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SWAZILAND GOVERNMENT GAZETTE

VOL. XXXV]

MBABANE, Friday, September 26th., 1997

[No. 294

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PUBLISHED BY AUTHORITY

GENERAL NOTICE NO. 58 OF 1997

THE URBAN GOVERNMENT ACT, 1969
(Act No. 8 of 1969)**NOTICE OF INTENT TO ALTER THE BOUNDARIES OF NHLANGANO URBAN AREA**
(Under Section 4)

In exercise of the powers conferred by section 4 of the Urban Government Act, 1969, the Minister for Housing and Urban Development issues the following Notice -

Citation.

1. This Notice may be cited as the Notice of Intent to Alter the Boundaries of Nhlangoan Urban Area, 1997.

Intent to alter the Boundaries of Nhlangoan Urban Area.

2. The Minister for Housing and Urban Development notifies members of the public and any other persons who may have an interest, that the Minister intends to alter and extend the boundaries of Nhlangoan Urban Area to include the following areas or properties -

- (a) Portion B of Lot C of Portion of Land Concession No. 24P;
- (b) Portion 1 of Portion A of Lot E of Portion of Land Concession No. 24 P;
- (c) Portion B of Lot D of Portion of Land Concession No. 24P;
- (d) Portion C of Lot E of Portion of Land Concession No. 24P;
- (e) Remainder of Portion A of Farm No. 326;
- (f) Portion 3 of Farm No. 326 (Nhlangoan Sun Hotel);
- (g) Portion 4 of Farm No. 326 (Khayalami Township);
- (h) Portion 6 of Farm No. 326;
- (i) Remainder of Farm No. 84;
- (j) Remainder of Portion 1 of Farm No. 84;
- (k) Portion 2 (a portion of Portion 1) of Farm No. 84;
- (l) Portion 3 (a portion of Portion 1) of Farm No. 84;
- (m) Portion 4 (a portion of Portion 1) of Farm No. 84;
- (n) Portion 5 (a portion of Portion 1) of Farm No. 84;
- (o) Portion 6 of Farm No. 84;
- (p) Portion A of Farm No. 285;

(q) Portion 2 of Farm No. 285; and

(r) Portion 1 of Farm No. 284

found in the map attached to this Notice.

Submissions of objections.

3. Any person who objects to the proposed extension or who wishes to make submissions in this regard should do so in writing within 30 days of first publication of this Notice. All submissions should be forwarded to:

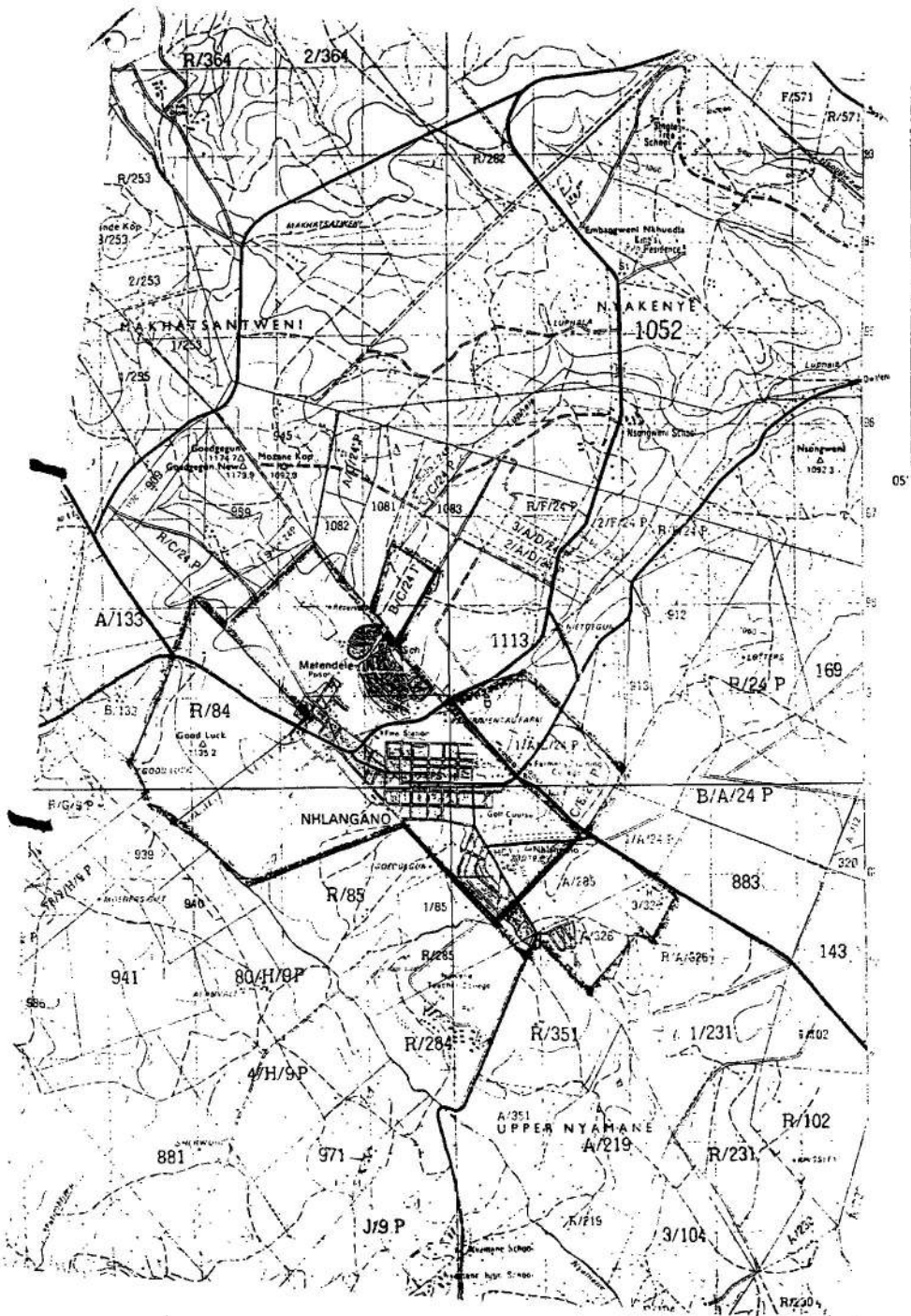
The Principal Secretary
Ministry of Housing and Urban Development
P.O. Box 1832
Mbabane

Revocation of Notice.

4. General Notice No. 47 of 1997 is hereby revoked.

M.C. DLAMINI
Principal Secretary

17th September, 1997.



NOTICE

Notice is hereby given that I, Edwin Bonga Tala of Manzini Region intend to apply to the Honourable Minister for Justice of the Kingdom of Swaziland for authorisation to assume the surname Lukhele after the fourth publication of this notice in each of the four consecutive weeks in the Observer and Times of Swaziland newspapers, being two newspapers circulating in the Region where I reside and designated for this purpose by the Regional Secretary for the Manzini Region and in the Government Gazette.

The reason I want to assume the surname is because Lukhele is my natural surname.

Any person or persons likely to object to my assuming the surname Lukhele should lodge their objections in writing with me at the address given below and with the Regional Secretary for Manzini Region.

P.O. Box 284
Bhunya

J1440 4x03-10-97

NOTICE

Notice is hereby given that I, Agreement Mfanyana Mavimbela of Manzini Region intend to apply to the Honourable Minister for Justice of the Kingdom of Swaziland for authorisation to assume the surname Mgabhi after the fourth publication of this notice in each of the four consecutive weeks in the Observer and Times of Swaziland newspapers, being two newspapers circulating in the Region where I reside and designated for this purpose by the Regional Secretary for the Manzini Region and in the Government Gazette.

The reason I want to assume the surname is because Mgabhi is my natural surname.

Any person or persons likely to object to my assuming the surname Mgabhi should lodge their objections in writing with me at the address given below and with the Regional Secretary for Manzini Region.

P.O. Box 477
Bhunya

J1493 4x03-10-97

NOTICE

ESTATE LATE: WILFRED MUSA DLAMINI ESTATE NO. E49/94

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 for inspection at the office of the Master of the High Court of Swaziland at Mbabane for a period of twenty one (21) days from the date of appearance of this notice.

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

JOHANNES S. NKAMBULE & ASSOCIATES
Attorneys for Executrix Dative
1st Floor Suite 4A Estel House
Ngwane Street
P.O. Box 300
Manzini

J1599 26-09-97

776

NOTICE

Notice is hereby given that we intend applying for a certified copy of deed of Transfer No. 266/1976 dated October 1976 in favour of Micah Paschal Dinabantu Mkhonza in respect of:-

CERTAIN: Portion 27 of the Farm Trelawny Park No. 868 situate in the urban area of Manzini district of Manzini, Swaziland.

