

EDWARD NATHAN & FRIEDLAND (PTY) LTD.
VICTOR MANSELL KNOWLEDGE CENTRE



SWAZILAND GOVERNMENT GAZETTE

VOL. XXXIX]

MBABANE, Friday, MARCH 2nd., 2001

[No. 664

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PUBLISHED BY AUTHORITY

NOTICE

Notice is hereby given that I, Messiah Nyamwela of Manzini Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Sitsebe after the fourth publication of this notice in each of the four consecutive weeks in the Times of Swaziland Newspaper, being the only newspaper 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 Sitsebe is my natural surname.

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

P. O. Box 180
Bhunya
Swaziland

C169 4x2-03-2001

NOTICE

Notice is hereby given that I, Samson Simon Matse of Hhohho Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Mangerino after the fourth publication of this notice in each of the four consecutive weeks in the Times of Swaziland Newspaper, being the only newspaper circulating in the Region where I reside and designated for this purpose by the Regional Secretary for the Hhohho Region and in the Government Gazette.

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

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

P. O. Box 1347
Mbabane
Swaziland

C225 4x09-03-2001

NOTICE

ESTATE LATE: JOHN MAVELA NDWANDWA ESTATE NO. ES261/99

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation Account will lie open at the office of the Master of the High Court of Swaziland Mbabane for a period of 21 days (twenty one days) from the date of publication of this Notice.

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

MOSES MKHATSHWA
P. O. Box 1823
Mbabane

C295 2-03-2001

131

NOTICE

Notice is hereby given that we intend applying for a certified copy of: Deed of Transfer No. 241/1985 dated the 14th June 1985 in favour of JEMINA FAKUBI MAGONGO (born MLOTSHWA on the year of 1910) WIDOW in respect of:

CERTAIN : Lot No. 1200 situate in Mbabane Extension No. 11 (Thembelihle Township) in the District of Hhohho, Swaziland;

MEASURING : 957 (Nine Five Seven) square metres;

Any person having objections 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 15TH DAY OF FEBRUARY 2001.

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

C261 2x2-03-2001

NOTICE

Notice is hereby given that we intend applying for a certified copy of:- Deed of Transfer No. 40/1981 dated the 4th February, 1981; in favour of ELIAS LONGUBO NDWANDWE in respect of:

CERTAIN : Portion 461 (a portion of Portion 94) of Farm Dalriach No. 188 situate in the District of Hhohho, Swaziland;

MEASURING : 4047 (FOUR ZERO FOUR SEVEN) 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 19TH DAY OF FEBRUARY, 2001.

ROBINSON BERTRAM
Attorneys for Applicant
Sokhamlilo Building
P. O. Box 24
Mbabane - H100

C280 2x2-03-2001

NOTICE

ESTATE LATE: SOLOMON D. MASILELA ESTATE NO. EL173/2000

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MUSA MASILELA
P. O. Box 38
Lomahasha

C292 2-03-2001

NOTICE

Notice is hereby given that I, Vusie Joseph Mwel of Manzini Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Khoza after the fourth publication of this notice in each of the four consecutive weeks in the Times of Swaziland Newspaper, being the only newspaper 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 Khoza is my natural surname.

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

P. O. Box 509
Manzini

C288 4x16-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR SIBUSISO HENRY SHONGWE OF P. O. BOX 258, MBABANE in his capacity as Chairman of the Association has been made for the grant to Registration of the name

ABIDING GRACE OUTREACH MINISTRY

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C297 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MS MAVIS MOTSAMAI OF P. O. BOX 12, MANZINI in her capacity as Chairperson of the Association has been made for the grant to Registration of the name

KA-BHUDLA SICALO SETFU PIGGERY ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C298 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR JOSEPH MUSA GUMEDZE OF P. O. BOX 957, MATSAPHA in his capacity as Chairman of the Association has been made for the grant to Registration of the name

SWAZILAND SILWANEMPHI DIABETIC GROUP

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C299 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MS CONSTANCE SIMELANE OF P. O. BOX 157, KWALUSENI in her capacity as Secretary of the Association has been made for the grant to Registration of the name

KWALUSENI HIGHWAY SEWING GROUP ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C300 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR ZEPHANIA DLAMINI OF P. O. BOX 27, LUVE in his capacity as Chairman of the Association has been made for the grant to Registration of the name

INYONI POULTRY FARMING ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C301 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MRS ELSIE BUSISIWE MALAMBE OF P. O. BOX 144, MLIBA in her capacity as Secretary of the Association has been made for the grant to Registration of the name

MVONGOTSINI PIGGERY ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C302 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR CHRISTOPHER MBINGO OF P. O. BOX 223, MANZINI in his capacity as Secretary of the Association has been made for the grant to Registration of the name

MBIKWAKHE ZONE A FARMERS ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C303 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MRS NESTER TSABEDZE OF P. O. BOX 12, MANZINI in her capacity as Treasurer of the Association has been made for the grant to Registration of the name

