisonment for twelve months or both.

Undue influence

64. (1) A person shall be guilty of the offence of undue influence who, directly or indirectly, by himself or by any other person –
- (a) makes use of or threatens to make use of any force, violence, or restraint upon or against a person;
 - (b) inflicts or threatens to inflict by himself or by any other person, or by any supernatural or non-natural means or pretended supernatural or non-natural means, any temporal or spiritual injury, damage, harm or loss upon or against any person; or
 - (c) does or threatens to do anything to the disadvantage of any person; in order to induce or compel such person to –
 - (i) sign a nomination paper or refrain from signing a nomination paper;
 - (ii) vote or refrain from voting; or
 - (iii) refrain from claiming registration as a voter or from offering himself as a candidate for election; or on account of such person having –
 - (iv) signed or refrained from signing a nomination paper;
 - (v) voted or refrained from voting at an election;
 - (vi) refrained from claiming registration as a voter; or
 - (vii) refrained from offering himself as a candidate.
- (2) A person shall also be guilty of the offence of undue influence who, by abduction, duress, or fraudulent device or contrivance impedes or

prevents the free exercise of his vote by a voter or thereby compels, induces, or prevails upon a voter either to give or to refrain from giving his vote at an election.

- (3) Any person convicted of an offence under sub-section (1) or (2) shall be liable on conviction to a fine of five thousand emalangeni or to imprisonment for five years, or both.

Bribery

65. (1) A person shall be guilty of the offence of bribery who, directly or indirectly, by himself or by any other person on his behalf –
- (a) gives, lends or agrees to give or lend or offers, promises or promises to procure, any money or other valuable consideration to or for a voter, or to or for any other person, in order to induce a voter to vote or refrain from voting or corruptly does such act on account of a voter having voted or refrained from voting at an election;
 - (b) gives or procures or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure any office, place or employment to or for a voter or to or for any person on behalf of a voter, or to or for any other person, in order to induce the voter to vote or refrain from voting, or corruptly does such act on account of a voter having voted or refrained from voting at an election;
 - (c) makes any such gift, loan, offer, promises, procurement or agreement to or for a person in order to procure or endeavour to procure the return of any person as a member, or the vote of a voter at an election;
 - (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the return of any person as a member or the vote of a voter at an election;
 - (e) advances or pays or causes to be paid money to or to use of any other person with the intent that such money or any part thereof shall be expended in bribery at an election or who knowingly pays money or causes it to be paid to any person in discharge or repayment of money wholly or in part expended in bribery at an election;
 - (f) before or during an election, receives, agrees or contracts for any money, gift, loan or other valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at an election;
 - (g) after an election, receives money or other valuable consideration on account of a person having voted or refrained from voting or having induced any other person to vote or refrain from voting at an election;
 - (h) on account of and as payment for voting or for having voted or for agreeing or having agreed to vote for a candidate at an election, or on account of and as payment for his having assisted or agreed to assist a candidate at an election, applies to that candidate or to his agent for the gift or loan of money or other valuable consideration or for any office, place or employment, or for the promise of any office, place or employment; or

- (i) in order to induce any other person to agree to be nominated as a candidate or to refrain from becoming a candidate or to withdraw if he has become a candidate, gives or procures any office, place or employment or agrees to give or procure or offers or promises to procure or to endeavour to procure any office, place or employment to or for that person, or gives or lends or agrees to give or lend, or offers or promises to procure or to endeavour to procure money or other valuable consideration to or for any person or to or for that other person, or to or for any person on behalf of that other person.
- (2) This section shall not be construed as applying to money paid, or agreed to be paid, for or on account of lawful expenses *bona fide* incurred at or in connection with an election.
- (3) Any person who contravenes sub-section (1) shall be liable on conviction to a fine of five thousand emalangeni or to imprisonment for five years, or both.

Personation

66. (1) A person shall be guilty of the offence of personation who –
- (a) at an election, applies for a ballot paper in the name of any other person whether that name be that of a person living or dead, or of a fictitious person; or
 - (b) having voted once at an election, applies again at the same election for a ballot paper.
- (2) A police officer may arrest without warrant a person suspected of the offence of personation.
- (3) Any person who contravenes sub-section (1) shall be liable on conviction to a fine of five thousand emalangeni or to imprisonment for five years, or both.

