



SWAZILAND GOVERNMENT GAZETTE

VOL. XXXIII

MBABANE, Friday, JUNE 2nd, 1995

[No. 91]

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GENERAL NOTICE NO. 26 OF 1995

THE WAGES ACT, 1964

(Act No. 16 of 1964)

NOTICE OF INTENTION TO SUBMIT WAGES REGULATIONS PROPOSALS
(Under Section 11 (2))

In accordance with Section 11 of the Wages Act, 1964 the SECURITY SERVICES Wages Council, having made such investigations as it deems fit, hereby publishes its intention to submit proposals to the Minister for Labour and Public Service relating to the minimum wage and conditions of employment which should apply to the employees under that Council.

Copies of the proposals may be obtained from headquarters of the Department of Labour during working hours.

Written representations with regard to the proposal must be sent to -

The Secretary
Security Services
P.O. Box 198
MBABANE

Within thirty (30) days from the date publication of this Notice.

E.S.S. TSABEDZE
Assistant Secretary - Wages Councils

NOTICE

ESTATE LATE RICHMOND NTANDO FAKUDZE NO. 507/94

Notice is hereby given that in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902, that the First and Final Liquidation and Distribution Account will lie open at the office of the Master of the High Court of Swaziland, Mbabane for a period of twenty one (21) days from date of appearance of this Notice.

Any person objecting to the account may lodge his objection in writing in duplicate to the Master of the High Court at any time before expiry of the said period.

SIPHIWE GLADYS FAKUDZE
P.O. Box 50
LOBAMBA

G709 2-6-95

NOTICE

ESTATE LATE JULIO BOTELHO MONIZ ESTATE NO. 394/93

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

ROBINSON, BERTRAM & CO, WITH P.W. KEYTER,
Attorneys for Executor/Testamentary

3rd Floor
Sokhamlilo Building
Johnstone Street
P.O. Box 24
MBABANE

G710 2-6-95

NOTICE

ESTATE LATE ELIJAH SONDUNDU DLAMINI ESTATE NO. 200/95

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

ALPHEUS MCINISELI DLAMINI
P.O. Box 02
Ngwenya

G697 2-6-95

NOTICE

NOTICE IN TERMS OF REGULATION 40 (B) OF ACT NO. 37 OF 1968

APPLICATION FOR LOST TITLE DEED

Notice is hereby given that we intend to apply for a certified copy of Deed of Transfer No. 388/1988 dated 29th July 1988 in favour of BELLINA VELEPHI MABUZA in respect of:

CERTAIN: Lot No. 913 situate in the Manzini Extension No. 9 Township, District of Manzini Swaziland.

MEASURING: 672 (Six Seven Two) square metres

EXTENDING: As Deed of Transfer No. 474/1986 in favour of the Appearer's Principal on the 17th November 1986 and General Plan No. 30/1984, will more fully point out.

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

DATED at Manzini this 19th day of May 1995.

VILAKAZI AND COMPANY
Applicant's Attorneys
Conway Nyman Building
Tenbergen Street
P.O. Box 4156
Manzini

G695 2x9-95

NOTICE

ESTATE LATE MKHULUNYELWA SIBOSHOWA SIMELANE NO. 4/95

Notice is hereby given that in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902, that the First and Final Liquidation and Distribution Account will lie open at the office of the Master of the High Court of Swaziland, Mbabane for a period of twenty one (21) days from date of appearance of this Notice.

Any person objecting to the account may lodge his objection in writing in duplicate to the Master of the High Court at any time before expiry of the said period.

FRIDAY SIMELANE
P.O. Box 164
VUVULANE

G698 2-6-95

NOTICE

IN THE ESTATE OF THE LATE FREDERICK IVAN HUMPHREYS

All creditors and persons interested ab intestato or otherwise in the abovementioned Estate are hereby called upon within twenty-one days from the date hereof, to lodge in writing with the Master of the High Court of Swaziland at Mbabane, Swaziland, the particulars of their claims against the said Estate and their objections, if any, to the signing and sealing by him of the letters of Executorship granted by the Master of the Supreme Court of South Africa, Natal.

Provincial Division, at Pietermaritzburg on the 20th day of April, 1995 to COLIN ARNOLD VICTOR COOMBE
as Executor/Testamentary of the said Estate.

ROBINSON, BERTRAM & CO.
Attorneys for Executor/Testamentary
P. O. Box 24
Mbabane

G703 2-6-95

NOTICE

ESTATE LATE JOHN MAKUWE ESTATE NO. 353/94

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

HYND M. SHONGWE
P. O. Box 49
MATATA

G704 2-6-95

NOTICE

**TONKWANE SAWMILLS COMPANY LIMITED
(IN LIQUIDATION)
MCL 3/88**

Notice is hereby given in terms of Section 113 of the Insolvency Act 1995 that the amended Fourth Liquidation and Distribution Account has been confirmed.

J. HAYTER
Liquidator

P. O. Box 1099
MBABANE
26 May 1995

G705 2-6-95

NOTICE

ESTATE LATE TITUS JABULANE HLOPHE ESTATE NO. 212/95

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

WELCOME HLOPHE
P. O. Box 3
Nhlangano

G708 2-6-95

NOTICE

ESTATE LATE JOSIAH PHUKUSHE ESTATE NO. 364/94

Notice is hereby given in terms of Section 51 bis of the Administration of Estate Act No. 28 of 1902 that the First and Final Liquidation Account in the above Estate will lie open for inspection at the office of the Master of the High Court of Swaziland, Mbabane for a period of twenty one (21) days from date of appearance of this Notice.