ZAMIMPHILO HAMMER MILL ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C304 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR AARON JELE OF P. O. BOX 846, MANZINI in his capacity as Chairman of the Association has been made for the grant to Registration of the name

MABHOBHODLANE FARMERS ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C305 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR ALPHEUS DLAMINI OF P. O. BOX 1252, MBABANE in his capacity as Chairperson of the Association has been made for the grant to Registration of the name

EMACHEGWINI FARMERS ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C306 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR RICHARD NHLENGETFWA OF P. O. BOX 21, LUVE in his capacity as Chairman of the Association has been made for the grant to Registration of the name

PHENDUKA FARMERS ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C307 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR JOSEPH HLOPHE OF P. O. BOX 23, MANKAYANE in his capacity as Chairman of the Association has been made for the grant to Registration of the name

BHAHWINI MFUMANEKI ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C308 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MS KHOSIE MAGAGULA OF P. O. BOX 13, MANZINI in her capacity as Secretary of the Association has been made for the grant to Registration of the name

MANZINI MANGWANENI MULTI PURPOSE ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C309 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR ZAKHELE NKAMBULE OF P. O. BOX 19, LUVE in his capacity as Secretary of the Association has been made for the grant to Registration of the name

SIYAPHEMBA FARMERS ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C310 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR LOUIS ZWANE OF P. O. BOX 81, SIDVOKODVO in his capacity as Secretary of the Association has been made for the grant to Registration of the name

SIGCINENI MULTI - PURPOSES ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C311 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MRS CLARA NKAMBULE OF P. O. BOX 20, NGWENYA in her capacity as Chairperson of the Association has been made for the grant to Registration of the name

LUBHACA MULTI - PURPOSE ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C312 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR MMELELI DLAMINI OF P. O. BOX 3900, MBABANE in his capacity as Chairman of the Association has been made for the grant to Registration of the name

SHOLOLO ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C313 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR M.C. DLAMINI OF P. O. BOX 2195, SIDVOKODVO in his capacity as Committee Member of the Association has been made for the grant to Registration of the name

MAZOMBA YOUTH ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C314 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR SIFISO C. NKAMBULE OF P. O. BOX 349, MANZINI in his capacity as Secretary of the Association has been made for the grant to Registration of the name

VUKANI MANGWENI ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C315 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR WILSON K. SHONGWE OF P. O. BOX 1876, MANZINI in his capacity as Chairman of the Association has been made for the grant to Registration of the name

EDVWALENI COMMUNITY ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C316 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR ALSON NDABA MAMBA OF P. O. BOX 395, SITEKI in his capacity as Chairperson of the Association has been made for the grant to Registration of the name

VUKA UTIMELE NYETANE MULTI - PURPOSE ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C317 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR MDUDUZI NDZINISA OF P. O. BOX 43, LUYE in his capacity as Secretary of the Association has been made for the grant to Registration of the name

MANGCINENI FARMERS ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C318 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR MAJAWONKE MASILELA OF P. O. BOX 50, LOBAMBA in his capacity as Chairman of the Association has been made for the grant to Registration of the name

UMPHAKO ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C319 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR ZAKHELE ROBERT NKAMBULE OF P. O. BOX 21, LUVE in his capacity as Secretary of the Association has been made for the grant to Registration of the name

IMPENDULO MILL ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C320 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MS S'BONGILE GLADYS BHEMBE OF P. O. BOX 3236, MANZINI in her capacity as Secretary of the Association has been made for the grant to Registration of the name

TIFISO TASE MAKHOLWENI ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C321 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR MDUDUZI NYAWO OF P. O. BOX 407, MBABANE in his capacity as Secretary of the Association has been made for the grant to Registration of the name

UMTAMO WETFU ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C322 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR ALBERT MNDZAWA OF P. O. BOX 615, PIGGS PEAK in his capacity as Chairman of the Association has been made for the grant to Registration of the name

NTFWALAMKHONO FARMERS ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C323 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MS ALICE KHOZA OF P. O. BOX 734, MANZINI in her capacity as Secretary of the Association has been made for the grant to Registration of the name

TISITENI MONENI ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C324 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR EZROME MLOTSHWA OF P. O. BOX 1288, MBABANE in his capacity as Chairman of the Association has been made for the grant to Registration of the name

GUCUKANI MASWATI FARMERS ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C325 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR SIMON M. KUNENE OF P. O. BOX 3024, MANZINI in his capacity as Chairperson of the Association has been made for the grant to Registration of the name

SIYA EMBILI EMAKHOLWENI ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C326 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MS ZODWA S. GWEBU OF P. O. BOX 934, MANZINI in her capacity as Secretary of the Association has been made for the grant to Registration of the name

LITFOLE LASIBONELO ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C327 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MS FRANCINAH ZWANE OF P. O. BOX 781, MANZINI in his capacity as Chairperson of the Association has been made for the grant to Registration of the name

SITANANI BOMAKE BEMZIMNENE ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C328 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR ADAM NKOMO OF P. O. BOX 3501, MANZINI in his capacity as Chairman of the Association has been made for the grant to Registration of the name