MEASURING: One Thousand Four Hundred and Fifty Six (1456) square metres.

Any person having objection to the issue of such copy is hereby requested to lodge in writing with the registrar of Deeds within three weeks of the last publication of this notice.

Q.M. MABUZA ATTORNEYS
Soshangane Place
199 Kelly Street
P.O. Box 202
Manzini

J1507 3x03-10-97

NOTICE

ESTATE LATE: JEANS NZIMA EH59/96 FIRST AND FINAL DISTRIBUTION ACCOUNT

Notice is hereby given 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 for inspection at the office of the Master of the High Court of Swaziland, Mbabane, for a period of twenty-one days (21) days from the date of the appearance of this notice.

Any person objecting 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 the expiry of the said period.

DATED AT MANZINI ON THIS THE 10TH DAY OF SEPTEMBER, 1997.

MAPHALALA AND COMPANY
Attorneys for the Executrix Dative
Emcozini Building
Ngwane Street
Manzini

J1595 26-09-97

NOTICE

ESTATE LATE: KENNETH DUMSANE MBINGO ESTATE NO. EM160/96

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.

PHILEMON G. MBINGO
P.O. Box 196
Kwaluseni

J1583 26-09-97

777

NOTICE

Notice is hereby given that we intend to apply for a Lost Title Deed being Deed of Transfer No. 150/1973 made in favour of John Baptist Mkhonta (born 28th day of March, 1937) in respect of:

CERTAIN: Farm 986, situate in the Shiselweni District, Swaziland;

MEASURING: 103,1364 (One Hundred and Three Comma One Three Six Four) Hectares.

Any person having any objection to the issue of such copy is hereby requested to lodge in writing with the Registrar of Deeds within three weeks of the last publication of this notice.

DATED AT MBABANE THIS 19TH DAY OF SEPTEMBER, 1997.

P.R. DUNSEITH
Attorney for the Applicant
P.O. Box 423
Mbabane

J1589 2x03-10-97

NOTICE

ESTATE LATE: FUNWAKO SITHOLE - EH196/97

Debtors and Creditors in the above Estate are hereby called upon to lodge their claims and pay their debts to the undersigned within twenty-one (21) days from date of publication of this notice.

DATED AT MBABANE THIS 17TH DAY OF SEPTEMBER, 1997.

SHILUBANE, NTIWANE AND PARTNERS
Attorneys for Executor
Fourth Floor, Mbandzeni House
Smuts/Church Streets
P.O. Box A93
Swazi Plaza
Mbabane

J1582 26-09-97

NOTICE

ESTATE LATE: ALBERT VIKIMPI NXUMALO ESTATE NO. EM177/97

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

JOHANNES S. NKAMBULE & ASSOCIATES
Attorneys for Executrix Dative
1st Floor Suite 4A Estel House
Ngwane Street
P.O. Box 300
Manzini

J1588 26-09-97

NOTICE

Notice is hereby given that we intend applying for a certified copy of: Deed of Transfer No. 314/1992 dated the 17th July, 1992, in favour of LEMUEL NDUMISO KOTA, (born on the 13th day of October, 1962), in respect of:-

CERTAIN: Lot No. 1051 situate in Mbabane Township Extension No. 9 in the Hhohho District, Swaziland;

MEASURING: 2000 (Two Zero Zero Zero) Square Metres.

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

DATED AT MBABANE THIS 12TH DAY OF SEPTEMBER, 1997

ROBINSON BERTRAM
Attorneys for Applicant
Sokhamlilo Building
P.O. Box 24
Mbabane

J1552 2x03-10-97

NOTICE

Notice is hereby given that we intend applying for a certified copy of: Mortgage Bond No. 279/1996 dated the 11th September, 1996 passed by LEMUEL NDUMISO KOTA (born on the 13th day of October, 1962) for an amount of E45 000.00 (Forty Five Thousand Emalangen) in favour of BARCLAYS BANK OF SWAZILAND LIMITED.

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

DATED AT MBABANE THIS 12TH DAY OF SEPTEMBER, 1997

ROBINSON BERTRAM
Attorneys for Applicant
P.O. Box 24
Mbabane

J1553 2x03-10-97

NOTICE

ESTATE LATE: SIBONGILE MAGAGULA ESTATE NO. EH177/97

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

JOHANNES S. NKAMBULE & ASSOCIATES
Attorneys for Executrix Dative
1st Floor Suite 4A Estel House
Ngwane Street
P.O. Box 300
Manzini

J1587 26-09-97

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NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: DUDU THEMBI SITHOLE ESTATE NO. EL66/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Lubombo Regional Offices on 13th October 1997 at 12:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1555 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: THEMBINKHOSI MKHABELA ESTATE NO. L64/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Siteki Regional Offices on 12th October 1997 at 12:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1556 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: WILFRED GWEJE GAMEDZE ESTATE NO. L63/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Siteki Regional Offices on 13th October 1997 at 11:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1557 26-09-97

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NOTICE

IN THE HIGH COURT OF SWAZILAND

**IN THE ESTATE OF THE LATE: MGWAJA EPHRAEM M. MAGAGULA
ESTATE NO. L61/97**

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Siteki Regional Offices on 13th October 1997 at 11:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1558 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

**IN THE ESTATE OF THE LATE: ELIAS NDIANGANISO MNGOMETULU
ESTATE NO. L62/97**

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Siteki Regional Offices on 13th October 1997 at 10:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1559 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: MBALEKELWA D. MNGOMEZULU ESTATE NO. EL65/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Lubombo Regional Offices on 13th October 1997 at 10:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1560 26-09-97

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NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: KENNETH MDUDUZI SHONGWE ESTATE NO. P32/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Siteki Regional Offices on 13th October 1997 at 09:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1561 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: ELPHAS NGCAMPHALALA ESTATE NO. L64/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Siteki Regional Offices on 13th October 1997 at 09:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1562 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: WILSON MKHENDE DUBE ESTATE NO. M204/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Manzini Regional Offices on 7th October 1997 at 12:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1563 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: JOSEPH MUSA DLAMINI ESTATE NO. M202/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Manzini Regional Offices on 7th October 1997 at 11:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1564 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

**IN THE ESTATE OF THE LATE: SONGELWAKO MADZINDZA NTULI
ESTATE NO. M199/97**

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Manzini Regional Offices on 7th October 1997 at 11:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1565 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: ERNEST ZONDELENI KHULU ESTATE NO. M194/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Manzini Regional Offices on 7th October 1997 at 10:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1566 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: ELPHAS ABSALOM MABUZA ESTATE NO. M198/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Manzini Regional Offices on 7th October 1997 at 09:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1567 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: JABULANI TOMSON MDLULI ESTATE NO. M197/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Manzini Regional Offices on 7th October 1997 at 09:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1568 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

**IN THE ESTATE OF THE LATE: MABONAKALA MAVUSA SIMELANE
ESTATE NO. H186/97**

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Master of the High Court on 8th October 1997 at 12:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1569 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: PHYLLIS DANDANE DLAMINI ESTATE NO. H185/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Master of the High Court on 8th October 1997 at 11:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1570 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: DOUGLAS VUSI SITHEBE ESTATE NO. H184/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Master of the High Court on 8th October 1997 at 12:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1571 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: KOPOLO PETROS NGUBENI ESTATE NO. H182/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Master of the High Court on 8th October 1997 at 10:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1572 26-09-97

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NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: SIMON M. MATSEBULA ESTATE NO. M203/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Master of the High Court on 8th October 1997 at 10:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1573 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: MUSA MAKHOSINI SHABANGU ESTATE NO. EM159/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Hhohho Regional Offices on 15th October 1997 at 10:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1574 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: SANELE MACDONALD DLAMINI ESTATE NO. EH190/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Hhohho Regional Offices on 15th October 1997 at 10:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1575 26-09-97

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NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: SIPHO MICHAEL DLAMINI ESTATE NO. EH201/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Master of the High Court offices on 15th October 1997 at 09:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1576 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: SIMON MHLOLO NDZIMANDZE ESTATE NO. EM226/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Hhohho Regional Offices on 15th October 1997 at 09:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1577 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: DAVID MHLABANE ESTATE NO. EH189/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Hhohho Regional Offices on 15th October 1997 at 11:30 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1578 26-09-97

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NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: DANIEL SABELO GAMEDZE ESTATE NO. EL71/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Hhohho Regional Offices on 15th October 1997 at 12:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1579 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

IN THE ESTATE OF THE LATE: KENNETH MPHUMUZI MNGADI ESTATE NO. ES80/97

A meeting of next of kin and all others concerned will be held before the Master of the High Court at Shiselweni Regional Offices on 6th October 1997 at 10:00 hours for the nomination of an executor or executrix dative.