Penalties for corrupt and illegal practices

67. (1) A person who –
- (a) is guilty of the offence of treating or undue influence or bribery, or the offence of personation or who aids, abets, counsels or procures the commission of the offence of personation; or
 - (b) makes or publishes, before or during an election, for the purpose of effecting the return of a candidate, a false statement of fact in relation to the personal character of any other candidate at an election or for the purpose of promoting or procuring the election of a candidate, a false statement of the withdrawal of any other candidate
- shall be guilty of a corrupt practice and liable on conviction in the cases mentioned in paragraph (a) to a fine of two thousand emalangeni or to imprisonment for

- twelve months, or both, and in the cases mentioned in paragraph (b) to a fine of one thousand emalangeni or to imprisonment for six months, or both.
- (2) A person who is convicted of a corrupt practice is thereby disqualified for a period of seven years from the date of his conviction from being registered as a voter or from voting at an election or from being elected a member and, if at that date he has been elected a member, his election shall be deemed void as from the date of the conviction.
- (3) A person who prints, publishes, distributes or posts up or causes to be printed, published, distributed or posted up any advertisement, handbill, placard or poster, which refers to an election and which does not bear upon its face the names and addresses of this printer and publisher, shall be guilty of an illegal practice and liable on conviction to a fine of one thousand emalangeni or to imprisonment for six months, or both.

Meeting on premises where liquor is usually sold

68. (1) Any person who hires or uses premises or a part of premises where intoxicating liquor is sold or where it is supplied under a licence granted under the Liquor Licences Act No.30 of 1964, as a committee room or for any meeting of voters for the purpose of promoting or procuring the election of a candidate at an election or in connection with arrangements made by any person in reference to an election shall be guilty of an offence.
- (2) Any person who lets such premises or part thereof or permits the use thereof for any of the purposes mentioned in sub-section (1) knowing that it is, or is intended to be used for such purposes shall be guilty of an offence.
- (3) Any person contravening sub-section (1) or (2) shall be liable on conviction to a fine of one thousand emalangeni or to imprisonment for six months, or both.

Penalty in respect of certain employment

69. (1) No person shall engage or employ any person in any capacity whatsoever for payment or promise of payment for the purpose of promoting or procuring the election of himself or of a candidate at an election except –
- (a) not more than one election agent
(b) not more than one polling agent and one messenger in respect of each polling station in the Inkhundla.
- (2) A person who contravenes sub-section (1) shall be guilty of an offence and liable on conviction to a fine of one thousand emalangeni or to imprisonment for six months.

Penalty for employer not allowing employee reasonable period for voting

70. (1) An employer shall allow every voter in his employ a reasonable period for voting on polling day, and no employer shall make a deduction from the pay or other remuneration of that voter or impose upon or extract from him a penalty by reason of his absence during that period.
- (2) An employer who directly or indirectly refuses to grant, or by intimidation, undue influence, or in any other manner interferes with the granting to a voter in his employ of a reasonable period for voting as provided for in this section or who makes a deduction from the pay or other remuneration of such voter or extracts a penalty from him by reasons of his absence during that period, shall be guilty of an offence and liable on conviction to a fine of one thousand emalangeni or to imprisonment for six months, or both.

Prohibition of flags, speaking apparatus and sale of intoxication liquor

71. (1) No person shall in a polling division furnish or supply any person with speaking apparatus with intent that on polling day it will be carried or used in polling division on any motor car, truck or other vehicle or in any other manner.
- (2) On polling day no person shall carry or use speaking apparatus on any motor car, truck or other vehicle, or in any other manner.
- (3) Sub-section (1) and (2) shall not apply to police or to such persons as the returning officer may authorize to use speaking apparatus for the orderly conduct of the election on polling day.
- (4) During the hours when a polling station is open on polling day, no person shall sell, supply or consume intoxicating liquor within a kilometre of the polling station.
- (5) No person shall, in connection with an election on nomination day or polling day, use or display any flag except those legally in use.
- (6) A person contravening the section shall be guilty of an offence and liable on conviction to a fine of five hundred emalangeni or, in default of payment thereof, to imprisonment for three months.