KHULULEKA ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C329 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MS DOREEN MATSENJWA OF P. O. BOX 5401, MBABANE in her capacity as Secretary of the Association has been made for the grant to Registration of the name

UMKHULEKO WETFU BLOCK F ZONE 5 ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C330 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by ZAMO MDLALOSE OF P. O. BOX 237, SITEKI in his capacity as Treasurer of the Association has been made for the grant to Registration of the name

MTINDZELWA ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C331 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MRS GRACE TFWALA OF P. O. BOX 2829, MANZINI in her capacity as Secretary of the Association has been made for the grant to Registration of the name

LUZAMO VEGETABLE GROWERS ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C332 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MS SOPHIE ZULU OF P. O. BOX 351, MANZINI in her capacity as Secretary of the Association has been made for the grant to Registration of the name

KUZOBANJE UMASITHANDEZA PIGGERY ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C333 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MS S'HLENGIWE P. DLAMINI OF P. O. BOX 1571, MBABANE in her capacity as Chairperson of the Association has been made for the grant to Registration of the name

TFUTFUKA LONGADVUMI ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C334 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR SABELO MOTSA OF P. O. BOX 131, NTFONJENI in his capacity as Chairman of the Association has been made for the grant to Registration of the name

NTFONJENI JOINT SKILLS ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C335 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR MABANDLA MASUKU OF P. O. BOX 3443, MANZINI in his capacity as Secretary of the Association has been made for the grant to Registration of the name

LUBHAMBO LWENSHA ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C336 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MRS MAGGIE SANGWENI OF P. O. BOX 407, MBABANE in her capacity as Chairperson of the Association has been made for the grant to Registration of the name

ASAMBENI KANYE KANYE FARMERS ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C337 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MS KHANYISILE MSIBI OF P. O. BOX 113, MALKERNS in her capacity as Secretary of the Association has been made for the grant to Registration of the name

THE HOUSE OF PRAYER FOR ALL NATIONS

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C338 2-03-2001

NOTICE

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application by MR BONGANI MAMBA OF P. O. BOX 151, MBABANE in his capacity as Chairperson of the Association has been made for the grant to Registration of the name

DLANI USHIYE MULTI-PURPOSE ASSOCIATION

Any person or persons likely to be affected by the grant of the registration may at any time within a period of one month of the publication of this notice, give notice, of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU
Registrar for the Protection of Names,
Uniforms and Badges

C339 2-03-2001

NOTICE

Notice is hereby given that I, Sehla Albert Maseko of Shiselweni Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Vilakati after the fourth publication of this notice in each of the four consecutive weeks in the Times of Swaziland Newspaper, being the only newspaper circulating in the Region where I reside and designated for this purpose by the Regional Secretary for the Shiselweni Region and in the Government Gazette.

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

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

P. O. Box 465
Nhlangano

C345 4x23-03-2001

**NOTICE PUBLISHED IN TERMS OF REGULATION 40 (6) IN RESPECT
OF A LOST DEED**

Notice is hereby given that I intend applying for a certified copy of Deed of Transfer No. 570/1988 dated the 25th November 1988 passed by EB Investments Limited in favour of Anderson Housing (Proprietary) Limited (Certificate of Incorporation No. 138/1982) in respect of :-

CERTAIN : Lot No. 1011 situate in Mbabane Extension No. 8 (Sidwashini Industrial Township) District of Hhohho, Swaziland;

MEASURING : 1632 (One Thousand Six Hundred and Thirty Two) square metres;

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 from the date of the last publication of this notice.

DATED AT MBABANE THIS 23RD DAY OF FEBRUARY 2001.

ROBINSON BERTRAM ATTORNEYS
P. O. Box 24
Mbabane
H100

C258 2x9-03-2001

NOTICE

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 391/1994 dated the 22nd August, 1994 in favour of WANJOHI MUTONYI & ASSOCIATES LIMITED in respect of :-

CERTAIN : Portion 758 (a portion of Portion 587) of Farm No. 2 situate in the Mbabane urban area, District of Hhohho, Swaziland;

MEASURING : 2100 (Two One 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 THISDAY OF, 2001.

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

C360 2x9-03-2001

NOTICE

ESTATE LATE: NORMAN JOHN NTSHANGASE ESTATE NO. EL134/99

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

TEMBUSO NTSHANGASE
P. O. Box 1
Mhlume

C293 2-03-2001

NOTICE

Notice is hereby given that we intend applying for a certified copy of : Deed of Transfer No. 193/1995 dated the 28th April 1995 in favour of MPUNGOSE & SONS (PROPRIETARY) LIMITED in respect of:

CERTAIN : Portion 103 of the Farm Notcliffe No. 674 situate in the District of Lubombo, Swaziland;

MEASURING : 4,1766 (Four Comma One Seven Six Six) hectares;

Any person having objections 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 26TH DAY OF FEBRUARY 2001.

