



# SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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VOL. XXXV]

MBABANE, Tuesday, April 8th., 1997

[No. 240

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## CONTENTS

No. Page

### PART C - LEGAL NOTICES

37. The Commission of Enquiry Into the Swaziland Development and Savings Bank 1990 Debt Recovery Programme Notice, 1997 .....	S1
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LEGAL NOTICE NO. 37 OF 1997

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THE COMMISSION OF ENQUIRY ACT, 1963  
(Act No. 35 of 1963)

THE COMMISSION OF ENQUIRY INTO THE SWAZILAND DEVELOPMENT AND  
SAVINGS BANK 1990 DEBT RECOVERY PROGRAMME NOTICE, 1997  
(Under Section (3))

In exercise of the powers conferred by section 3 of the Commission of Enquiry Act, 1963 I hereby issue the following Notice -

*Citation.*

1. This Notice may be cited as the Commission of Enquiry into the Swaziland Development and Savings Bank, 1990 Debt Recovery Programme (hereinafter called "the Commission") Notice, 1997.

*Establishment and composition of Commission.*

2. (1) There is hereby established a Commission to be known as the Commission of Enquiry into the 1990 Swaziland Development and Savings Bank's Debt Recovery Programme.

(2) The Commission shall consist of the following -

- |                          |   |                           |
|--------------------------|---|---------------------------|
| (a) Dr. Adv. Hilton Fine | - | Chairman                  |
| (b) Thulani Masina       | - | Attorney leading evidence |
| (c) Siphon Nzalo         | - | Member                    |
| (d) Simon Seyama         | - | Member                    |
| (e) Petros Piet Dlamini  | - | Member                    |
| (f) Gloria Mavuso        | - | Member                    |
| (g) Mordecai Fyfe        | - | Member                    |
| (h) Bongiwe Eunice Duma  | - | Secretary                 |

(3) The quorum of the Commission shall be five members including the Chairman.

*Functions and powers of the Commission.*

3. The Commission shall examine and enquire into the operations of the Swaziland Development and Savings Bank 1990 Debt Recovery Programme and shall without prejudice to the generality of the foregoing, enquire particularly into -

- whether or not the Programme was generally properly conducted;
- who were the focus of the Programme;
- whether or not the Programme was conducted within the banks regulations or policy;
- who was charged with the responsibility to conduct the Programme;
- any records related to the Programme;

- (f) whether any assets or funds were recovered from anyone as a result of the Programme and how those assets or funds were used dispersed or sold and if any assets were sold or otherwise dispersed, the proceeds therefrom;
- (g) any irregularities or any unlawful acts pertaining to the conduct of the Programme or any advantage obtained by anyone involved in the Programme to the prejudice of the bank or any other person.

(2) The Commission shall, after making appropriate findings, submit a report containing appropriate recommendations on any matter which is the subject of the enquiry including recommendations regarding the taking of any criminal or civil or disciplinary action against any person who may have been involved in irregularities or unlawful acts in the conduct of the Programme.

*Enquiry to be in public.*

4. Unless the circumstances otherwise require, the enquiry shall be held in public.

*Venue.*

5. The enquiry shall be held at the Ministry of Justice Conference Room or such other place and at such times as the Chairman may determine.

*Submission of final report.*

6. The Commission shall present its final report to the Minister not later than the 31st May, 1997 or on such other later date as the Minister may, in writing, permit.



THEMBA N. MASUKU (MP)  
*Minister for Finance*

MBABANE  
8th April, 1997