CHURCHILL B. DLAMINI
Master of the High Court

Master's Office
P.O. Box 19
Mbabane

J1580 26-09-97

NOTICE

ESTATE LATE: PATRICK DUMISA SIMELANE ESTATE NO. EM139/97

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

JOHANNES S. NKAMBULE & ASSOCIATES
Attorneys for Executor Dative
1st Floor Suite 4A Estel House
Ngwane Street
P.O. Box 300
Manzini

J1586 26-09-97

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 883/96

In the matter between:

SWAZILAND BUILDING SOCIETY

Plaintiff

and

SWAZI TOUCH (PTY) LIMITED

Defendant

NOTICE OF SALE

Notice is hereby given that pursuant to a Writ of Execution issued in the above matter, the undermentioned property will be sold by Public Auction by the Deputy Sheriff for the District of Hhohho, outside the New High Court Building, Hospital Hill, Mbabane at 11.30 a.m. on Friday the 10th October 1997.

CERTAIN: Remaining Extent of Lot No. 970, Mbabane Township Extension No. 8 (Sidwashini Industrial Township) situate in the District of Hhohho, Swaziland.

MEASURING: 985 (Nine Eight Five) Square Metres;

RESERVE PRICE: "SALE WITHOUT RESERVE"

Conditions of Sale are available for inspection at the office of the Sheriff in the High Court building in Mbabane and at the offices of the Regional Administrator, Hhohho.

The Society may lend 75% (seventy five per centum) to suitable borrowers and interested parties are advised to seek advice from the Society in this regard prior to the date of the sale.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE ON THIS THE 16TH DAY OF SEPTEMBER 1997.

S.J. GAMA
Sheriff of Swaziland
c/o The Registrar of the High Court
Mbabane

J1581 26-09-97

NOTICE

ESTATE LATE: JABULANI ARTHUR MTSHALI ESTATE NO. ES3/97

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

JOHANNES S. NKAMBULE & ASSOCIATES
Attorneys for Executor Dative
1st Floor Suite 4A Estel House
Ngwane Street
P.O. Box 300
Manzini

J1585 26-09-97

NOTICE

ESTATE LATE: ABRAHAM MAVUSO ESTATE NO. ES7/97

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/her objection in writing in duplicate to the Master of the High Court at any time before expiry of the said period.

ELIZABETH MAVUSO
P.O. Box 131
Nhlangano

J1550 26-09-97

NOTICE

ESTATE LATE: MAKSON TIKHALI MANANA ESTATE NO. EM129/96

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/her objection in writing in duplicate to the Master of the High Court at any time before expiry of the said period.

VELEBANTFU MAGAGULA
P.O. Box 3016
Manzini

J1549 26-09-97

NOTICE

ESTATE LATE: ELPHAS MCINSELI DLAMINI ESTATE NO. E561/95

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/her objection in writing in duplicate to the Master of the High Court at any time before expiry of the said period.

VERONICA DLAMINI
P.O. Box 2091
Mbabane

J1547 26-09-97

NOTICE

ESTATE LATE: MSOMBULUKO MAWUNGA TSABEDZE ESTATE NO. EM22/97

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 MAHLALELA
P.O. Box 42
Lomahasha

J1596 26-09-97

790

NOTICE

ESTATE LATE: DUDU E. VILANE ESTATE NO. EL61/96

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/her objection in writing in duplicate to the Master of the High Court at any time before expiry of the said period.

MDUDUZI VILANE
P.O. Box 55
Tshaneni

J1594 26-09-97

NOTICE

ESTATE LATE: MCINSELI MABUZA ESTATE NO. EP48/96

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/her objection in writing in duplicate to the Master of the High Court at any time before expiry of the said period.

CHARLES F. DLAMINI
P.O. Box 1295
Nhlangano

J1601 26-09-97

NOTICE

ESTATE LATE: SIMON MFANANGAYE ZWANE ESTATE NO. EM46/97

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/her objection in writing in duplicate to the Master of the High Court at any time before expiry of the said period.

CELIWE ZWANE
P.O. Box 123
Mankayane

J1603 26-09-97

NOTICE

ESTATE LATE: GCINAPHI ALVINAH MATSENJWA ESTATE NO. EL60/97

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.

SIBUSISO MATSENJWA
P.O. Box 33
Matata

J1604 26-09-97

791

NOTICE

ESTATE LATE: TSHOTSHO NDZABANDZABA ESTATE NO. EL17/96

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/her objection in writing in duplicate to the Master of the High Court at any time before expiry of the said period.

NTENDEZI NDZABANDZABA
P.O. Box 4
Siteki

J1605 26-09-97

NOTICE

ESTATE LATE: JOSEPH MHAMBI MKHABELA ESTATE NO. EL45/97

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.

BENEDICT P. MKHABELA
P.O. Box 3203
Mbabane

J1597 26-09-97

NOTICE

ESTATE LATE: BELLINAH SHIBA ESTATE NO. EL47/96

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.

GIDEON SHIBA
P.O. Box 75
Siteki

J1598 26-09-97

NOTICE

ESTATE LATE: KENETH WATTS ESTATE NO. EP47/96

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.

PHINDILE SHIBA
P.O. Box 154
Piggs Peak

J1592 26-09-97

NOTICE

ESTATE LATE: WILSON M. MAVIMBELA ESTATE NO. EP31/97

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.

MARGERET MAVIMBELA
P.O. Box 99
Figgs Peak

J1591 26-09-97

NOTICE

ESTATE LATE: SIFUBA MTFOMBO ESTATE NO. EL52/97

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.

MRS LOMALANGA SIMELANE
P.O. Box 222
Hlatikhulu

J1590 26-09-97

NOTICE

ESTATE LATE: JAMESON MAHLANDZENI MAMBA ESTATE NO. ES86/97

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.

MAGARETH THEMBSILE MAMBA
P.O. Box 292
Hlatikhulu

J1584 26-09-97

NOTICE

ESTATE LATE: ISAAC WILFRED FORTUNE ESTATE NO. E89/91

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.

MRS A.B. KARAMITSOS
P.O. Box 498
Manzini

J1551 26-09-97

NOTICE

ESTATE LATE: PHYLLIS DANDANE DLAMINI ESTATE NO. EH185/97

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.

ALFRED DLAMINI
P.O. Box 414
Mbabane

J1548 26-09-97

NOTICE

ESTATE LATE: LOGINGIDVWAKO LOTH A MDLULI ESTATE NO. EM257/97

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.

MRS LOMGCIBELO MDLULI
Mpembekati Primary School
P/Bag
Manzini

J1593 26-09-97

NOTICE

ESTATE LATE: SIBONAKUBI MHLANGA ESTATE NO. EH149/97

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.

JOSEPH MAGAGULA & KHETSIWE MHLANGA
St George's Barracks Gcina
Private Bag
Kwaluseni

J1602 26-09-97

SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE

VOL. XXXV]

MBABANE, Friday, September 26th., 1997

[No. 294

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PART A

S1

THE ROAD TRANSPORTATION BILL, 1997

(Bill No. 8 of 1997)

(To be presented by the Minister for Public Works and Transport)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to repeal and replace the Road Transportation Act, 1963 and to provide for matters incidental thereto.

S.H. ZWANE
Attorney General

A BILL
entitled

An Act to repeal the Road Transportation Act, 1963 and to provide for matters incidental thereto.

ENACTED by the King and the Parliament of Swaziland.

Arrangement of Clauses

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PART I
PRELIMINARY

Citation and commencement

1. This Act may be cited as the Road Transportation Act, 1997, and shall come into operation on a date to be appointed by the Minister by notice in the Gazette, and different dates may be appointed for coming into operation of different sections of the Act or for different persons and motor vehicles falling under the Act.

Interpretation.

2. In this Act, unless the context otherwise indicates -

"abnormal load" means a load that cannot reasonably be divided into smaller loads, and that due to the nature of such load cannot be conveyed upon a motor vehicle in a manner which complies with the prescribed limits of weight or dimensions of motor vehicles and the loads thereon, as contained in the Road Traffic Act, 1965.