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

C361 2x9-03-2001

NOTICE

**INSOLVENT ESTATE FOX PACKAGING CC
MCL2/2001**

The First meeting of Swaziland creditors and contributories in this matter will be held at the Master's Office, High Court of Swaziland, Mbabane on 08 March 2001 at 10.00 a.m. for:

- For:
- (a) Proof of Claims;
 - (b) Confirming the appointment of the Liquidators;
 - (c) Determining whether or not the Court should be moved to appoint a Committee of Inspection to act with the Liquidators and to make nominations to such Committee;
 - (d) Receiving any report on the affairs of the insolvent estate that the Liquidators may wish to make;
 - (e) Giving the Liquidators such directions pertinent to the winding-up of the Company as the creditors by majority vote may resolve.

Claims and proxies in legal form must be in the hands of the Master at the latest by 12 noon on Wednesday 07 March 2001.

A creditor whose claim has not been proved shall not be entitled to vote at the meeting.

C B DLAMINI
Master of the High Court

C355 2-03-2001

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 1862/99

In the matter between:

SWAZILAND BUILDING SOCIETY

Plaintiff

and

DABUKA PROPERTIES (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 High Court Building, Hospital Hill, Mbabane, at 11.30 a.m. on **FRIDAY the 23RD** day of **MARCH 2001**.

- CERTAIN : Lot No. 2156 in Mbabane Township Extension No. 19, District of Hhohho, Swaziland;
- MEASURING : 1954 (One Nine Five Four) Square Metres;
- RESERVE PRICE : E295,000-00 (two hundred and ninety-five thousand Emalangen);
- IMPROVEMENTS : A detached house comprising a master bedroom and ensuite bath, 2 bedrooms, bathroom and water closet, lounge, dining room, kitchen, guest toilet and single garage;

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 at its sole discretion lend 90% (Ninety 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 21ST DAY OF FEBRUARY, 2001.

T. S. MAZIYA
Sheriff of Swaziland
c/o The Registrar of the High Court
Mbabane

C291 2-03-2001

NOTICE

ESTATE LATE: MFANAWENKHOSI DLAMINI ESTATE NO. EL15/2000

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

SIGASINI DLAMINI
P. O. Box 59
Manzini

C294 2-03-2001

NOTICE

IN THE HIGH COURT OF SWAZILAND

HOLDEN AT MBABANE ON THE 16TH DAY OF FEBRUARY 2001, BEFORE
THE HONOURABLE JUSTICE MASUKU J. CIV.T. NO.:270/2001

In the ex parte application of

PHIWAYINKOSI MABUZA

Applicant

in re:

EMAHLOKOHLOKO PROPERTY DEVELOPMENT
(PTY) LIMITED

Respondent

ORDER

Whereupon hearing Counsel for the Applicant;

IT IS ORDERED:

- I. That an Order do hereby issue calling upon all interested parties to show cause on the 9th March 2001 why an order in the following terms should not be made final;
 - 1.1 That Emahlokohloko Property Development (Pty) Limited be and is hereby restored to the Register of Companies;
 - 1.2 That the property registered in the name of the Respondent under Deed of Transfer No. 7/1995 and Certificate of Incorporation No. 236/1991 be restored to the Respondent; and
 - 1.3 Why the property should not be declared no longer bona vacantia.
2. That Order No. 1, 1.1, 1.2 and 1.3 above be published in the Government Gazette as well as in two publications of the Newspaper circulating in Swaziland and be served upon the Registrar of Deeds for Swaziland, Registrar of Companies and the Attorney General.

BY ORDER OF THE HIGH COURT
GIVEN UNDER MY HAND AT MBABANE
THIS 21ST DAY OF FEBRUARY, 2001

T. S. MAZIYA
REGISTRAR OF THE HIGH COURT
MBABANE

C340 2-03-2001

NOTICE

IN THE HIGH COURT OF SWAZILAND

HOLDEN AT MBABANE ON THURSDAY THE 1ST DAY OF FEBRUARY 2001
BEFORE HONOURABLE JUSTICE STANLEY SAPIRE CASE NO. 245/2001

In the matter between:

MASTERFRIDGE LIMITED

Petitioner

ORDER

Having heard Counsel

IT IS ORDERED THAT:

The Rule Nisi issued on 1st February 2001 in terms of which it was ordered that:

1. That the above mentioned MASTERFRIDGE LIMITED company be and is hereby placed under provisional winding up.
2. That all persons who have legitimate interest are called upon to put forward their reasons why this Court should not order the final winding up of the said MASTERFRIDGE LIMITED company on Friday the 16th day of February 2001 at 9.30 a.m. or as soon thereafter as the matter may be heard.
3. That a copy of this Order be published once,
 - (a) In the Government Gazette and in the Times of Swaziland daily newspaper.
 - (b) In a National Daily Newspaper circulating in the Republic of South Africa.
4. That a copy of this Court Order be served on the registered office of the company and on the secretary of the Johannesburg Stock exchange.
5. That the following persons be and are hereby appointed as provisional liquidators:
 - 5.1 HUGH GLYN-JONES
 - 5.2 JOHN LOUIS CARTER FOURIE
 - 5.3 LAURENCE FRANCISCO PEREIRA
6. That the above named liquidators be and are hereby granted full powers as listed in Section 127 of the Companies Act No. 7 of 1912.