PART III

GENERAL

Inaccurate description of person or place

72. No misnomer or inaccurate description of a person or place named or described in a voters

list, notice or other document prepared or issued under or for the purposes of this Order shall in any way affect the operation of this Order in relation to that person or place if such person or place is so designated in the voters list notice or document as to be identifiable.

Defacement of notice

73. A person who without lawful authority destroys, mutilates, or removes a notice which is exhibited under the authority of this Order, or a document which is made available for inspection in accordance with this Order, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred emalangenis or, in default of payment thereof, to imprisonment for one month.

Variation of period

74. (1) Any period within which an act is required to be done under this Order may be varied by Umphatsi-Lukhetfo by notice in the Gazette.
- (2) Such notice shall be published in the Inkhundla which will be affected by the change in such manner as Umphatsi-Lukhetfo shall direct.

Approval of forms, and official seal (First Schedule)

75. (1) The forms mentioned in the First Schedule shall be in a form approved by Umphatsi-Lukhetfo used for the purposes indicated, and completed in accordance with the requirements of this Order, those forms and the instructions, if any, contained thereon.
- (2) Umphatsi-Lukhetfo may approve a mark or seal as an official seal.

Registration of photographs

76. Umphatsi-Lukhetfo shall keep duly certified photographs of the candidates for use at elections.

Elections Order

FIRST SCHEDULE

Under Section No.	Forms and envelopes	Particulars
3(3)	8	Appointment of presiding/polling officer.
3(3)	9	Appointment of counting officer.
4(2)	10	Writ of election.
4(5)	11	Notice of election of member(s) of the House of Assembly.
5(5)	12	Nomination paper.
5(6)	13	Declaration on oath of person nomination as candidate for election.
14(1)bis	14	Ballot paper.

15(1)	15	Advice of appointment of candidates' agents and messengers.
20(1)	16	Declaration of secrecy.
25(2)	17	Directions for guidance of voters.
32(1)	18	Tendered votes list.
34(5)	19	Envelope for tendered ballot papers and tendered votes list.
35(3)	20	Voters list whose ballot papers have been marked by presiding officer.
36(2)	21	Envelope for spoilt ballot papers.
37(4)(f)	22	Ballot paper account.
37(4)(a)	23	Envelopes for appointment of presiding and polling officers and declaration of secrecy.
37(4)(b)	24	Envelope for voters list whose ballot papers have been marked by presiding officer.
35(3)	25	Envelopes for voters list whose ballot papers have been marked by presiding officer.
37(4)(f)	26	Envelope for ballot paper account.
37(4)(f)	27	Envelope for counterfoils of used ballot papers.
37(4)(h)	28	Envelope for marked copies of voters list under section 15 and the Second Schedule.
37(4)(i)	29	Envelope for unused ballot papers.
37(4)(j)	30	Envelope for official marking instruments.
37(4)(k)	31	Envelope for unused forms and stationery and other election material.
37 (6)	32	Label for all election material, excluding ballot boxes and official seal.
36(7)	33	Envelope for official seal.
49(1)	34	Declaration of result.
52(1)(i)	35	Label for counted ordinary ballot papers.
52(1)(j)	36	Envelope for rejected ordinary ballot papers.
52(1)(k)	37	Envelope for nomination papers and withdrawal forms of candidates.
43(c)	38	Label for marked voters list.
43(c)	39	Label for all election documents.
37(4)(b)	40	Declarations on oath made in terms of section 30 (1).

SECOND SCHEDULE

THE ELECTION ORDER 1992

Constituency:.....

Polling Division:.....

Date of Poll:.....

DECLARATION BY A PERSON APPLYING TO VOTE-
QUESTIONS WHICH SHALL BE PUT

1. Are you the person whose name appears opposite
No.....as.....
(Name)
in the register of voters of this polling division?

Answer:.....

2. Have you already voted at this poll at this or any other polling station?

Answer:.....

3. Are you disqualified from voting on any of the grounds set out in section
52 of the Constitution?

Answer:.....

I solemnly declare that the provisions of section 52 of the Constitution
have been explained to me and that my answers recorded above are
true and correct

.....
Signature/Thumb Mark

Witness to thumb mark.....

The above declaration was made and signed before me at
thisday of19.....