"area permit" means a permit referred to in section 17 (3);

"authorised representatives" means a person who -

(a) is entitled to practice and appear as an advocate or an attorney in the High Court of Swaziland; and

(b) has been authorised in writing by another person to represent that other person before the Board or the Board of Appeal as the case may be;

"Board" means the Road Transportation Board established by section 4;

"Board of Appeal" means the Road Transportation Board of Appeal established by section 9;

"bus" means a motor vehicle designed or adapted solely or principally for the conveyance of more than 16 persons, including the driver;

"certificate" means the operator's registration certificate referred to in Part IV of this Act;

"certificate of fitness" means a certificate of fitness issued under Part VI of the Road Traffic Act, 1965;

"Chairman" means the chairman of the Board or the Board of Appeal, as the case may be;

"examiner" means an examiner of vehicles appointed under section 5 of the Road Traffic Act, 1965;

"fare" means the amount of money paid by a passenger for a specific journey by bus, minibus or taxi;

"fee" means a fee prescribed by the Minister by Regulation ;

"goods vehicle" means a motor vehicle designed or adapted solely or principally for the carriage of goods and includes a truck-tractor;

"gross vehicle mass" means the maximum mass of such vehicle and its load as specified by the manufacturer or in the absence of such specification as determined by an examiner;

"inspector" means an officer of Government who is designated as an inspector by the Principal Secretary;

"international road transport permit" means a permit referred to in section 17 (4) or (5);

"member" means a member of the Board or member of the Board of Appeal as the case may be;

"minibus" means a motor vehicle designed or adapted solely or principally for the conveyance of more than nine (9), but not more than sixteen (16) persons, including the driver;

"Minister" means the Minister responsible for transport;

"motor car" means a motor vehicle other than a motor cycle, motor tricycle, motor quadrucycle or tractor, designed or adapted solely or principally for the conveyance of not more than (9) persons, including the driver;

"motor vehicle" means a motor vehicle as defined in the Road Traffic Act, 1965;

"national road transport permit" means a permit referred to in section 17 (1) of this Act;

"operator" means, in relation to a motor vehicle used or to be used for road transportation, the person who holds or is required under this Act to hold a certificate, and who is -

(i) the owner of the vehicle concerned; or

(ii) a person who in terms of a written contract with the owner has full rights to use the vehicle for a period exceeding three (3) months;

"owner" in relation to a motor vehicle has the same meaning as assigned in the Road Traffic Act, 1965;

"person" includes a legal person;

"permit" means a national road transport permit, international road transport permit, route permit, area permit or special permit, as the case may be;

"police officer" means a member of the Royal Swaziland Police;

"prescribed" means prescribed by regulations made by the Minister and published in the Gazette;

"Principal Secretary" means the Principal Secretary responsible for transport;

"public road" means a public road as defined in the Road Traffic Act, 1965 except that for purposes of a prosecution under this Act the road on which an offence is alleged to have been committed shall, unless the contrary is proved, be deemed to be a public road;

"road transportation" means the use on a public road of -

(i) a motor car or minibus to carry passengers for reward;

(ii) a bus;

(iii) a goods vehicle, the gross vehicle mass of which exceeds 3500 kilogrammes; or

(iv) a goods vehicle, the gross vehicle mass of which does not exceed 3500 kilogrammes, to carry goods for reward.

"route permit" means a permit referred to in section 17 (2);

"scheduled service" means a road transportation service for the conveyance of passengers for a journey or journeys from one or more points specified in advance to one or more destinations so specified and which may have stopping places to pick up or set down passengers along the line of route, according to a predetermined time table;

"unscheduled service" means a road transportation service for the conveyance of passengers for a journey from a place to any other place as required;

"Secretary" means the Secretary of the Board or the Board of Appeal as the case may be;

"special permit" means a permit referred to in section 17 (6), (7) or (8);

"tariff" means a charge per kilometre or per passenger kilometre as the case may be, for passenger transportation;

"taxi" means a motor car which is used for the conveyance of persons for reward or for hire.

Requirements for road transportation.

3. (1) A person shall not -

- (a) drive or permit to be driven; or
- (b) operate or permit to be operated,

on a public road a motor vehicle engaged in road transportation

- (i) otherwise than in accordance with the terms and conditions of a permit as required under section 17; and
- (ii) unless the permit is carried in the vehicle during the driving or operation of such vehicle.

(2) A permit shall not be issued to a person in respect of a motor vehicle registered in Swaziland unless a certificate has been issued by the Board to such person in terms of Part IV of this Act.

(3) A person shall not, for reward, convey a passenger in a goods vehicle on a public road.

PART II

ROAD TRANSPORTATION BOARD

Establishment and constitution of Road Transportation Board.

4. (1) There is hereby established a Board to be known as the Road Transportation Board.

(2) The Board shall consist of -

- (a) a Chairman, who shall be an admitted attorney in terms of the Legal Practitioners' Act, 1964; and
- (b) six (6) other members who shall be persons with wide experience in transport, industrial, commercial or financial matters,

all of whom, including the Chairman shall be appointed by the Minister for a period not exceeding three (3) years and on such terms and conditions (including remuneration) as the Minister may determine.

(3) The Chairman or a member shall cease to be such if -

- (a) he is absent from three (3) consecutive meetings of the Board without leave of the Chairman;
- (b) he, in writing delivered to the Minister, resigns as a member of the Board and such resignation shall not come into operation before a period of one month has elapsed since the member has delivered the resignation to the Minister;
- (c) he is convicted of an offence in respect of which he is sentenced to imprisonment without the option of a fine;

- (d) the Minister terminates his appointment as member of the Board;
- (e) he is an unrehabilitated insolvent; or
- (f) he is declared insane by a medical practitioner registered in terms of the Medical and Dental Practitioners' Act, No. 3 of 1970.

(4) If the Chairman is absent, the members present shall appoint one of the members to act as Chairman.

(5) A vacancy on the Board shall be filled by the appointment of another member in accordance with subsection (2) and a member so appointed shall hold office for the unexpired portion of the period of office of the vacating member.

(6) A member, other than an officer of Government, shall be paid from the Consolidated Fund such remuneration or allowance as the Minister may determine.

(7) The Minister shall appoint an officer of Government as Secretary of the Board.

Meetings, quorum and procedure of the Board.

5. (1) The first meeting of the Board shall be held at such time, date and venue as the Minister may determine.

(2) All subsequent meetings shall be held at such times and venues as the Chairman may determine.

(3) The Board shall meet at least once every month to consider matters arising from its functions.

(4) Four members of the Board shall form a quorum.

(5) A decision of the majority of the members of the Board present at a meeting of the Board shall constitute a decision of the Board.

(6) Each member of the Board shall have one vote and in the event of an equality of votes at any meeting, the person presiding at such meeting shall have a casting vote in addition to his deliberative vote.

(7) A member who has a material interest in a matter brought before the Board shall excuse himself during consideration of that matter by the Board.

(8) The Board shall make its own rules of procedure.

(9) The Secretary shall publish monthly a notice in any newspaper circulating in Swaziland setting out the decisions of the Board relating to applications made to the Board, including the granting or refusal of permits and certificates.

(10) The Secretary shall cause -

- (a) a record of the proceedings of the meetings of the Board to be kept; and

- (b) a verbatim records of all public hearings of the Board to be kept for a period of six months,

and the Secretary shall on request, and upon payment of the prescribed fee, furnish copies of such records to any other party who, in his opinion, may reasonably have an interest in the matter.

Functions of the Board.

6. The functions of the Board are to -

- (a) consider applications for or relating to the granting, renewal, amendment, suspension or cancellation of certificates and permits;
- (b) determine the demand for public passenger transport;
- (c) keep, or cause to be kept, registers of all certificates and permits issued, and any other register or data base as is required to properly administer road transportation; and
- (d) advise the Minister on any matter relating to the transportation of goods and passengers by road in Swaziland or any matter ancillary thereto which the Minister may refer to the Board.

General powers of the Board.

7. (1) In the performance of its functions under this Act, the Board may suspend or cancel a certificate or permit if -

- (a) a material condition imposed in the granting, renewal or amendment of such certificate or permit is not being complied with by the holder thereof;
- (b) the holder of the certificate or permit has been convicted of an offence relating to the carrying out of his transport operations, industry, trade or business;
- (c) in the case of a certificate or permit authorising passenger transport, the holder of the certificate or permit, or an employee of such holder, has been convicted of an offence which, in the opinion of the Board, discloses a disregard for the safety of the passengers carried on a motor vehicle used by such holder or the public using public roads; or
- (d) in the case of a route permit or an area permit, the Board is of the opinion that the operator -
 - (i) has insufficient motor vehicles capable of carrying out the service authorised; or
 - (ii) does not service the route or area concerned within three (3) months of the date of issue of the permit or of the date upon which such operator undertook to provide such service in his application;
 - (iii) fails, for any reason, for a continuous period of three (3) months, to provide the service authorised by such permit; or
- (e) in the opinion of the Board, the holder thereof has submitted false or forged documents or has made a false declaration relating to the certificate or permit concerned, or relating to any other certificate or permit issued to him.