Be and is hereby extended to the 16th March 2001.

BY ORDER OF THE COURT GIVEN UNDER MY
HAND THIS THE 22ND DAY OF FEBRUARY 2001

T. S. MAZIYA
REGISTRAR OF HIGH COURT

C353 2-03-2001

NOTICE

ESTATE OF THE LATE ENOCK BOY MTHETHWA E.L.51/99

Notice is hereby given in terms of Section 51 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 Master of the High Court of Swaziland at Mbabane and at the office of the Regional Administrator (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.

P. R. DUNSEITH
Attorney for the Executrix
Lansdowne House
Post Street
P. O. Box 423
Mbabane

C356 2-03-2001

NOTICE

ESTATE LATE: LOGWAZELA TFWALA ESTATE NO. EP63/2000

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation 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 the date of publication of this Notice.

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

LOMVULA TFWALA
P. O. Box A371
Swazi Plaza
Mbabane

C296 2-03-2001

NOTICE

ESTATE LATE: ELPHAS K. SIKHONDZE ESTATE NO. EL189/2000

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation 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 the date of publication of this Notice.

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

EUNICE S. SIKHONDZE
P. O. Box 129
Bhunya

C343 2-03-2001

NOTICE

ESTATE LATE: ELIAS M. GUMBI ESTATE NO. ES88/2000

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation 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 the date of publication of this Notice.

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

JUDITH GUMBI
P. O. Box 3
Siphofaneni

C350 2-03-2001

NOTICE

ESTATE LATE: DOCTOR ROBERT SIFUNDZA ESTATE NO. EL168/2000

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation 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 the date of publication of this Notice.

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

KHANYISILE SIFUNDZA
P. O. Box 72
Luve

C351 2-03-2001

NOTICE

ESTATE LATE: JOHN MFANAWENDLELA SHONGWE ESTATE NO. EM104/98

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

NOMVULA SHONGWE
P. O. Box 2488
Manzini

C341 2-03-2001

NOTICE

ESTATE LATE: SIBONGILE MARIA SHONGWE ESTATE NO. EL73/2000

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MAXWELL SHONGWE
P. O. Box 52
Siphofaneni

C342 2-03-2001

154

NOTICE

ESTATE LATE: PATRICK MBHOLOFIDI MADLOPHA ESTATE NO. ES190/2000

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30)days after the date of publication of this notice.

PHYLLIS MADLOPHA
P. O. Box 1543
Manzini

C344 2-03-2001

NOTICE

ESTATE LATE: THEMBA J. DLAMINI ESTATE NO. EM232/2000

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30)days after the date of publication of this notice.

AARON P. DLAMINI
P. O. Box 20
Velezizweni
Mankayane

C346 2-03-2001

NOTICE

ESTATE LATE: MLINDAZWE A. MAGONGO ESTATE NO. EM344/2000

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30)days after the date of publication of this notice.

MS CHAZILE MAGONGO
P. O. Box 4483
Manzini

C347 2-03-2001

NOTICE

ESTATE LATE: MBUSO I. S. MATSENJWA ESTATE NO. EM425/2000

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30)days after the date of publication of this notice.

MRS GUGU MATSENJWA
P. O. Box A83
Swazi Plaza
Mbabane

C348 2-03-2001

NOTICE

ESTATE LATE: WILSON NYANDZENI ESTATE NO. EL66/2001

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30)days after the date of publication of this notice.

ANTONY NYANDZENI
P. O. Box 276
Siteki

C349 2-03-2001

NOTICE

ESTATE LATE: JAMES MTINGANE MASEKO ESTATE NO. EM28/2001

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30)days after the date of publication of this notice.

SARAH FIKILE MASEKO
P. O. Box 436
Manzini

C352 2-03-2001

NOTICE

ESTATE LATE: JOSEPH ZIHAMBELE NZALO ESTATE NO. EL126/2000

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30)days after the date of publication of this notice.

ALBERTINA BEKEZELE NZALO
P. O. Box 91
Siteki

C357 2-03-2001

NOTICE

ESTATE LATE: BUHLEBEZWE LIVELIBUYILE NHLABATSI ESTATE NO. M47/2001

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

NOMI NHLABATSI
The Executrix
c/o Samuel S. Earnshaw & Partners
2nd Floor, Mandlenkosi Ecumenical Building
Esser Street
P. O. Box 2563
Manzini

C359 2-03-2001

NOTICE

ESTATE LATE: LUCIA TSIWANI THWALA ESTATE NO. EM350/2000

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MR SIKHUMBUZO THWALA
P. O. Box 3781
Manzini

C362 2-03-2001

NOTICE

IN TERMS OF SECTION 55 OF THE ESTATES ACT 81/1955

RE: MASTERFRIDGE LIMITED (IN PROVISIONAL LIQUIDATION) 245/2001

Brian St Clair Cooper, the joint Provisional Liquidator in the abovementioned Estate, hereby chooses for the purpose of his administration of the abovementioned Estate the following domicilium citandi et executandi Nkosingiphile House, 8th Street, Matsapha, Swaziland.