.....
Presiding Officer

VOTERS REGISTRATION ORDER, 1992

(A King's Order - in -Council, No. 3 of 1992)



I ASSENT
MSWATI III
King of Swaziland
10th December, 1992

AN ORDER - IN - COUNCIL
entitled

A King's Order-in-Council to provide for the registration of voters for purposes of electing members of Parliament, and matters relating thereto.

ENACTED by the King in collaboration with the Council

Short Title and Commencement

1. This Order may be cited as the Voters Registration Order, 1992, and shall come into force upon publication in the Gazette.

Interpretation.

2. In this Order unless the context otherwise requires -

"application" means an application for registration;

"approved Form" means the approved form listed and numbered in the First Schedule;

"Chief" means a person appointed as such in terms of section 4 of the Swazi Administration Act 1950;

"Chief's jurisdiction" means the jurisdiction of a Chief over his people in terms of Swazi Law and Custom;

"Citizen of Swaziland" means a citizen of Swaziland in terms of the Swazi Citizenship Act of 1992;

"competent witness" means -

- (a) a Chief or an Indvuna of the Chiefdom,
- (b) a person who, within Swaziland, holds the office of, or appointment as, an Assistant Regional Officer, registration officer, returning officer, or a town clerk of a municipality or a chairman or secretary of a town council or town board or police officer of or above the rank of sub-inspector; or
- (c) an Ambassador, High Commissioner of Trade Representative or a member of his staff outside Swaziland who has been appointed by him as a competent witness;
- (d) a person who, within or without Swaziland, is or holds the office of, or appointment as, an advocate, attorney, magistrate, bank manager, consular officer of a country or territory of the Commonwealth, commissioner of oaths or justice of the peace, but does not include candidate for election or election agent;

"disqualified voter" means a voter referred to in section 10 of the Establishment of Parliament Order of 1992;

"election" means an election of an elected member to the House of Assembly;

"electoral officer" means an electoral officer designated under section 3;

"Indvuna Yenkhundla" means the Indvuna appointed by the Ngwenyama in terms of section 4 of the Establishment of Parliament Order of 1992;

"Inkhundla" means Inkhundla as proclaimed under section 3 of the Establishment of Parliament Order of 1992 and for the purpose of this Order includes Umphakatsi and a polling division;

"Magistrate" means a person appointed as magistrate under the Magistrate's Court Act of 1938;

"Minister" means the Minister responsible for Tinkhundla and Regional Development;

"nomination day" means the day specified under section 4 of the Elections Order 1992 as nomination day;

"polling day" means the day or days specified under section 4 of the Elections Order 1992 as polling day;

"polling division" means a polling division specified under section 11 of the Elections Order 1992;

"polling station" means a polling station specified under section 11 of the Elections Order 1992;

"printing" includes typewriting, reneeing, lithography photography, and all other modes of representing or reproducing words in visible form;

"public meeting" means a meeting consisting of ten or more persons held in a public place;

"public place" means a place to which for the time being the public, or any section of the public, is entitled or permitted to have access, whether on payment or otherwise, including Imiphakatsi;

"qualified voter" means a voter referred to in section 9 of the Establishment of Parliament Order 1992;

"registration officer" means a registration officer designated under section 3;

"registered voter" means a voter whose name appears on the voters list;

"returning officer" means a returning officer appointed in terms of section 3 of the Elections Order 1992;

"supplementary voters list" means any voters list compiled after a voter's roll is printed in accordance with section 7 (3) and before such supplementary list is incorporated into the voter's roll in terms of section 7(3) (ii);

"Umphatsi - Lukhetfo" means the Umphatsi-Lukhetfo or Chief Electoral Officer appointed by the King in terms of section 3;

"voter" means a person whose name is on a voters list;

"voters list" means the voters list for an Inkhundla, and where applicable includes a supplementary voters list, and "registration" and its grammatical variations shall be construed accordingly;

Appointment and duties of certain officers

3. (1) The King may appoint persons to the following offices after consultation with the Minister:
 - (a) Umphatsi -Lukhetfo, who shall be responsible to the King.
 - (b) Deputy Umphatsi-Lukhetfo, who shall be responsible to Umphatsi - Lukhetfo.
- (2) Umphatsi-Lukhetfo shall designate public officers to the following offices-
 - (a) electoral officer;
 - (b) registration officer.
- (3) The functions of each of the officers referred to in this section shall be those prescribed in respect of such officer.