Any person objection to the Account may lodge his/her objection in duplicate with the Master of the High Court as well as with the undersigned at any time before expiry of the said period.

DATED at Manzini on this the 19th day of May, 1995.

MAPHALALA AND COMPANY
Attorney of the Executive Dative
Emcozini Building
Ngwane Street
Manzini

G707 2-6-95

NOTICE

ESTATE LATE LOMZAMO MNDZEBELE ESTATE NO. 425/94

Notice is hereby given in terms of Section 51 bis of the Administration of Estate Act No. 28 of 1902 that the First and Final Liquidation Account in the above Estate will lie open for inspection at the office of the Master of the High Court of Swaziland, Mbabane for a period of twenty one (21) days from date of appearance of this Notice.

Any person objection to the Account may lodge his/her objection in duplicate with the Master of the High Court as well as with the undersigned at any time before expiry of the said period.

DATED at Manzini on this the 19th day of May, 1995.

MAPHALALA AND COMPANY
Attorney of the Executive Dative
Emcozini Building
Ngwane Street
Manzini

G706 2-6-95

NOTICE

Notice is hereby given that we intend applying for a Lost Title Deed being Deed of Transfer No. 31/1990 dated on the 30th January, 1990 made in favour of LEO WILSON MCABANGO MAZIYA (born on the 10th July, 1940) in respect of:-

CERTAIN: Lot No. 171, situate in the Township of Manzini, Manzini District, Swaziland;

MEASURING: 2855 (TWO EIGHT FIVE FIVE) Square Metres.

Any person having objection to issue of such copy is hereby requested to lodge in writing with the Registrar of Deeds within two (2) weeks of last publication of this Notice.

C.J. LITTLER & CO.
Applicant's Attorneys
Ground Floor Embassy House
Johnstone Street
Mbabane

G682 2x2-6-95

NOTICE

ESTATE LATE NICHOLAS NSIMBINI ESTATE NO. 207/95

Debtors and Creditors in the above estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

ETHEL T. MASEKO
P.O. Box 407
Mbabane

G719 2-6-95

NOTICE

ESTATE LATE DABULA MSIBI ESTATE NO. 119/95

Debtors and Creditors in the above estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

LUCAS MSIBI
P.O. Box 360
Manzini

G718 2-6-95

NOTICE

ESTATE LATE ALMON SIPHUSHUZA DLAMINI ESTATE NO. 124/95

Debtors and Creditors in the above estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

ANGELINA DLAMINI
P.O. Box 571
Manzini

G717 2-6-95

NOTICE

ESTATE LATE ANDREW NDABA NDLOVU ESTATE NO. 51/95

Debtors and Creditors in the above estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

GALINA NDLOVU
P.O. Box 183
Hlatikhulu

G716 2-6-95

NOTICE

ESTATE LATE JABULANE OBED NYAWENI ESTATE NO. 192/95

Debtors and Creditors in the above estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

THULISILE NYAWENI
LaMdladla High School
P.O. Kaphunga Via Manzini

G713 2-6-95

NOTICE

ESTATE LATE SIZAKELE MATILDA MAMBA ESTATE NO. 496/94

Debtors and Creditors in the above estate are hereby required to lodge their claims with and pay their debts to the undersigned within (30) thirty days from date of publication hereof.

VERONICA MAMBA
P.O. Box 38
Hluti

G711 2-6-95

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

Case No. 246/93

In the matter between:

SWD. INDUSTRIAL DEVELOPMENT COMPANY LTD

Plaintiff

and

PRINCE PHIWOKWAKHE DLAMINI

Defendant

NOTICE OF SALE

Notice is hereby given that pursuant to a writ of execution issued in the above matter, the undermentioned properties will be sold by public auction by the Deputy Sheriff for the District of Hhohho outside the High Court building in Mbabane at 11.00 a.m. on Friday the 26th May, 1995.

CERTAIN: Lot 423 situate in Pigg's Peak Township, District of Hhohho, Swaziland

MEASURING: 1440 (One Four Four Zero) Square Metres.

HELD UNDER: Deed of Transfer No. 228/1989

The conditions of sale are available for inspection at the office of the Sheriff in the High Court Building, Mbabane and the offices of J.M. Matsebula & Associates, 2nd Floor Dhlam'ubeka House, Mbabane.

Further particulars may be obtained from the undersigned;

DATED at Mbabane on this 12th day of April, 1995.

"POSTPONED UNTIL 16-06.95."

J.P. ANNANDALE
Sheriff of Swaziland
c/o The Registrar
High Court
P.O. Box 19
Mbabane

G696 2-6-95

NOTICE

ESTATE LATE THAYELA DAVID MASEKO ESTATE NO. 140/95

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

FIKILE MASEKO
P.O. Box 176
Mbabane

G712 2-6-95

NOTICE

Notice is hereby given that we intend applying for a Lost Title Deed being Deed of Transfer No. 235/1975 dated on the 12th August, 1975 made in favour of EPHRAEM ALFRED DLAMINI (born on the 12th January, 1925) in respect of:-

CERTAIN: Lot No. 61, situate in the Hlatikhulu Township, Shiselweni District, Swaziland;

MEASURING: 465 (FOUR SIX FIVE) Square Metres.