BRIAN ST CLAIRE COOPER
Joint-Provisional Liquidator
Masterfridge Limited (in Provisional Liquidator)
23rd February 2001

C354 2-03-2001

SUPPLEMENT TO

THE

SWAZILAND GOVERNMENT

GAZETTE

VOL. XXXIX]

MBABANE, Friday, MARCH 2nd., 2001

[No. 664

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PUBLISHED BY AUTHORITY

PART A

S1

THE CO-OPERATIVE SOCIETIES BILL, 2001 (Bill No. 3 of 2001)

(To be presented by the Minister for Agriculture and Co-operatives)

MEMORANDUM OF OBJECTS AND REASONS

The objects of this Bill is to provide for -

- (a) the provisional and full registration of co-operatives;
- (b) assistance in the organisation, operation and democratic management of various types of co-operatives;
- (c) affiliation to and withdrawal from co-operatives on a voluntary basis; and
- (d) to provide for matters incidental thereto.

P. M. DLAMINI
Attorney-General

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**A BILL
entitled**

An Act to provide for the registration of cooperatives and for matters incidental thereto.

ENACTED by the King and the Parliament of Swaziland.

PART I: PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Swaziland Co-operative Societies Act, 2001 and shall come into force on a date which the Minister may, by notice in the Gazette, appoint.

Interpretation.

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

“allowance” means the remuneration paid to the chairperson, secretary, treasurer or any other officer of a co-operative in consideration of their services rendered to the co-operative on a regular basis;

“Annual general meeting” means the general meeting convened once in every financial year where the members exercise the functions stipulated in section 47 of this Act;

“apex organisation” means a registered co-operative established to facilitate the operations of all primary co-operatives of a particular type affiliated to it and shall be deemed to be so if it represents at least fifty-one percent of the total members of primary co-operatives of that type in the country;

“appointment” includes any appointment or re-appointment to an office by way of election or in any other manner provided for in this Act or as provided for in the by-laws;

“bonus” means a share of the net surplus of a registered co-operative divided among its members in proportion to the volume of business done by them with the co-operative in the form of cash or bonus shares;

“bonus shares” means additional shares allocated to members out of the net surplus of the co-operative which shall be withdrawable on termination of membership;

“by-laws” means the registered by-laws made by the members of a society in the exercise of any power conferred by this Act and includes a registered amendment of the by-laws;

“Commissioner” means the Commissioner of co-operative development appointed in terms of section 5 of this Act or person exercising such powers of the Commissioner as may have been conferred on the Commissioner under that section;

“co-operative” means a provisionally or fully registered co-operative as defined in section 3 of this Act and as registered in accordance with the provisions of this Act;

“co-operative bank” means a registered co-operative carrying out financial activities as defined in the Financial Institutions Order, 1975 or its successor and subject to the provisions as laid down in that Order;

“co-operative officer” means any civil servant appointed by the Civil Service Board serving under the Commissioner;

“co-operative principles” means the cooperative principles specified in section 4 of this Act as amended from time to time;

“Co-operative Tribunal” means a statutory body established by this Act responsible for the settlement of disputes as stipulated in section 98 and 99;

“delegates” means -

- representative of a certain number of individual members of a primary co-operative in which the general meeting of members is replaced by a meeting of delegates;
- a representative of a co-operative which is itself a member of another co-operative, the meetings of which such representative has been elected or appointed to attend, and at which is entitled to vote under the by-laws of that other co-operative;

“dividend” means a share of the net surplus of a co-operative distributed among the members in proportion to the paid-up share capital held by them in the co-operative;

“formation committee” means an elected steering committee of persons, accountable to the Commissioner, desiring to form a co-operative society, whose term of office shall not exceed one year;

“honorarium” means a portion of the net surplus of a co-operative divided among some or all of the members of the Management Committee of a co-operative in consideration of their services which would not otherwise be remunerated;

“internal regulations” includes all internal working rules and codes of conduct agreed upon by the members at a general meeting with a majority of at least two-thirds of members present and voting and excludes the by-laws;

“liability” means unlimited liability or liability limited by shares or guarantee as prescribed in the by-laws of a co-operative;

“management committee” means the board of directors or the governing body of a co-operative by whatever name called, to which the management of the affairs of the society is entrusted;

“member” means a person or registered co-operative joining in the application for the registration of a co-operative or a person or registered co-operative admitted to membership of a co-operative after registration in accordance with the provisions of this Act and its by-laws;

“Minister” means the Minister responsible for matters relating to cooperative societies;