Preparations of voters list

4. (1) As soon as may be practicable after a delimitation commission has, in terms of section 11 of the Establishment of Parliament Order of 1992 carried out a

review of the boundaries of the Tinkhundla and polling divisions into which Swaziland is divided and have fixed such boundaries, every electoral officer shall, in accordance with this Order prepare for each Inkhundla in the area for which he has been appointed, a voters list of persons who are entitled to vote.

(2) As from a date fixed by Umphatsi-Lukhetfo by notice in the Gazette, the voters list so prepared and amended from time to time in accordance with this Order, shall be the voters lists for the respective Tinkhundla.

Holding of public meetings for registration of voters

5. (1) In the case of registration at Umphakatsi, registration shall take place in the presence of the Chief and his council who shall provide all relevant information regarding the eligibility of persons applying for registration as voters.

(2) In the case of registration at urban or industrial areas, the persons applying for registration as voters shall produce evidence of their Swazi Citizenship which shall be produced in the presence of an immigration official and other competent witnesses.

(3) Within two months after a delimitation commission has carried out a review referred to in section 4(1) Umphatsi-Lukhetfo shall publish a notice in the Gazette calling upon every person qualified to have his name entered in a voters list to apply for registration to the electoral officer of the Inkhundla in which he is entitled to have his name registered, on or before a date to be specified in such notice.

(4) Umphatsi-Lukhetfo shall arrange for the further publication of the notice in such manner as he thinks necessary and shall publish the dates, times and places of public meetings at which persons qualified to be registered may attend and following such notice each chief or Indvuna Yenkhundla of Urban or Industrial areas shall call a meeting his followers for the purpose of registration as voters.

(5) Such public meetings shall be held in each polling division, and the electoral officer or registration officer for such divisions shall publicly and orally receive all applications for registration.

(6) If the electoral officer or registration officer, as the case may be, is satisfied that an application is entitled to be registered as a voter he shall enter his name on the approved Form i and hand the applicant a copy thereof, which shall be printed on coloured paper, signifying that the applicant is entitled to have his name entered in the voters list, and shall thereafter enter or cause his name to be entered in the appropriate voters list.

(7) If the electoral officer or the registration officer, as the case may be, is not satisfied that an applicant is entitled to registration he shall reject the application at the public meeting at which it is made, and the applicant may in the presence of such electoral officer or registration officer complete and sign the approved Form No. 2, including the declaration set forth therein.

(8) Whenever an electoral officer or registration officer has come to a decision referred to in subsection (5) he shall, in the approved Form No.3 inform the applicant of the decision and the reason thereof.

In which Inkhundla voter to be registered

6. (1) Subject to this section, no person shall be registered in any Inkhundla -
- (a) unless he actually resided in that Inkhundla for a continuous period of at least three months immediately preceding the date of completion of the application; or
 - (b) If he did not so reside, unless he retained his home in that Inkhundla for such period.

(2) If the nature of the occupation of any person is such that he is required to change his place of residence often and he does not retain a home in any Inkhundla and if he is otherwise qualified for registration, he shall be entitled to be registered in the Inkhundla in which his principal place of business is situated; or, if he is in employment, in which the principal place of business of his employer, or the office or branch business of his employer from which his remuneration is paid, is situated.

(3) Any person who is domiciled in Swaziland and who is in the service of the Government for the performance of any function outside Swaziland (or the wife or adult child of such person) shall be registered in the Inkhundla where he had resided or has his home, as the case may be, in terms of subsection (1) immediately prior to taking up his position outside Swaziland.

(4) If applications for registration in more than one Inkhundla are received from any person, the electoral officer shall not include his name in the voters list for any Inkhundla other than in which he last qualified by residence for registration.

- (5) (i) If a qualified voter wishes to register outside his chiefdom he shall obtain a duly certified clearance from his Chief.
- (ii) The Chief shall not withhold such clearance without good cause.

Particulars shown in voters list

7. (1) A voters list shall show, in respect of all persons included therein -
- (a) their serial numbers, in numerical order if so prescribed;
 - (b) if so prescribed, their surnames in alphabetical order, and immediately thereafter their other names, and if their surnames are identical, their other names in alphabetical order, and
 - (c) their residential addresses.