Any person having objections to issue of such copy is hereby requested to lodge it in writing with the Registrar of Deeds within 3 weeks of the last publication of this Notice.

DATED at Mbabane on this 30th day May, 1995.

J.M. MATSEBULA & ASSOCIATES
Applicant's Attorneys
2nd Floor Dhlam'ubeka House
Corner, Walker & Tin Streets
Mbabane

G714 2x9-6-95

NOTICE

IN THE ESTATE OF THE LATE NATHAN LANGMAN

All creditors and persons interested ab intestato or otherwise in the abovementioned Estate are hereby called upon within twenty-one days from the date hereof, to lodge in writing with the Master of the High Court of Swaziland at Mbabane, Swaziland, the particulars of their claims against the said Estate and their objections, if any, to the signing and sealing by him of the letters of Administration granted by the Master of the Supreme Court of South Africa.

Provincial Division, at Pretoria on the 5th day January 1994 to FABIAN GALE LANGMAN and RICHARD TIMOTHY HARRIS.

As Executors Testamentary of the said Estate.

ROBINSON, BERTRAM & KEYTER
Attorneys for Executors Testamentary
P.O. Box 24
Mbabane

G715 2-6-95

SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

VOL.XXXIII]

MBABANE, Friday, JUNE 2nd, 1995

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PART C

S1

LEGAL NOTICE NO. 75 OF 1995

THE WAGES ACT, NO. 16 OF 1964

THE REGULATION OF WAGES (MINING AND QUARRYING INDUSTRIES)
ORDER, 1995
(Under Section 11)

In exercise of the powers conferred on him by Section 11 of the Wages Act, 1964 the Minister for Labour and Public Service hereby makes the following Order:

Citation and Commencement.

1. This Order, may be cited as the Regulation of Wages (Mining and Quarrying Industries) Order, 1995 and shall be deemed to have come into force on 1st August, 1993.

Interpretation.

2. In this Order, unless the context otherwise requires:-

"Clerk A1" means a clerical worker capable of simple reading minimal writing collecting and carrying items, for example, date stamps, keeping calendars up to date, recording times of arrival and departure, receiving and carrying documents and correspondence internally and acting as a messenger;

"Clerk A2" means a clerical worker capable of performing all the functions of a clerk A1 and writing, copying, simple filing and operating simple office machine, for example, entering petty cash payments and receipts, transcribing information into registers and on to forms and cards without analysis, also sorting mail, photocopying and duplicating.

"Clerk B1", means a clerical worker capable of analysing, accounting, operating office machines, scrutinising and utilising information not directly available but based on past experience, interviewing according to prescribed procedure, interpreting, supervising the work of clerks A1 and A2;

"Unqualified tradesman" means a person who undertakes such task as rough glazing, painting and simple mechanical work on rock drills, locos, pumps, simple vehicle servicing and similar uncomplicated work requiring skill below the artisan's standard;

"Supervisor" means a person who oversees the work of gangs working in gardens, slimes, dams, lamp rooms, screening plants, siding mills, forests stores, aerial ropeways, conveyors, tipplers construction work and painting;

"Drivers Grade 1" means Drivers of;

- (a) Ambulances;
- (b) Heavy duty vehicles (in excess of five tons capacity);
- (c) Power-driven earth moving equipment; and Primary hoists

"Drivers Grade 2" means Drivers of;

- (a) Light duty vehicles other than ambulances;
- (b) secondary hoists;
- (c) rocker arm loaders;
- (d) tractor; and
- (e) Locomotives.

Application.

3.. (1) This order shall apply to all persons, other than articulated apprentices, employed in any undertaking or any part of an undertaking which carries on one or more of the following activities for gain -

- (a) Mining and Quarrying operations;
- (b) Winning of sand and gravel from any source;
- or
- (c) Ancillary work connected with the running of mineral extractions operations but;
- (d) Excluding contractors and suppliers to a mine or quarries.

(2) Notwithstanding sub-regulation (1) this order shall not apply to an employee who is in receipt of a basic remuneration aggregating E660.00 or more per month and who has authority to :-

- (a) Give orders to employees under his control;
- (b) Recommend transfer, suspend discipline, discharge or promote workers under his control.
- (c) Adjudge and make recommendations in connection with grievance of employees under his control.

Hours of work.

4. (1) The basic working week shall be a maximum of six days.

The basic working week shall:-

- (a) consist of six-twelve hour shifts in the case of a security guard; and
- (b) Six eight-hour shifts in all other cases

Except that with the consent of his employer, an employee may extend his daily hours of work by up to one hour in order to reduce the hours of his last shift for his own convenience without the entitlement to overtime.

(3) Subject to regulation 10 (1) where an employer requires an employee to work in excess of the hours specified in this regulation, an employee shall be paid for overtime in accordance with the provisions of regulation 9.

Work Stoppage.

5. (1) In the event of a temporary work stoppage of any employer's operations whether partial or complete, occasioned by circumstances beyond the control of the employer or of the employee, but excluding stoppage occasioned by a strike, lockout, sit-in or other form of Labour action or dispute, concerted or individual; an employee who is present, available, capable and willing to work for the normal period during normal working hours at times appointed by the employer, shall be paid at full rate applicable to the job:

- (a) In the case of watchman or security guard, for a minimum of 72 hours in any week;
- (b) In the case of all employees for a minimum of 48 hours in any week.