“National Co-operative Federation” means a registered co-operative representing all registered apex organisations at national level;

“net surplus” means the remaining portion of the surplus after provisions have been made for the statutory reserve fund as stipulated in section 105 of this Act;

“nominee” means a person nominated by a member of a co-operative as a beneficiary in the event of the member’s death;

“officer” of a co-operative includes a chairperson, vice-chairperson, secretary, treasurer, manager or any other person empowered by this Act, the Regulations or the by-laws to give directives in regard to the business of the society or to supervise such business;

“ordinary general meeting” means a meeting of all members of a registered co-operative called periodically, when there is a need to discuss specific matters affecting the progress of the society;

“past member” includes a member who has withdrawn or been expelled from membership and a deceased member;

“prescribed” means prescribed in the Act and/ or regulations;

“Principal Secretary” means the Principal Secretary in the Ministry responsible for co-operatives and shall be the highest civil servant of that Ministry;

“primary co-operative” means a registered co-operative having individual persons as its members;

“Regulations” means the Regulations made under this Act;

“registered co-operative” means a co-operative registered under this Act;

“school co-operative” means a registered co-operative whose members are school children who qualify as members as laid down in the by-laws of their co-operative;

“special general meeting” means a meeting called by the Management Committee, supervisory committee or at the request of the members to deliberate on a specific item of importance.

PART II: DEFINITION AND OBJECTIVES OF A CO-OPERATIVE AND CO-OPERATIVE PRINCIPLES

Definition of a co-operative.

3. For purposes of this Act, a co-operative is an association of people duly registered, who have voluntarily come together to achieve a common end through the formation of a democratically controlled organisation, making equitable contributions to the capital required and accepting a fair share of the risks and benefits of the undertaking in which the members actively participate.

Co-operative principles.

4. A co-operative shall, in its operations, observe and respect internationally recognized co-operative principles and for the purposes of this Act these principles shall be that -

- (a) membership is voluntary and open to every person who meets the requirements for membership as laid down in this Act and the co-operatives by-laws;
- (b) in primary co-operatives, every member has one vote irrespective of the number of shares held by that member and in any other co-operative voting rights shall be as stipulated in the by-laws thereof;
- (c) services are rendered mainly to members;
- (d) dividend on share capital is limited and subject to the provisions of section 94 of this Act;

- (e) the surplus or the economic results arising out of the operations of a co-operative belong to the members of that co-operative and should be distributed equitably in such a manner as would avoid one member gaining at the expense of others. This may be done by the decisions of members as follows -
 - (i) by provision for the development of the business of the co-operative;
 - (ii) by provision of common services; or
 - (iii) by distribution among the members in proportion to their transactions with their co-operative,
- (f) education and training facilities are offered in co-operatives with a view to increasing skills and to inform members of their rights and responsibilities within the co-operative;
- (g) co-operatives work together with other co-operatives;
- (h) a person shall not be refused membership of a co-operative on the basis of race, colour, ethnic origin, religion, gender, political ideology, social or economic status.

PART III: APPOINTMENT QUALIFICATION AND FUNCTIONS OF COMMISSIONER.

Appointment and qualifications of Commissioner.

5. (1) The Civil Service Board shall appoint a Commissioner of co-operatives and such Deputy or Assistant Commissioners and co-operative officers as may be necessary to assist the Commissioner in carrying out the Commissioner's functions in terms of this Act.

(2) The Commissioner, Deputy or Assistant Commissioners and co-operative officers shall be persons who possess such qualifications as the Civil Service Board may consider appropriate to enable them to efficiently carry out their duties under this Act.

Functions of the Commissioner.

6. The Commissioner shall perform the following functions-

- (a) provisionally and fully register and deregister co-operatives in Swaziland;
- (b) handle liquidations and dissolutions of co-operatives;
- (c) ensure the enforcement of the provisions of this Act;
- (d) assist in the creation of an environment conducive to the growth of co-operatives without affecting, in any way, their right to develop as autonomous, self reliant enterprises; and
- (e) perform any other duties and exercise any other powers conferred upon him under this Act and carry out any other duties which are incidental to the enforcement of the provisions of this Act.

(4) The Commissioner may delegate to the Deputy or Assistant Commissioner or to co-operative officers, any part of the Commissioner's powers or duties under this Act.

PART IV: FORMATION AND REGISTRATION OF CO-OPERATIVES

Commissioner to register co-operatives.

7. The Commissioner shall register a cooperative that complies with the requirements prescribed in the regulations.

Application for registration of a co-operative.

8. (1) Persons wishing to be registered as a co-operative shall submit to the Commissioner, through their Chairperson, an application for registration in the form specified in the Regulations together with the documents mentioned in subsection (3) of this section.

(2) The application shall be signed -

- (a) in the case of a proposed primary co-operative, by at least seven persons who qualify for membership in terms of Section 33 of this Act;
- (b) in the case of an apex organisation or the National Co-operative Federation, by a duly authorised person on behalf of each registered co-operative proposing to be a member of that co-operative and qualifying for membership in terms of section 33 of this Act.