(2) If an Inkhundla is divided up into polling divisions under section 11 of the Elections Order of 1992 the voters list for that Inkhundla shall be compiled and printed so as to show -

- (a) the serial numbers and names of voters in each polling division in the manner referred to in subsection (1); and
- (b) In which polling division each voter is, subject to this Order, required to vote, and a separate voters list may be compiled for each polling division or, subject to section 11 of the Elections Order of 1992, for two or more polling station in each polling division.

(3) A supplementary voters list shall be drawn up so as to comply with subsections (1) and (2) as a separate voters list :

Provided that -

- (i) the supplementary voters list prepared after any general registration of voters shall contain in alphabetical order the names of all voters registered since the last general registration of voters under section 4(2); and
- (ii) whenever the voters list is printed in terms of this section any supplementary voters list may be incorporated with the voters list framed in the course of a general registration.

(4) At the end of every voters list a certificate that the voters list has been checked and is correct shall be signed and dated by the electoral officer responsible for the compilation of the voters list.

Alteration of name or registration as result of permanent change of residence

8. (1) Whenever there has been change in the name of a voter or a permanent change in the place of residence, home, place or business, office or branch business with reference to which a voter has been registered in any Inkhundla becomes qualified by his residence he may, immediately after there has been such change, notify the electoral officer, in the approved Form No.4, for the Inkhundla in which he is registered of the change.

(2) Section 6 shall apply in respect of any such notification.

(3) On receipt of any such notification the electoral officer shall, if he is satisfied that there has been a permanent change as described in subsection (1) and that the voter would, if his name is removed from the voters list, not be qualified by residence for registration in the same Inkhundla had the notification been an application for registration, remove his name from the voters list for the Inkhundla in question, or cause it to be removed.

Provided that if on investigating it is found that the person forwarding such notification is not registered as a voter at the address stated by him in the said notification, unless the prescribed form of application to be registered as a voter duly completed has been annexed to the said notification, the electoral officer shall, in terms of section 9, require such person to complete and forward to him the prescribed form of application to be registered as a voter.

Returns by registrar of births and deaths

9. (1) The registrar of births and deaths shall, not later than the tenth day of every month, transmit to the electoral officer for the area in which the death has taken place, a return in the prescribed form containing the prescribed particulars concerning every adult person whose death was registered by him during the preceding month; and the electoral officer shall transmit to Umphatsi-Lukhetfo a return of all such persons whose names do not appear upon a voters list for any Inkhundla in the area for which the electoral officer has been appointed.

(2) The registrar or clerk of any court which -

- (a) imposes on any person over the age of eighteen years a sentence or makes an order which would render any such person unqualified for registration or disqualified for continuance of registration or incapable of voting at any election; or
- (b) declares any person incapable during any period of being registered or of voting at any election; or
- (c) declares any person to be mentally disordered or defective.

shall, not later than the tenth day of the month following the month in which the sentence was imposed or the order was issued or the declaration was made, or if the conviction, sentence, order or declaration is brought under review or is appealed against, not later than the tenth day of the month following the month in which it is confirmed on review or appeal, as the case may be, transmit to Umphatsi-Lukhetfo a return in the prescribed form containing the prescribed particulars concerning that person.

(3) The superintendent of every institution as defined in section 2 of the Mental Disorders Act No. 28 of 1963, shall, not later than the tenth day of every month, transmit to Umphatsi-Lukhetfo a return in the prescribed form containing the prescribed particulars concerning every adult person who had been detained in the institution under an order of court declaring such a person to be mentally disordered or defective and was discharged during the previous month as a patient who had recovered.

(4) Upon receipt of a return under subsection (1), (2) or (3), Umphatsi -Lukhetfo shall immediately forward copies thereof to every electoral officer except, in the case of a return submitted under subsection (1), the electoral officer by whom that return was transmitted.