(2) The Board may instruct an inspector or examiner to inspect or examine -

(a) a motor vehicle that is or will be engaged in road transportation; and

(b) the technical facilities for the maintenance of motor vehicles used in road transportation,

and may require written reports on the motor vehicles or facilities concerned from such inspector or examiner.

(3) The Board may take evidence under oath or affirmation, and make such other investigations as it may deem fit in reaching a decision referred to in subsection (1) or section 13 (3) or section 22 (3) and for such purpose the Chairman may -

(a) subpoena witnesses;

(b) administer oaths and affirmations; and

(c) require such documents as the Board deems necessary, to be produced.

(4) The Board may examine or cause to be examined by a person authorised thereto by the Board, any records of the holder of a certificate or permit that may contain information to enable the Board to decide whether the holder of such certificate or permit is complying with the provisions of the Act, and with the conditions or limitations of the permit or certificate concerned.

(5) Before subsection (1) is invoked, the Board shall notify the holder of a certificate or permit which it intends to suspend or cancel, of such intention, and shall require such holder to make written representation within fourteen (14) days, as to why such suspension or cancellation should not be effected.

(6) The Board may, subject to the provisions of this Act, impose ceilings on the number of permits issued under Part V, where such ceilings are prescribed in terms of section 35.

Right of Appeal.

8. A person aggrieved by a decision of the Board may appeal to the Board of Appeal and section 11 of this Act shall apply with regard to such appeal.

PART III

ROAD TRANSPORTATION BOARD OF APPEAL

Establishment and constitution of Road Transportation Board of Appeal.

9. (1) There is hereby established a Board of Appeal to be known as the Road Transportation Board of Appeal.

(2) The Board of Appeal shall consist of a Chairman and four (4) other members appointed by the Minister, all of whom shall be admitted attorneys in terms of the Legal Practitioners Act, 1964;

(3) A person shall not qualify for appointment as Chairman or member of the Board of Appeal if he is an operator registered in terms of Part IV of this Act.

(4) The Minister may appoint an alternative to a member of the Board of Appeal who shall have the qualifications referred to in section 9 (2).

(5) A member of the Board of Appeal shall hold office for such period and on such conditions as the Minister may determine at the time of the appointment.

(6) A member of the Board of Appeal shall cease to be a member if -

- (a) he is absent from three (3) consecutive meetings of the Board of Appeal without leave of the Chairman;
- (b) he in writing, resigns as a member of the Board of Appeal and the resignation shall not come into operation before a period of one month has elapsed since such member has delivered such resignation to the Minister;
- (c) he is convicted of an offence in respect of which he is sentenced to imprisonment without the option of a fine;
- (d) the Minister terminates his appointment as member of the Board of Appeal; or
- (e) he is an unrehabilitated insolvent.

(7) A vacancy on the Board of Appeal shall be filled by the appointment of another member in accordance with subsection (4), and that member shall hold office for the unexpired portion of the period of office of the vacating member.

(8) A member of the Board of Appeal, other than an officer of Government, shall be paid from the Consolidated Fund such remuneration or allowance as the Minister may determine.

(9) The Secretary of the Board shall act as Secretary of the Board of Appeal.

Meetings, quorum and procedure of the Board of Appeal.

10. (1) The first meeting of the Board of Appeal shall be held at such time, date and venue as the Minister may determine.

(2) All subsequent meetings of the Board of Appeal shall be held at such times and venues as the Chairman of such Board may determine.

(3) If for any reason the Chairman of the Board of Appeal is absent or unable to act as Chairman, the members present shall appoint one of the members to act as Chairman of the Board of Appeal and the person so appointed shall perform all the functions and duties and exercise all the powers of the Chairman.

(4) Three members of the Board of Appeal shall form a quorum.

(5) A decision of the majority of the members of the Board of Appeal present at any meeting of the Board shall constitute a decision of the Board.

(6) A member of the Board of Appeal shall have one vote and in the event of an equality of votes at any meeting, the Chairman shall have a casting vote in addition to his deliberative vote.

(7) If a member of the Board of Appeal has a material interest in a matter brought before the Board, he shall excuse himself when that matter is being considered by the Board.

(8) If at any meeting of the Board of Appeal the appellant is of the opinion that any member of such Board is or may be prejudiced against the appellant, the appellant may bring an application to the Chairman that, for the purpose of considering the appeal concerned, the member who is so prejudiced shall recuse himself.

(9) When the application referred to in section (8) involves -

- (a) the Chairman at that meeting, the other members of the Board of Appeal shall decide on the application, and if they decide that the application should be granted, the Chairman shall recuse himself; and
- (b) a member of the Board of Appeal other than the Chairman, the members except the member concerned, shall decide on the application, and if they decide that the application should be granted, the member concerned shall recuse himself.

(10) If, due to the recusal of any member of the Board of Appeal, the remaining members of such Board do not constitute a quorum, consideration of the appeal concerned shall be adjourned until such time as a quorum of such Board is present.

(11) The Board of Appeal shall make its own rules of procedure.

(12) The Secretary shall cause -

- (a) a record of the proceedings of the meetings of the Board of Appeal to be kept; and
- (b) a verbatim records of all public hearings of the Board of Appeal to be kept for a period of three (3) months,

and the Secretary shall on request, and upon payment of the prescribed fee, furnish copies of such records to any other party who, in his opinion, may reasonably have an interest in the matter.

Appeal against decision of the Board.

11. (1) A person -

- (a) whose application for a certificate or permit has been refused;
- (b) who has opposed the granting of a permit where such permit has been granted; or
- (c) who holds a certificate or permit whose certificate or permit has been suspended or cancelled,

may appeal against the decision of the Board, to the Board of Appeal.

(2) The decision of the Board of Appeal shall be final.

(3) Prior to giving notice of appeal, the appellant and any other party having an interest in the matter shall, on request, and on the payment of the prescribed fee, be furnished by the Secretary of the Board with the reasons for the Board's decision.

(4) Any appeal shall be accompanied by such deposit as may be prescribed and such deposit shall be refunded only if the appeal concerned is upheld by the Board of Appeal.

(5) The notice of appeal shall be lodged in writing with the Secretary of the Board within 14 days from the date of decision of the Board and the following particulars shall be furnished -

- (a) the full names and address of the appellant;
- (b) the full grounds upon which the appeal is founded; and
- (c) proof of payment of the deposit referred to in subsection (4).

(6) No grounds of appeal shall, without the leave of the Board of Appeal, be allowed other than those stated in the written notice of appeal under subsection (5).

(7) The Secretary of the Board shall, within 21 days from the date of receipt of the notice of an appeal, forward -

- (a) the notice of appeal, the reasons for the decision of the Board and a transcript of the evidence heard by the Board, duly certified as correct by the Secretary of the Board, to the Board of Appeal; and
- (b) a copy of the notice of appeal to each other party having an interest in the matter.

(8) The Board of Appeal shall meet to consider the appeal and may make such order as it deems fit, and the Board shall comply with that order.

(9) The Board of Appeal shall, within 30 days of the receipt of the notice of appeal, consider and decide upon the appeal concerned.

PART IV

OPERATOR'S REGISTRATION CERTIFICATE

Application for operator's registration certificate.

12. (1) Subject to subsection (2), a person who -

- (a) wishes to register as an operator and to obtain an operator's registration certificate; or
- (b) is the holder of an operator's registration certificate and wishes to renew or amend such certificate,

shall apply in the prescribed form to the Board and shall lodge such application with the Secretary.

(2) Subsection (1) does not apply to -

- (a) a person who is not a citizen, or permanent resident of Swaziland;
- (b) a company which is not registered in Swaziland in terms of the Companies Act, 1912; or
- (c) an organisation, partnership or company which does not have a permanent base of operations in Swaziland.

(3) The application shall be accompanied by the prescribed fee and the documents prescribed.

(4) The Secretary shall on receipt of the application and after satisfying himself that the form is complete, place the application on the agenda for the next meeting of the Board.