Provided that:

- (i) An employee shall perform any task appointed by the employer;
- (ii) Such task shall not expose or subject an employee to peculiar risk or substantially more arduous conditions than those pertaining to his original or normal form of employment; and
- (iii) The provision of such alternative work shall not prejudice the employer's right to terminate the employee's contract of service in terms of his normal conditions of employment and in accordance with the law.

(2) Where the employer cannot appoint a productive task and the employee is present, available, capable and willing to work, the employer shall pay the employees full daily wages for two days immediately succeeding the day upon which work was stopped and thereafter pay the employee half his daily rate until work is resumed or his employment is lawfully terminated.

Security of Wages and conditions of Employment.

6. (1) The rates of pay and other conditions of employment set forth in this order are the minimum permitted by the government of Swaziland and shall not be represented as otherwise and no part of this order shall be construed as justifying non advancement or denying advancement to, or freezing the wages of an employee.

(2) No employer affected by this order shall reduce his remuneration or other conditions of service from those which were applicable to his employee at the effective date of this order, except where the nature of work has been changed.

Categories of work

7. Employees affected by this order shall be graded into categories. A1, A2, B1, B2, B3, C1, and C2 as set out in the schedule hereto.

Basic minimum wage.

8. The basic minimum wage for the various categories set forth in regulation 7 shall be in respect of a shift of eight hours except in the case of watchman, where the shift shall be twelve hours and shall be as set out in the table hereunder.

A1	A2	B1	B2	B3	C1	C2
E13.87	E16.14	E17.41	E19.94	E23.10	E27.05	E30.47

Overtime.

9. Overtime shall be paid to daily rated workers at the following rate:-

- (a) For time in excess of 15 minutes after the specified hours per shift as specified in regulation 4 at one and half times the basic rate reduced to an hourly rate, except as provided in paragraph (b);
- (b) For time worked on Sunday, where Sunday is not a working day, or on an employee's rest day where Sunday is a normal working day, or on a holiday specified in regulation 10, at double the basic wage reduced to an hourly rate.

Public Holidays:

10. (1) The following Public Holidays shall be regarded as public holidays with full pay-

- Christmas Day
- Boxing Day
- Good Friday
- Easter Monday
- King's Birthday
- Somhlolo Day
- Reed Dance Day (Umhlanga)
- Incwala Day

(2) If so required by his employer, an employee shall work extra shifts at 1.25 times his basic rate on Saturday and at one and half times (1.5) on Sunday upon three days to be appointed by the employer for the purpose of maintaining production which the employer may find to have been lost by reason of any three of the holiday set out in sub-regulation (i);

Provided that payment shall not be made to an employee who absents himself from his normal place of work without authority on a working day before or after the specified holiday.

Annual leave..

11. On completion of each period of twelve months' continuous service with an employer an employee shall be entitled to annual leave of not less than eighteen working days excluding the public holidays and the employee's rest days with full pay.

Sick Leave

12. An employee who, after three months' continuous service with an employer becomes ill through no fault of his own and becomes incapable of performing his duties shall have one of the following sick benefits in respect of each period of twelve months' continuous service on production of certificate issued by a Medical Practitioner registered under the Medical and Dental Practitioner's Act, 1970:

- (a) Fourteen days leave with full pay and thereafter fourteen days with half pay; or
- (b) Thirty days leave of which the first three days in any period of sickness shall be without pay; or
- (c) Thirty days leave of free hospitalization and medical treatment with free food whilst in hospital and a daily sum of money equivalent to the cash value of any employee's rations as may be approved by the Labour Commissioner from time to time.

Maternity Leave.

13. Pregnancy shall entitle an employee to -

- (a) A total of thirty days leave, on full pay in each period of twelve months' continuous service with the same employer in respect of prenatal, confinement and postnatal care or;
- (b) Alternatively at the option of the employer and in lieu of payment referred to in paragraph (a) -
 - (i) Free pre-natal medical care;
 - (ii) Confinement in hospital with free food, free medical treatment including all medicines by the Medical Practitioner in charge of her; and
 - (iii) Three weeks unpaid leave following delivery.

Redundancy.

14. In the case of redundancy by reason of closure, cessation or curtailment of an employee's operation each affected employee shall receive the benefits provided for by sections 33 and 34 of the Employment Act, 1980.

Pay advances.

15. (1) On a day to be appointed by his employer, which day shall be approximately half way through the pay month, an employee whose basic wage excess E100.00 per month shall be entitled to draw an advance from his wages for that current month to an amount of 40%.

Provided that:-

- (a) There are funds standing to the credit of the employee to meet the amount of the required advance; and
- (b) His acceptance of the advance shall be deemed to be an authorization to the employer to deduct the full amount advanced to him at the end of the pay month from his salary.

(2) In cases of bereavement, employers should treat such a request differently with sympathy.

Revocation of Legal Notice No. 48 of 1993.