Amendment of voters list by electoral officer

10. (1) Subject to subsections (2),(3) and (4), the electoral officer shall, if he is satisfied as to the relevant facts, amend the voters list for any Inkhundla in the area for which he has been appointed, by -

- (a) correcting any mistake, supplying any omission, or recording any change in the particulars of the registration of any person;
- (b) after ascertaining by virtue of subsection (1) (a), that a person has ceased to be permanently resident in the Inkhundla in which he is registered, transferring subject to section 6(1) (b), his name to the supplementary voters list of the Inkhundla to which he has moved, or in the case of a person who has left Swaziland with the intention of not returning thereto, removing his name from the voters list;
- (c) removing the name of any person who, according to a return or notification under section 9(1) or (4), is dead or disqualified for continuance of registration;
- (d) restoring the name of any person referred to in paragraph (c) who has ceased to be disqualified;
- (e) removing any superfluous entry where the name of the same person appears more than once in the voters list for more than one Inkhundla;
- (f) removing the name of any person who is not a citizen of Swaziland or who is under the age of eighteen years, or who would otherwise not be qualified to be registered, should he complete an application for registration on the date of the removal;
- (g) removing the name of any person in respect of whom an objection has been lodged under section 13 and which has been upheld; or
- (h) adding the name of any person which was wrongly omitted in the course of any registration in terms of section 4.

(2) An electoral officer shall not amend the voters list concerned in terms of subsection (1) from nomination day until polling day, both days inclusive:

Provided that if an electoral officer is satisfied that the name of any person has inadvertently been omitted or removed from a voters list, or has been inserted in the voters list for an Inkhundla other than that in which it should have been inserted and in which the said person is entitled to be registered, such electoral officer shall make the proper amendment to the voters list in relation to such omissions or removal or incorrect insertion, at any time up to four o'clock in the afternoon on the day seven days before polling day.

(3) Before removing the name of any person from the voters list, or restoring or adding or adding it thereto, the electoral officer shall by such means as are practicable, satisfy himself that the name relates to the person concerned

(4) If under subsection (1) the electoral officer removes a name from a voters list which is not the name of a fictitious person or of a person who has died, he shall inform the person concerned by a notice in the approved Form No.5 directed to the address of that person as shown on the voters list.

(5) If the electoral officer has, in terms of subsection (1) (b), transferred the name of a voter to the voters list in respect of the Inkhundla to which he has moved, he shall inform the person concerned or the transfer by notice in the prescribed Form No.6 directed to the address to which he has moved.

How voters list amended

11. Whenever the electoral officer has decided to remove the name of any person from, or to restore or add the name of any person to, any voters list, or to correct any mistake or supply any omission therein, he shall make the requisite alteration in ink in his official copy of the voters list and, in the case of a removal, restoration or addition, shall clearly indicate the same and state the reason for the alteration opposite the name removed, restored or added.

Copy of voters list to be kept for inspection

12. (1) A copy of the voters list for an Inkhundla shall be kept for inspection by the public at the Regional Administration Offices and the Sub-Regional offices of every Region wherein that Inkhundla or any portion thereof is situated, and at the office of the electoral officer for the area in which that Inkhundla is situated.

(2) Any person desiring to inspect or make copies of, or take extracts from, such voters list shall be entitled to do so without payment during office hours.

Objection

13. (1) The inclusion or retention of any name in, the restoration or addition of any name to, and the removal of any name from, a voters list may be objected to by any voter at any time by lodging with the electoral officer for the Inkhundla concerned an objection in the approved Form No. 7 with a fifty cents revenue stamp affixed thereto.

(2) When an objection is lodged under subsection (1) against the inclusion or retention of any name in, or the restoration or addition of any name to a voters list, the electoral officer shall (unless he is satisfied that the ground of objection is not a ground on which a name could be removed or excluded from a voters list) by registered post forthwith notify the person whose registration is objected to of the nature of the objection, and that he may make representation to the electoral officer in regard thereto, within a period of twenty-one days after the date of the notice.

(3) When an objection has been lodged under subsection (1) the electoral officer shall, upon expiry of the of the period referred to in subsection (2), if that subsection applies, determine the objection.

Appeals

14. (1) If any person -
- (a) Whose application has been disallowed, or
 - (b) Who has objected to the removal of this name from a voters lists; or
 - (c) the inclusion or retention of whose name in, or the restoration or addition of whose name to a voters list has been objected to; or
 - (d) who has objected to the inclusion or retention of the name of any other person, in, its restoration or addition to, or its removal from, a voters list,
- is not satisfied with the decision of the electoral officer he may, within fourteen days of being notified of the decision, appeal to a magistrate, who shall decide the matter on the evidence on which the decision, of the electoral officer is based, and on such further evidence as may be obtained by or submitted to him.
- (2) Subject to section 15, the decision of the magistrate shall be final.