(5) The holder of a certificate shall, at least three (3) months before the date of expiry of the permit concerned, apply for the renewal of such certificate.

(6) The holder of a certificate who fails to apply for the renewal of his certificate within the period referred to in subsection (5) shall be liable to a penalty as prescribed.

Consideration of application for certificate.

13. (1) The Board shall, not later than thirty (30) days from the date such application was submitted to the Secretary, consider the application.

(2) In considering an application for the issue of a certificate or the renewal or amendment thereof, the Board shall have regard to the following matters -

- (a) the suitability and qualifications of the applicant to be registered as an operator;
- (b) the applicant's financial stability;
- (c) the technical facilities available to the applicant for the adequate maintenance of the motor vehicle concerned;
- (d) whether the applicant is likely to carry out the road transportation to which the application relates;
- (e) any record of offences committed by the applicant or any employee of the applicant, in terms of this Act or the Road Traffic Act, 1965; and
- (f) any further matter incidental to the granting or renewal of a certificate.

(3) The Board may, on the basis of consideration of the matters referred to in sub-section (2) -

- (a) refuse or grant the application;
- (b) require the applicant, or the authorized representative of the applicant, to appear before the Board in support of the application and if the applicant is a company or other organisation, such company or other organisation may designate any employee thereof to appear on behalf of such company or organisation.

(4) The Board may, where circumstances require, postpone considering the application for a period not exceeding thirty (30) days.

(5) If the Board requires an applicant or authorised representative to appear before the Board, the Secretary shall give written notice to such applicant or representative at least seven (7) days before the meeting of the Board at which such applicant or representative is required to appear.

Validity of certificate.

14. Subject to section 16 (2), a certificate or renewal thereof shall, unless suspended or cancelled, be valid for such period as the Board may determine, but in the absence of such determination, shall be valid for three (3) years.

Issue of certificate.

15. (1) After the application has been granted and upon payment by the applicant of the prescribed fee, the Secretary shall on behalf of the Board, issue a certificate on the prescribed form.

(2) If the Secretary of the Board is satisfied that a certificate has been lost, destroyed or defaced, he shall, upon payment of the prescribed fee issue a duplicate certificate.

(3) No certificate shall not be transferable and no person shall sell, lease or hire out any certificate which has been granted to him.

Powers of Chairman regarding renewal or amendment of certificate.

16. (1) If an application is made for the renewal or amendment of a certificate, the Chairman may, in consultation with the Secretary -

- (a) grant the application if he is satisfied that the applicant has complied, and the application complies, with all the requirements of the Act; or
- (b) if he is not so satisfied, order that the application be referred to the Board for decision on the matter.

(2) Notwithstanding anything to the contrary contained in this Act, the Chairman may grant a temporary renewal of a certificate -

- (a) on receipt of an application for the renewal of the certificate concerned prior to the expiry of such certificate, but with insufficient time for the Board to consider such application;
- (b) for a maximum period of three (3) months; and
- (c) once only in respect of each application for renewal of the certificate concerned.

(3) The Chairman may, if an application is received for the amendment of a certificate where the holder thereof is deceased, and on production of the documents prescribed, if satisfied that the applicant is the legal benefactor of the estate of the deceased holder, grant that the applicant shall become the holder of the certificate concerned.

PART V

PERMITS

Permit to be obtained for certain road transportation services.

17. (1) An operator who wishes to carry out road transportation within Swaziland shall apply for a national road transport permit for each motor vehicle used or to be used for such road transportation.

(2) Subject to subsection (9), an operator who wishes to carry out a scheduled or unscheduled service along a route for reward shall, in addition to the permit referred to in subsection (1), obtain a route permit for the route on which such service will be carried out.

(3) An operator who wishes to carry out -

- (a) an unscheduled passenger service by means of a taxi; or
- (b) a goods transport service for reward by means of a goods vehicle, the gross vehicle mass of which does not exceed 3500 kilogrammes;

shall, in addition to the permit referred to in subsection (1), obtain an area permit.

(4) An operator who wishes to carry out road transportation to or through a country with which the Government of Swaziland has entered into an agreement shall in addition to the permit referred to in subsection (1), obtain an international road transport permit in accordance with the provisions of such agreement.

(5) A person who wishes to carry out road transportation to, from or through Swaziland by means of a motor vehicle registered in a country with which the Government of Swaziland has entered into an agreement shall possess an international road transport permit issued in accordance with the provisions of that agreement.

(6) A person who wishes to carry out road transportation to, from or through Swaziland by means of a motor vehicle registered in a country other than a country referred to in subsection (5), shall obtain a special permit.

(7) An operator who wishes to -

- (a) convey passengers for reward on a specific ad hoc journey;
- (b) deviate from a specified timetable on a route permit for a limited period;
- (c) convey an abnormal load; or
- (d) use a specially designed trailer that is registered in a foreign country, for special operations within Swaziland, which will be required for a period of less than three months, and which is approved by the Secretary, shall obtain a special permit.

(8) Where the service authorised by an operator's route or area permit has been interrupted due to the mechanical breakdown of a motor vehicle, another operator may, with the consent of the permit holder, obtain a special permit to render the service concerned.

(9) A route permit for an unscheduled service shall be issued only for a route entirely within a prescribed area.

Authority conveyed by permits.

18. (1) Subject to Section 17, a national road transport permit shall authorise the holder to carry out road transportation by means of the motor vehicle identified in the permit, from one place to another place within Swaziland.

(2) A route permit shall authorise the holder thereof -

- (a) in the case of a scheduled service, to carry out such service along the route, stopping at the places indicated and according to timetable specified in such permit; and
- (b) in the case of an unscheduled service to carry out such service on the route concerned as required,

by means of any motor vehicle of the type and capacity specified in such permit and for which the holder has a national road transport permit.

(3) An area permit shall authorise the holder to carry out a road transportation service within the area identified in that permit, by means of any motor vehicle of the type and capacity specified in such permit and for which the holder has a national road transport permit.

(4) An international road transport permit shall authorise the holder thereof to carry out road transportation on a trip from within Swaziland to some other country, or from such other country to or through Swaziland, but shall not authorise the conveyance of goods or persons from one place to another place within Swaziland.

(5) A special permit shall authorise the holder to carry out the road transportation specified within such permit, in accordance with the periods of time and conditions, and by means of the motor vehicle or vehicles specified therein.

(6) No permit shall be transferable and no person shall sell, lease or hire out any permit which has been granted to him.

Application for permits.

19. (1) An operator referred to in section 17 (1), (2) or (3) shall make written application for the permit concerned or for its renewal or amendment as the case may be, to the Board and shall lodge such application with the Secretary.

(2) The application referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by the documents prescribed.

(3) An operator referred to in section 17 (4) and any person referred to in section 17 (5) shall apply for the permit concerned to the appropriate authority as contemplated in, and in accordance with the provisions of the agreement referred to in those subsections.

(4) Any person referred to in section 17 (6) shall apply for the permit concerned to the Secretary or the officer of Government contemplated in section 21 (5).

(5) Any operator referred to in section 17 (7) shall apply for the permit concerned to the Secretary.

(6) A special permit may be issued without written application if the applicant shall provide the information required by the Secretary.

(7) An application referred to in this section shall be accompanied by the appropriate prescribed fee.

(8) The holder of a permit other than a special permit, who desires to renew such permit, shall, at least three (3) months before the date of expiry of the permit concerned, apply for the renewal of such permit.

(9) The holder of a permit who fails to apply for the renewal of his permit within the period referred to in sub-section (8) shall be liable to a penalty as prescribed.

Process of applications for permits.

20. (1) The Secretary shall, on receipt of an application referred to in section 19, in the case of an application for a -

- (a) route permit or an area permit, or the renewal or amendment thereof, publish a notice in a newspaper circulating in Swaziland setting out briefly the particulars regarding such application; and
- (b) permit other than a permit referred to in paragraph (a), proceed in accordance with sections 21 and 22.

(2) The notice referred to in subsection (1) (a) shall -

- (a) state where the application may be examined by parties having interest in the matter; and
- (b) call upon any person objecting to such application to lodge, within 14 days, any such objection against such application, with the Secretary of the Board.

(3) An objection referred to in subsection (2) (b) shall -

- (a) be accompanied by such fee as may be prescribed;
- (b) be lodged in writing on the prescribed form, with the Secretary within 14 days after the date of publication of the notice referred to in subsection (1);
- (c) furnish the full names and address of the objector; and
- (d) furnish grounds upon which the objection is founded.