16. The Regulation of Wages (Mining and Quarrying Industry) Order, 1993 is hereby revoked.

SCHEDULE

Category A1 includes employees whose principal duties comprise any of the following occupations

- Asbestos Packers
- Beer Makers
- Block Makers
- Bell maintenance helper
- Belt sorters
- Bag printer
- Plaster's Labourers
- Boiler attendants
- Chimney sweepers
- Conveyor attendants
- Clerk A1
- Cleaners
- Change-house attendants
- Coal cutters Grade 3
- Dracco plant attendants

Fuel issuers
 Haulage labourers
 House maids
 Kitchen hands
 Lashers
 Laundry workers
 Messengers
 Siding labourers
 Sweepers
 Samplers (Supervised)
 Survey Assistant (Grade 2)
 Sanitation workers
 Stone sorters
 Tippler attendants
 trammers
 tally checkers/tip attendant
 Ventilation Labourers
 Whitewashers
 Waiters
 Underground transport labourers

Category A2 includes employees whose principal duties comprise the following occupations.

Artisan's Assistants
 Battery charging attendants
 Blasting licence holder's assistants
 Box operators
 Clerk A2 (as defined in paragraph 2)
 Cooks
 Compressor attendants
 Coal samplers
 Driller's assistance
 Ellison feeder attendants
 Forklift operators
 First aid attendants
 Geological sampling assistant/drivers
 Golf club attendant
 Greaser
 Jackhammer operators' assistant
 Laboratory attendants (Grade A2)
 Lamproom attendants (uncertificated)
 Loco shunters
 Loading hands
 Nursing aids
 Onsetters
 Pest control workers
 Power station maintenance
 Care (supervised)
 Portable saw operators
 Pump attendants
 Receptionist
 Rotary and Drifter helpers

Shotcrete Nozzlemen
 Sorters
 Scraper winch drivers
 Section timber workers
 Stockpile attendants
 Sawmill assistants (supervised)
 Sample plant attendants
 Security guards/watchmen
 Toolroom attendants
 Tracers
 Torch cutters
 Tower dryer attendants
 Typist (copy)
 Tub loaders
 Tyre inspectors
 Water purification plant attendants
 Winch operators
 X-Ray orderlies

Category B1 includes employees whose principal duties comprise any of the following occupations:

Accounting machine operator
 Analysis
 Barman
 Boiler operators (Power station)
 Blocklayers (without Trade Qualification)
 Beer makers (chargehand)
 Crusher shiftsmen
 Clerk (Grade B1)
 Carpenters (without Trade Qualification)
 Coal Cutter (Grade 2)
 Driver (Grade 2)
 Domestic Science Instructors
 Dust samplers
 Electric drill operators
 Gardening Supervisors
 Guesthouse attendants
 Geological samplers (other than coal)
 Gang bosses (Grade 2 surface)
 General Gang supervisors
 Jack hammer operators
 Lampmen (coal certificated)
 Plant operators
 Rock mechanic observers
 Rotary/Drifter operators
 Supervisors (as defined hereunder)
 Service bay attendants
 Security sergeant
 Stenographer typist
 Switchboard operator (Internal and External)
 telex operators

Theatre orderlies
 tradesmen (without formal qualifications)
 Training instructors
 Welfare assistant

Category B2 includes employees whose principal duties comprise any of the following occupations:-

Blasting licence holder
 Coal cutters (grade 1)
 Drillers (mobile rig and Core)
 Drivers (Earth moving)
 Dyke gang supervisors
 Electricians (to 380 volts)
 Gangbosses (Grade 1 surface)
 Gangbosses (Grade 3 underground)
 Laboratory assistants (Asbestos)
 Mechanics (Grade 1)
 Medical orderlies
 Truck busters
 Village administration clerk
 Welders
 Weighbridge clerk

Category B3 includes employees whose principal duties comprise any of the following occupations:-

Artisans (Grade 2)
 Blasting supervisors (Iron ore)
 Drill supervisor
 Electrician (to 550 volts)
 Gang bosses (Grade 1 underground)
 Hospital clerks
 Personnel assistants
 Section supervisors
 Section bosses (surface/village Induna)
 Stores/Accounts clerk
 Transport controllers
 Washing supervisors (iron ore)
 X-Ray clerk.

Category C1 includes employees whose principal duties comprise any of the following occupations other than qualified artisans who have served the prescribed period of apprenticeship or a Government recognised trade test:-

Carpenters
 Mason/Furnace bricklayers
 Mechanic (maintenance)
 Plumber/Sheet metal workers
 Ropeway servicemen

S10

Sewage/Water supervisors
Section bosses (underground)
Storekeepers

Category C2 includes employees whom Management consider to have such qualities as to warrant categorization above category C1.

S. B. CEKO
*Principal Secretary-Ministry of
Labour & Public Service*

LEGAL NOTICE NO. 76 OF 1995

THE WAGES ACT, 1964
(Act No. 16 of 1964)

THE REGULATION OF WAGES (FORESTRY AND FOREST INDUSTRY)
ORDER, 1995
(Under Section 11)

In exercise of the powers conferred on him by section 11 of the Wages Act, 1964 the Minister for Labour & Public Service hereby makes the following Order:-

Citation and Commencement.

1. This order may be cited as the Regulation of Wages (Forestry & Forest Industry) Order, 1995 and shall be deemed to have come into effect on 1st November, 1994.

Interpretation.