Statement of case for decision by judge

15. (1) The magistrate shall, at the request of any person who has appealed under section 14(1) and is not satisfied with his decision, transmit a statement of the case to the registrar of the High Court to be submitted to a judge in chambers.
- (2) A statement referred to in subsection (1) shall be signed by the magistrate and by the party at whose request it is submitted.
- (3) The judge to whom the statement is submitted may, on application by Umphatsi - Lukhetfo, before considering the statement, order the party at whose request it is submitted to furnish security for any costs allowed against him, and if he fails to furnish such security, the statement shall be deemed to have been withdrawn from the decision of the judge.
- (4) The judge may, if the statement appears to him to be defective, call for further information and may give such decision and make such order as to costs he may think fit.
- (5) The registrar of the court shall forward to the magistrate, to the electoral officer, and to the party at whose request the statement has been submitted, a certified copy of the decision of the court.
- (6) There shall be an appeal to the Court of Appeal from any order or decision given by a judge under his section, but only with leave of the Court of Appeal.

When voters list to be printed

16. The voters list as prepared and amended from time to time in accordance with this Order, shall be printed not later than one month before every election in accordance with section 32 of the Establishment of Parliament Order of 1992.

Copies of printed voters list

17. As soon as a voters list for any Inkhundla has been printed, any person shall be entitled to obtain a reasonable number of copies of that voters list on payment of such charges and subject to such conditions as may be prescribed.

Comparison of voters list by Umphatsi - Lukhetfo

18. (1) Umphatsi -Lukhetfo may cause the several voters lists to be compared for the purpose of ensuring that no person shall be registered in more than one Inkhundla and if, after due enquiry, he is satisfied that any person is registered more than once in the same Inkhundla or in more than one Inkhundla, he shall cause the name of that person to be removed from every registrar in which it should not appear.

(2) Section 10(3) and (4) shall apply in connection with the removal of a name under subsection (1).

Powers of electoral officer

19. An electoral officer may by notice in writing at any time require any person whether registered or not, to furnish on the prescribed form or otherwise, and in the manner and within the period (not being less than ten days) specified in that notice, such particulars as may be prescribed or as the electoral officer may specify in the notice as to the identity, age, nationality, qualification by residence, or any other matter relevant to the registration of such person or of any other person.

Voters list not invalidated by reason of error

20. If through accident, inadvertance, or oversight, anything required by law to be done in preparation of any voters list is erroneously done or omitted to be done, the voters list shall not be invalidated thereby, and Umphatsi - Lukhetfo may take or cause to be taken such steps as are necessary to rectify the error or omission.

Offences and penalties

21. Any person who-

- (a) being an officer having any duty under this Order in connection with the registration of voters, wilfully or with gross negligence fails to perform that duty; or
- (b) Wilfully makes any false statement in any application referred to in section 6; or

- (c) under the name of any other person (whether living, dead or fictitious) signs an application for the registration of that person otherwise than in accordance with section 6, or signs as a witness in respect of an application which has been so signed; or
- (d) procures the registration of himself or any other person (whether living, dead or fictitious) in any division, knowing that he or such other person is not entitled to registration in that division or is already registered therein; or
- (e) procures the removal from a voters list of the name of any person in the case where such person is entitled to have his name included in that voters list, unless such person is able to prove that such removal was not procured as a result of information furnished by him negligently;

shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand emalangi or, imprisonment for a period not exceeding five years, or both.

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FIRST SCHEDULE

<i>Under section.....</i>	<i>Forms and envelopes</i>	<i>Particulars</i>
5(6)	1	Certificate of registration of voter.
5(7)	2	Application for registration as a voter.
5(8)	3	Notification of rejection of application to register as a voter .
8(1)	4	Notification of change of voter's name or residence
10(4)	5	Notification of removal of voter's name from voters list.
10(5)	6	Notification of transfer of voter's name to another voter's list.
13	7	Form of objection.