(4) The Secretary shall -

- (a) give not less than fourteen (14) days written notice to -
 - (i) the applicant against whose application an objection has been received; and
 - (ii) any objector to the application,
 of the date and time of the meeting at which such application shall be considered by the Board;
- (b) provide a copy of any objection to the application, to the applicant concerned; and
- (c) ensure that the application, any objections thereto and any other relevant information is prepared for the Board and that such application is placed on the agenda of the meeting of the Board.

Consideration of applications for permits.

21. (1) The Board shall consider the application referred to in section 20 (1) not later than thirty (30) days from the date of receipt of the application unless -

- (a) it is an application referred to in Section 20 (1) (a) in which case the period of thirty (30) days shall be extended by such period as is required under section 20; or

- (b) the Board requires further information for consideration of the application, in which case the Board may postpone further consideration of the application for such period as it may deem fit.
- (2) Applications shall be considered in sequence of their dates of application, unless the Chairman of the Board determines that the applications be considered in some other sequence.
- (3) An applicant or objector, or the authorised representative of such applicant or objector, may make verbal representation at the meeting at which the application is considered by the Board, on the matters referred to in section 22.
- (4) The Board may, on the basis of consideration of the matters listed in section 22, grant any application in full or in part, or refuse any application.
- (5) An application for a special permit under section 19 (6) shall be considered by the Secretary and the Secretary may delegate to an officer of Government stationed at a border post in Swaziland, the consideration of such application and such officer of Government shall take into account the matters, and exercise the discretion contemplated in section 22, and shall, if satisfied that the granting of a special permit is justified, act in accordance with the provisions of section 24.

Matters to be considered by the Board.

22. (1) In considering an application for a permit or for the renewal or amendment of such permit, the Board shall consider the following matters -

- (a) whether the applicant is in possession of a certificate;
- (b) the type of motor vehicle, its carrying capacity and the nature of the road transportation to be undertaken;
- (c) in the case of an application for a route permit or an area permit -
 - (i) any objections lodged against such application;
 - (ii) whether the applicant has taken out an insurance policy of at least the prescribed minimum cover according to the injuries sustained, to compensate passengers who suffer loss in the event of an accident;
 - (iii) whether the applicant is a citizen of Swaziland or if the applicant is a company, the share holding of which is held entirely by citizens of Swaziland; and
 - (iv) the need for road transportation on the route or in the area to be serviced;
- (d) in the case of a scheduled service, the proposed timetable and, in the case of scheduled services operating on the same route, serving the same stopping places, the Board shall ensure that the timetables concerned are scheduled with at least the prescribed minimum time interval between their starting times, unless the number of passengers requiring transport at the time concerned justifies a lesser time interval;
- (e) whether the applicant is likely to carry on the road transportation to which the application relates;
- (f) any record of offences committed by the applicant or the employees of the applicant in terms of this Act or the Road Traffic Act, 1965; and

(g) any ceilings prescribed for the granting of the number of the type of permit applied for.

(2) The Board shall not grant, renew or amend a permit if, in the opinion of the Board, the applicant -

(a) is not in possession of a certificate;

(b) has not taken out an insurance policy as referred to in subsection (1) (c) (ii); or

(c) is not a citizen of Swaziland or a company, referred to in subsection (1) (c) (iii).

(3) The Board may refuse to grant, renew or amend a permit if, in the opinion of the Board, such grant renewal or amendment is not justified having regard to -

(a) any of the matters set out in subsection (1) (b), (c) (i) and (iv), (d), (e) and (f);

(b) existing transport facilities whether by road, rail, air or otherwise; or

(c) the public interest generally.

Validity of permits.

23. Subject to section 25 (2) a permit shall, unless duly suspended or cancelled, be valid for the period determined by the Board, and in the absence of such determination -

(a) a national road transport permit, or the renewal thereof shall be valid for three (3) years from the date of the issue thereof;

(b) a route permit or an area permit shall be valid for a period of three (3) years from the date of the issue thereof;

(c) an international road transport permit shall be valid for a period in accordance with the agreement under which such permit is issued; and

(d) a special permit shall be valid for the period prescribed which shall not exceed 30 days.

Issue of permit.

24. (1) If an application for a permit, other than a special permit, has been granted and upon payment of the prescribed fee, and production of the documents prescribed, the Secretary shall, on behalf of the Board, issue the permit concerned on the prescribed form and, in the case of a route permit, shall certify the timetable relating to such permit.

(2) A special permit shall be issued by the Secretary or the officer of Government referred to in section 21 (5), on the prescribed form and shall contain the information as prescribed.

(3) In the case where the Secretary is satisfied that a permit has been lost, destroyed or defaced, the Secretary shall, upon payment of the prescribed fee, issue a duplicate permit.

Powers of the Chairman of the Board regarding renewal or amendment of permit.

25. (1) If an application is made to the Board for the renewal or amendment of a route permit or an area permit and the application is not opposed, or for a national road transport permit, the Chairman may -

(a) grant the application if he is satisfied that the applicant has complied, and the application complies, with all the requirements of the Act; or

(b) if he is not so satisfied, order that the application be referred to the Board for decision on the matter.

(2) Notwithstanding anything to the contrary contained in this Act, the Chairman may grant a temporary renewal of a permit -

(a) on receipt of an application for the renewal of the certificate or permit concerned prior to the expiry of such certificate or permit, but with insufficient time for the Board to consider such application;

(b) for a maximum period of three (3) months; and

(c) once only in respect of each application for renewal of the permit concerned.

(3) The Chairman may, if an application is received for the amendment of a permit where the holder thereof is deceased, and on production of the documents prescribed, if satisfied that the applicant is the legal benefactor of the estate of the deceased holder, grant that the applicant shall become the holder of the permit concerned.

PART VII

MISCELLANEOUS

Taxis.

26. (1) The operator of a taxi shall -

(a) on a date to be prescribed by the Minister by notice published in the Gazette, have a meter of the prescribed type installed, and such meter shall be calibrated in accordance with the tariff limits prescribed;

(b) have an illuminated sign displaying the word "TAXI" affixed on top of the motor vehicle concerned; and

(c) paint such taxi or cause it to be painted in the prescribed manner and colour.

(2) The driver of a taxi shall put the meter referred to in subsection (1) (a) into operation when a passenger embarks on such taxi and shall maintain such meter in operation until the passenger disembarks.

(3) The passenger of a taxi shall pay the fare shown on the meter referred to subsection (1) (a) to the driver of such taxi before disembarking from such taxi.

Responsibility and authority of driver.

27. (1) The driver of a bus, minibus or taxi, shall ensure that the lawful capacity of passengers on such bus, minibus or taxi is not exceeded.

(2) The driver of a motor vehicle engaged in road transportation shall be in possession of a public driving permit as required in terms of the Road Traffic Act, 1965, and such permit shall be kept with such driver in the motor vehicle concerned when such vehicle is operated on a public road.

Responsibility of operator.

28. An operator shall ensure that, in respect of any motor vehicle operated by him under this Act -

- (a) all information contained in the certificate and any permit held by such operator in respect of such motor vehicle is correct and where any change occurs, the operator shall notify the Secretary within seven (7) days of such change;
- (b) the terms and conditions of the certificate and of any permit held by such operator are complied with by all employees of such operator;
- (c) such motor vehicle is maintained in good roadworthy condition and the certificate of fitness issued in respect of such vehicle is kept in such vehicle as required in terms of the Road Traffic Act, 1965;
- (d) the driver and where appropriate the conductor are properly trained and comply with this Act and the Road Traffic Act, 1965;
- (e) the lawful capacity of such vehicle as determined in the Road Traffic Act, 1965 in terms of the wheel, axle or total vehicle loads or the number of passengers carried, or both, is not exceeded;
- (f) the operation of such vehicle is conducted with due regard to the safety of the public;
- (g) records, as prescribed, of the road transportation carried out by such operator are maintained, and such records shall, at all reasonable times, be available for inspection by any police officer or examiner or inspector, at the office of the operator; and
- (h) the use and control exercised over such vehicle complies with any further requirement prescribed.

Powers of police officer, examiner or inspector.

29. (1) A police officer, an examiner or inspector may stop any motor vehicle engaged in road transportation and -

- (a) require the driver to produce for inspection any permit, certificate or document required under this Act or under the Road Traffic Act, 1965 in respect of such vehicle; and
 - (b) generally satisfy himself that the vehicle is being operated in a proper manner and in terms of any permit issued in respect of such vehicle.
- (2) (a) If any document produced in terms of subsection (1) appears to the officer referred to in that subsection to be unlawfully used, altered or falsified, the officer concerned shall impound such document and issue to the driver or person concerned, a receipt for such document.
- (b) The receipt referred to in paragraph (a) shall not provide any of the authority conveyed by the document impounded in terms of such paragraph.