2. In this order unless the context otherwise requires:

"Artisan assistant" means an employee who assists an artisan in a workshop or in carrying out work allocated to an artisan;

"Blaster" means an employee who is the Holder of a recognised Blasting certificate and carries out Blasting operations;

"Bulldozer operator" means an employee who operates a bulldozer and carries out simple maintenance on it;

"Chainsaw operator" means an employee who operates a chainsaw and carries out simple maintenance work on it;

"Clerk" means an employee who is engaged in general clerical duties other than a tally clerk;

"Cook" means an employee who is engaged in the cooking and issuing of food to other employees;

"Cross-cut saw operator" means an employee who operates a crosscut saw and carries out simple maintenance work on it;

"Driver (L.D.V.)" means an employee who drives a vehicle of less than 5 tons tare weight, whose duties include the handling to and from the Tailboard and the daily maintenance and cleaning of the vehicle;

"Driver (Logging)" means an employee who drives a log carrying truck of over 10 tons tare weight and who is responsible for the daily maintenance and cleaning of the vehicle;

"Driver (H.D.V.)" means an employee who drives a vehicle of 5 to 10 tons tare weight and whose duties include handling to and from the tailboard and the daily maintenance and cleaning of the vehicle;

"Driving instructor" means an employee who trains other employees to drive a vehicle;

"Fire tower watchman" means an employee, who by means of a fire tower, oversees, or locate fire on or near the project of his employer and reports the fire to his employer;

"Fork-lift driver" means an employee who drives a fork lift and carries out simple maintenance work on it;

"General labour" means an employee who carries out unskilled work and includes field labourers, cleaners, sweepers, loaders and tea severers.

"Grader operator" means an employee who operates a grader and carries out simple maintenance on it;

"Juvenile" means a person between fifteen and eighteen years of age;

"Indvuna" grade B1 means an employee who supervises other employees under his control, and has worked less than two years, "grade B2" above two years service with the same employer.

"Jackhammer operator" means an employee who operates a jackhammer and carries out simple maintenance work on it;

"Medical orderly" means an employee who provides medical assistance to out patients in the clinic;

"Security guard" means an employee who is engaged to safeguard the property of his employer;

"Skidder operator" means an employee who operates a skidder and carries out simple maintenance on it;

"Tally clerk" means a person who collects and records information for further processing;

"Telephone linesman" means an employee who checks and carries out repair work for his employer on a telephone communication system;

"Timbergrader" means an employee who grades timber to the required specifications;

"Tractor driver" means an employee who drives a tractor and carries out simple maintenance work on it;

Application.

3. This order shall apply to a person employed -

- a) In any undertaking having at least 70% of its productive holding under tree development and engaged in the occupation specified in First Schedule; and
- b) By a person engaged in the clearing, felling or stripping of trees in a forest area.

Basic Minimum wage.

4. (1) The basic minimum wage to be paid to employees to whom the order applies shall be calculated at a rate not less than that specified in the First Schedule.

(2) For purposes of calculating hourly, daily, weekly or monthly rates, the following conversion table shall be used:-

- a) Hourly rate, divide basic minimum wage by weekly hours;
- b) Daily rate, divide basic minimum wage by days to be worked in a week;
- c) Weekly rate, divide monthly wage by four and one third;
- d) Monthly rate, multiply weekly wage by four and one third.

(3) A juvenile General labour shall receive not less than, two-thirds of the rate of pay applicable to an adult general labourer.

Ration.

5. (1) As a condition of employment, an employer shall supply to each employee receiving less than E1080 per annum, rations, in quantities not less than those specified in the Second Schedule.

(2) With the employee's consent, the employer may pay the employee a cash sum in lieu of rations.

Hours of work.

6. (1) The normal weekly hours shall consist of forty-eight hours of not less than five days.

(2) In the case of an employee engaged on shift work his normal weekly hours shall be forty-eight hours over a six day week.

(3) In the case of a Watchman or Security Guard the normal weekly hours shall be seventy-two hours in each seven day period.

(4) An employee required to work on a continuous shift system shall have not less than one rest day in each seven day period.

Overtime.

7. (1) An employee who is engaged otherwise than on shift work as a Security Guard or Watchman and is required to work in excess of the hours specified under regulation 6 (1) shall be paid overtime as follows:-

- (a) for time worked in excess of the normal hours in any one day, he shall be paid at one and half times his hourly rate;
- (b) For time worked on a rest day, Sunday or public holiday specified in Regulation 12, he shall be paid at twice his hourly rate.

(2) Any employee on shift work, or a Security Guard who is required to work on a rest day or on a public holiday specified in Regulation 12, may be paid for such overtime or be given an equivalent amount of time off in lieu of overtime payment.

Annual Leave.

8. On completion of each period of twelve months' continuous service with an employer, an employee shall be entitled to an annual leave of not less than ten working days for a five day week and not less than twelve working days for a six day week with full pay.

Sick Leave.

9. (1) After three months' consecutive service with an employer and subject to the production of a medical certificate signed by a Medical Practitioner, registered under the medical and Dental Practitioners Act, 1970, an employee shall be entitled to sick leave up to a maximum of fourteen days on full wages and thereafter to a maximum of fourteen days on half wages in each period of twelve months continuous service.

(2) Notwithstanding Regulation (1).

- (i) An employee shall not be entitled to the benefits if the sickness or accident causing his absence was caused by his own negligence or misconduct;
- (ii) A certificate issued by a registered nurse shall be accepted in place of a Medical certificate if a Medical Practitioner is not available.

Written particulars to be provided.

10. An employer shall on engagement of an employee, give such employee a completed copy of the form at the Third Schedule of this Order.

Continuous Service.

11. (1) Continuous service is service in the employment of the employee interrupted only by the death, retirement or discharge of the employee concerned.