(3) Subject to section 3, if the driver of a motor vehicle is asked to produce any certificate, permit or document referred to in subsection (1) (a), and such certificate, permit or document is not available at the time when the production thereof is required, the driver shall within a period of 7 days after the date on which he is required to produce such certificate, permit or document, produce the certificate, permit or document for inspection at a police station to be specified at the time by the member of the Police or the examiner or the inspector concerned.

(4) An inspector may in respect of a motor vehicle engaged in road transportation -

- (a) require the driver to stop such vehicle;
- (b) inspect or test such vehicle or the equipment on such vehicle to determine whether such vehicle or equipment complies with the law and if in his opinion such vehicle or equipment does not comply with the law -
 - (i) prevent such vehicle from proceeding unless towed; or
 - (ii) issue a note in the prescribed form to allow such vehicle to proceed at a speed not exceeding that determined by him, to a place of repair or to a place designated by him for further testing by an examiner of vehicles;
- (c) weigh or cause to be weighed any goods vehicle to determine if the loads on such vehicle comply with the Road Traffic act, 1965;
- (d) require the driver or conductor of such vehicle to give his name and address;
- (e) temporarily forbid the driver of such vehicle from driving such vehicle;
- (f) require the driver of such vehicle to be examined by a medical practitioner; and
- (g) require a person or goods unlawfully conveyed in such vehicle to be removed therefrom.

(5) If an offence is alleged to have been committed under this Act and a police officer or inspector is of the opinion that a public prosecutor will prosecute the person who committed the offence, such police officer or inspector -

- (a) may issue a summons in the prescribed form and manner, and hand such summons to the person concerned, which shall require such person to appear in court at a place and on a date at a specified time, to answer the charge in the summons; or
- (b) may issue a notice of intent to prosecute, in the prescribed form and manner, to the person concerned,

and in the case where the police officer or inspector believes that on conviction a court would not impose a fine in excess of the fine prescribed by the Minister in terms of section 35 (b) for the offence concerned, the summons or the notice referred to in paragraphs (a) or (b) respectively, shall indicate that a fine of the prescribed amount may be paid, without appearance in court, in terms of section 312 of the Criminal Procedures and Evidence Act, 1938.

(6) Section 117 (3), (4) and (5) of the Criminal Procedures and Evidence Act, 1938 shall apply *mutatis mutandis* with regard to a summons referred to subsection (5) (a).

(7) Section 312 (2) to (10) inclusive of the Criminal Procedures and Evidence Act, 1938 shall apply *mutatis mutandis* with regard to a fine referred to subsection (5).

Seizure of motor vehicle.

30. (1) A police officer or an inspector may, subject to the provision of subsection (2), seize a motor vehicle or a motor vehicle with its load, which is used in or is, on reasonable grounds, believed to be used in the commission or suspected commission of an offence in terms of this Act.

(2) The manner and conditions in respect of the seizure, safe-keeping and disposal of a motor vehicle or a motor vehicle with its load referred to in subsection (1) shall be as prescribed.

Consultation.

31. The Board may from time to time, consult with the representative associations of the operators or the public regarding road transportation matters.

Offences and penalties.

32. (1) Any person who -

- (a) contravenes section 3 read with section 17 commits an offence and, on conviction, is liable to a fine not exceeding eight thousand Emalangeni (E8,000.00) or to imprisonment for a period not exceeding two (2) years, or both;
- (b) contravenes section 26 (1) (a), or fails to comply with an instruction issued in terms of section 32, commits an offence and, on conviction, is liable to a fine not exceeding two thousand Emalangeni (E2,000.00) or to imprisonment for a period not exceeding six (6) months, or both;
- (c) contravenes section 15 (3), 18 (6), 26 (1) (b) or (c), 26 (2) or 28 (1) commits an offence and, on conviction, is liable to a fine not exceeding one thousand Emalangeni (E1,000.00) or to imprisonment for a period not exceeding three (3) months, or both.

(2) Any person who -

- (a) gives false evidence under oath or affirmation before the Board, knowing such evidence to be false, commits an offence and, on conviction, is liable to the penalties prescribed by law for the crime of perjury;
- (b) having been subpoenaed to give evidence or to produce any book, plan or document before the Board -
 - (i) fails, without sufficient cause, to attend at the time and place mentioned in the subpoena served on him;
 - (ii) attends, but leaves the premises where the Board is sitting without the permission of the Chairman of the Board;
 - (iii) refuses to be sworn in or affirmed, or, having been duly sworn in or affirmed, refuses, without sufficient cause, to answer or to answer fully and satisfactorily to the best of his knowledge and belief all lawful questions put to him by or with the concurrence of the Chairman of the Board; or
 - (iv) fails, without sufficient cause, to produce a book, plan or document as requested by the Board,

commits an offence and, on conviction, is liable to a fine not exceeding one thousand Emalangeni (E1,000.00) or to imprisonment for a period not exceeding three (3) months, or both.

(3) The certificate of an operator whose motor vehicle has been involved in the committing of more than the prescribed number and type of offences, shall become null and void and the operator concerned shall return the certificate and all permits issued to him, to the Secretary forthwith.

(4) A permit held by an operator in respect of a motor vehicle, route or an area shall become null and void if more than the prescribed number and type of offences are committed with such vehicle, on such route or in the area concerned.

Forfeiture of motor vehicle.

33. (1) The court, in convicting a person of an offence in terms of section 3 (1) (a) may declare a motor vehicle or its load or both, which was or were used in the commission of the offence and which was or were seized under the provisions of this Act, to be forfeited to the State and such declaration shall not affect any right which any person other than the convicted person may have to the vehicle or load or both, if it is proved that such other person did not know that the vehicle or its load or both was or were being used or would be used in the commission of the offence concerned, or that he could not prevent such use.

(2) If the person convicted of an offence referred to in terms of subsection (1) is not the owner of the vehicle concerned, the court shall notify the owner of such vehicle that the vehicle concerned is declared forfeited to the State.

Minister may enter into agreement with other country.

34. (1) The Minister may, after consultation with the respective representative associations of the operators, enter into an agreement with the government of any country whereby arrangements are made regarding the regulation of road transportation to and from such country.

(2) As soon as possible after the conclusion of an agreement made under subsection (1), the arrangements thereby made shall be published by the Minister in the Gazette.

(3) Any agreement made in terms of subsection (1) shall, as soon as possible after the conclusion of such agreement, be tabled in Parliament for information.

Regulations.

35. The Minister, may, by notice in the Gazette, make regulations not inconsistent with this Act, -

- (a) prescribing fees, tariffs and fares under this Act;
- (b) notwithstanding the limitation in section 312 (1) of the Criminal Procedure and Evidence Act, 1938, the maximum level of a fine to be paid, without appearance in court for an offence committed under this Act;
- (c) in relation to the form of registers, certificates, permits and application forms;
- (d) in relation to the proper administration of any agreement referred to in Section 34: and
- (e) in relation to any other matter which is required or permitted to be prescribed by this Act or which is necessary or expedient to be prescribed in order to achieve the purposes of this Act.

Repeal and savings.

36. (1) Subject to subsection (2), the Road Transportation Act, 1963 is repealed.

(2) Any notice, regulation, authorization, order or approval issued, made, or granted, or any appointment or any other thing done in terms of a provision of any law repealed by subsection (1) shall, except in so far as may be otherwise required by this Act, be deemed to have been issued, made, granted or done under this Act.

LEGAL NOTICE NO. 158 OF 1997

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

THE COMMISSION OF ENQUIRY INTO THE OPERATIONS OF THE HAVELOCK
MINE HOSPITAL (EXTENSION OF TIME) NOTICE, 1997
(Under Sections 4 and 5)

In exercise of the powers conferred by sections 3 and 5 of the Commissions of Enquiry Act, 1963 the Minister for Health and Social Welfare issues the following Notice -

Citation and commencement.

1. This Notice may be cited as the Commission of Enquiry into the Operations of the Havelock Mine Hospital (Extension of Time) Notice, 1997 and shall be deemed to have come into force on the 19th day of September, 1997.

Extension of time.

2. The time within which the Commission shall submit its report is extended from the 19th day of September, 1997 to the 10th day of October, 1997.

DR. PHETSILE DLAMINI (MP)
Minister for Health and Social Welfare

25th September, 1997