Provided that an employee who is re-engaged within two months of his discharge shall be deemed to be in the continuous service of that employer.

(2) Where, following upon a change of ownership of an establishment or undertaking an employee enters the service of the new owner without interruption, his service shall be deemed to be continuous service in the employment of the new owner.

Public Holidays.

12. (1) The following shall be public holidays with full pay.

Good Friday
King's Birthday
Incwala Day
Somhlolo Day
Christmas Day
Boxing Day

(2) This Regulation shall only apply when the employee presents himself for work on the working day immediately before the public holiday and working day immediately following the public holiday, except where the employer has authorised the Employees' absence on such working day.

(3) Where an agreement has been reached between an employer and any of his employees any of the public holidays specified in this Regulation may be exchanged for any other day in lieu thereof.

Protective Clothing.

13. (1) An employer shall supply, free of charge and without payment of a deposit by the employee, the following items.

- (a) To employees who are normally exposed in their employment to inclement weather, a waterproof cap, overcoat or other suitable protective clothing;
- (b) To drivers and conductors - two dust coats, two overalls or two uniforms per annum; and
- (c) To journeyman/mechanics, assistant mechanics and employees engaged in the loading, unloading and delivery of goods to or from vehicles, suitable overalls or other protective clothing.

(2) Any clothing supplied to an employee in terms of this Regulation shall remain the property of the employer and shall subject to fair wear and tear, be returned to him in good condition on the resignation, retirement or discharge of an employee.

Short time.

14. (1) If an employer finds it necessary for reasons beyond his control to employ an employee on short time, he may do so subject to the Labour Commissioner consenting in writing to such arrangements, and on the understanding that the employer intends resuming full time working within three weeks.

(2) Where an employee has been placed on short time under Sub-Regulation (1) he shall be paid not less than fifty percent of his weekly wages where he is employed for periods which, in aggregate, are equivalent to or less than fifty percent of his normal weekly hours of work.

(3) No reduction shall be made in an employee's earnings where the employee has been placed on short time, and works, in aggregate, more than fifty percent of his normal weekly hours of work during any week he has been placed on short time.

Termination of employment after three months.

15. Where the employment of an employee is terminated after a period exceeding three months but not amounting to one year from the date of its commencement the employer shall pay to the employee a sum not less than one day's wages for each completed month of such period.

Savings.

16. (1) No employer shall reduce the wages, ration allowance, annual leave or sick leave to which an employee was entitled prior to the commencement of this order.

(2) Any employer who contravenes sub-Regulation (1) shall be guilty of an offence and liable on conviction to a maximum fine of fifty Emalangeni or three months imprisonment or both.

Revocation of Legal Notice No. 88 of 1994.

17. The Regulation of Wages (Forestry and Forest Industry) Order, 1994 is hereby revoked.

FIRST SCHEDULE

(Emalangeni Per week)

Grade A1	Cleaner)	E38.84
	General Labourer)	
	Loader)	
Grade A2	Artisan's Assistant)	E42.75
	Firetower Watchman)	
	Forest Guard)	
	Forklift Driver)	
	Security Guard)	
	Tally Clerk)	
	Cook)	

Grade B1	Chainsaw Operator)	
	Clerk)	
	Driver (L.D.V.))	
	Induna (Nursery))	E48.62
	Jackhammer Operator)	
	Switchboard Operator)	
	Tractor Driver)	
Grade B2	Cross-cut Saw Operator)	
	Driver (H.D.V.))	
	Induna (Forest))	E54.47
	Skidder Operator)	
	Timber Grader)	
Grade B3	Blaster)	
	Bulldozer Operator)	
	Driver (Logging))	E80.28
	Driver Instructor)	
	Grader Operator)	
	Telephone Linesman)	

SECOND SCHEDULE

(Regulation 5)

MINIMUM WEEKLY RATION SCALE

Mealie Meal	6.35 kg.
Meat	1.36 kg.
Sugar45 kg.
Dry Beans, Peas or Groundnuts68 kg.
Fresh Vegetables9 kg.
Salt	113 kg.

Alternatives.

1. The following rations may be supplied in lieu of the Items of Food mentioned in paragraph 1:

- a) Mealie Meal:
For every .9 kg of Mealie Meal - .45 kg of Bread; .34 kg. of Rice or .23 kg. of ordinary Sweet Potatoes.
- b) For the first .23 kg. of meat - .23 kg. of Offal; for the first .45 kg. of fish - 23 kg. of Cheese.
- c) For every .45 kg. of Fresh Vegetables, .45 kg of Fresh Fruit or a proportionate ration of Dehydrated Vegetables.

Permitted Variations.

2. The rations of Mealie Meal shown in paragraph 2 (a) may be reduced by an amount not exceeding 2.72 kg. equivalent to the amount of Mealie Meal used in the preparation of:

- a) The Drink known as "Mahewu" or
- b) A proprietary Vitaminized Drink, if either Drink is issued in a week to the employee by the employer.

THIRD SCHEDULE

(Regulation 10)

WRITTEN PARTICULARS OF EMPLOYMENT

1. Name of employer
2. Name of employee
3. Date of employment
4. Wage and method of calculation
.....
5. Intervals at which Wages are paid
.....
6. Normal Hours of work
.....
7. Short description of employee's work
.....
8. Probation period
9. Annual Holiday entitlement
.....
10. Paid Public Holidays
.....
11. Payment during sickness
.....

12. Maternity leave (if employee female)
-
13. Notice employee entitled to receive
-
14. Notice employee required to give
-
15. Pension Scheme (if any, other than National Provident Fund Scheme)
-
16. Any other matter either party wishes to include
-
-

- NOTES: (a) An Industry Union is recognised by this undertaking. Any employee is free to join it. The address of the Industry Union is:
-
- (b) The grievance procedure in this undertaking requires that a grievance should be first referred to
- (c) When any heading is inapplicable enter Nil

Signed	Employer
.....	Employee
.....	Witness
.....	Date

S.B. CEKO
Ministry of Labour and Public Service

LEGAL NOTICE NO. 78 OF 1995

THE PUBLIC SERVICE PENSIONS ORDER, 1993

(King's Order In Council No. 13 of 1993)

THE PUBLIC SERVICE PENSIONS FUND (AMENDMENT) REGULATIONS, 1995

(Under Section 9)

In exercise of the powers conferred by Section 9 of the Public Service Pensions Order, 1993, the Minister for Labour and Public Service hereby makes the following Regulations:-

Citation.

1. These Regulation may be cited as the Public Service Pensions Fund (Amendment) Regulations, 1995.

Interpretation.

2. In these Regulations "principal Regulations" means The Public Service Pensions Fund Regulations, 1993 contained in the Schedule to The Public Service Pensions Order, 1993.
3. Amendment to Definition of "Final Pensionable Salary" Under Regulation 1

"final pensionable salary" means a member's annual rate of pensionable salary on his last working day or the day upon which he attains the age of 60 (sixty) years (or, if the member in question is a Judge, Private or Senior Sergeant, the age applicable to such member as specified in sub-regulation 8 (1) whichever is the earlier (his "retirement day") except that, if he has received one or more promotions within the 36 (thirty six) month period immediately preceding his retirement day, his final pensionable salary shall be determined by averaging the total pensionable salary he received during that 36 (thirty six) month period ; provided that such result is not less than the rate of pensionable salary applicable on his retirement day for the salary grade he held at the beginning of the said thirty-six-month period;

Amendment of sub-regulation 8 (4).

4. Sub-regulation 8 (4) of the principal Regulations is replaced with the following:-

"(4) A member entitled to benefits under this Part shall be entitled to a pension equal to 2% (two per centum) of his final pensionable salary for each completed year of his pensionable service or any portion of a year thereof multiplied by the number of years of service to his credit at the time of such retirement. For the purposes of this regulation "pensionable service" of any member shall mean service in a pensionable office up to but not beyond the age of 60 (sixty) years (or, if the member in question is a Judge, Private or Senior Sergeant, the age applicable to such member as specified in sub-regulation 8 (1))."

Addition of Regulation 8 bis.

5. The Principal Regulations are amended by adding the following regulation after regulation 8 under Part 111:-

"Over-age members.

8 bis (1) Any member who, as at the date of coming into effect of the Public Service Pensions Order, 1993 was in service notwithstanding the fact that on that date he was older than 60 (sixty) years of age (or, if the member in question was a Judge, Private or Senior Sergeant, older than the age applicable to such member as specified in sub-regulation 8 (1), shall, if he has not already done so, retire by no later than 30th June, 1995;

(2) A member referred to in (1) who is entitled to benefits under this Part shall be entitled to:-

(a) a pension equal to 2% (two per centum) of his final pensionable salary for each completed year of service in a pensionable office; provided that a member shall not be entitled to have his pension calculated on more than ten years of such service unless he had completed more than ten years of such service by the time he attained the age of 60 (sixty) years (or if the member in question is now a Judge, Private or Senior, Sergeant, the age applicable to such a member as specified in sub-regulation 8 (1); and

(b) a gratuity for each completed year of service in a pensionable office for which he does not receive a pension after application of the provisions of (a) above.

(3) No service beyond 30th June, 1995 of any member referred to in (1) who fails to retire by that date shall be taken into account for the purposes of determining any pension or gratuity payable to such member.

Amendment to Part VI.

6. The principal Regulations are amended by the addition of the following as regulation 19 bis under part VI:-

"Over-age members.

19 bis Any member referred to in sub-regulation 8 bis (1) who, by reason of not having 10 (ten) years of service in a pensionable office, is not entitled to benefits under Part 111, shall be entitled to a gratuity calculated in the same manner as set out in Regulation 19 above for his completed years of service in a pensionable office, provided that no service beyond the 30th June 1995 of any such member who fails to retire by that date shall be taken into account for the purposes of calculating any gratuity payable to such member".

N.L. HLOPHE
Acting Principal Secretary

LEGAL NOTICE NO. 79 OF 1995

THE CONSTITUTION OF SWAZILAND, 1968

(Act No. 50 of 1968)

APPOINTMENT OF JUDGE OF THE HIGH COURT

(Under Section 98)

In exercise of the powers conferred upon me by Section 98 of the Constitution of Swaziland, 1968, repealed with savings, I MSWATI III, KING OF SWAZILAND hereby appoint -

DAVID HULL

to be Judge of the High Court of Swaziland with effect from 1st April, 1995 to 31st May, 1995 for purposes of enabling him to complete his part-heard cases and generally to wind up his operations.

THUS DONE AND SIGNED UNDER MY HAND AT LOZITHEHLEZI ON THIS 24TH DAY OF MAY, 1995.

MSWATI III
KING OF SWAZILAND