(3) The required documents mentioned in sub-section (1) shall comprise-

- (a) a list of the office-bearers, their names, qualifications, addresses and other useful information;
- (b) three copies of proposed by-laws of the society;
- (c) in the case of persons seeking full registration a copy of a feasibility report, the budget plan and expected cash-flow chart

Registration of Co-operative Society.

9. (1) Where the Commissioner is satisfied that the group which has applied for registration has complied with the provisions of this Act, that its proposed by-laws are not contrary to this Act and that the proposed undertaking of the co-operative is likely to be viable, the Commissioner shall, within three months, register the co-operative and its by-laws.

(2) If, in the opinion of the Commissioner, the Commissioner considers that the application does not meet with the requirements of this Act, the Commissioner shall refuse to register the co-operative and shall within three months from the date of submission of the application notify the applicants giving reasons for the Commissioner's refusal.

(3) An appeal against the refusal of the Commissioner to register a proposed co-operative may be made to the Co-operative Tribunal within two months from the date of such refusal, according to the procedures laid down in section 98 and 99 of this Act, which shall consider the appeal and make a decision within three months of receiving such appeal.

(4) A decision of the cooperative Tribunal shall be final.

(5) A group shall be deemed to be registered if, after having duly applied, it does not, within three months from the date of receipt of said application by the Commissioner, receive written notification of the latter's decision and in such a case the Commissioner shall register the co-operative within two months after the above-mentioned period has lapsed.

(6) Where the Co-operative Tribunal fails to act on an appeal made by a proposed co-operative, under subsection (3), within three months from the filing of the appeal, the cooperative shall be deemed to be registered within one month after the Tribunal's failure to act.

Effect of registration.

10. The registration of a co-operative shall render it a body corporate under the name by which it is registered, with perpetual succession and a common seal, and with power to hold movable and immovable property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes of its constitution.

Evidence of registration.

11. (1) Upon the registration of a co-operative the Commissioner shall forward to it -

- (a) a certificate of registration signed and sealed by the Commissioner, containing a registration number which shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the co-operative has been cancelled; and
- (b) a copy of the by-laws of the co-operative, approved and registered by the Commissioner.

(2) The certificate of registration shall be visibly displayed at the registered office of the co-operative.

(3) The registration number shall be reproduced on all documents addressed to third parties.

(4) The Commissioner shall cause the registration of a co-operative to be published in the Gazette.

(5) Upon registration, the Commissioner shall supply, at cost price, a copy of this Act to the registered co-operative.

Contracts executed prior to registration and effect thereof.

12. A person executing a contract on behalf of a proposed co-operative before registration shall be wholly, jointly and severally liable for such acts undertaken.

Provisional registration.

13. (1) If the Commissioner is not satisfied that a proposed co-operative ought to be fully registered at the time of the application for registration, but is of the opinion that steps can and are likely to be taken by the persons by whom or on whose behalf the application is made to comply with all the conditions for full registration, the Commissioner may provisionally register the co-operative subject to any conditions as the Commissioner may specify or prescribe in terms of the Act.

Provided that it shall be competent for the applicant for registration of a proposed co-operative to apply only for provisional registration in terms of this Act and regulations.

(2) Such provisional registration shall be granted for a period of one year at a time but may be extended for additional periods of one year.

Provided that the -

- (a) provisionally registered co-operative applies in writing for such an extension of provisional registration at least one month before the expiry of the initial period.
- (b) provisionally registered co-operative has not violated any of the provisions of this Act;
- (c) provisionally registered co-operative shows reasonable cause why it has been unable to fulfil the requirements for full registration;
- (d) provisionally registered co-operative demonstrates diligence in its task to fulfil all the conditions for full registration in the near future;
- (e) total period of provisional registration does not exceed four years.

(3) A co-operative which has been provisionally registered shall, subject to the conditions of this section and any conditions specified by the Commissioner, have all the status and powers of a co-operative registered under this Act and be entitled to operate as a co-operative.

(4) A provisionally registered co-operative shall be subject to all the provisions of this Act except where the Act expressly exempts it from being subject to any of its provisions or where the Act requires it to be subject to other provisions different from those for fully registered co-operatives.

(5) The fact that a co-operative is provisionally registered shall be legibly stated in the words "provisionally registered" on all documents issued by such co-operative and in every other place where the co-operative's name is displayed to the public.

(6) The Commissioner may make an order to wind-up a provisionally registered co-operative before the initial expiry period of one year after due warning showing cause and stating reasons for such order by a notice in writing addressed to the co-operative, if -

- (a) in the Commissioner's opinion the co-operative is violating any of the provisions of this Act, or by-laws;
- (b) the co-operative is dormant and not demonstrating any signs of maturing into a fully registerable co-operative:

(7) If the circumstances referred to in sub-section (6) arise, the Commissioner shall institute liquidation proceedings according to section 100 of this Act at the end of which the provisionally registered co-operative shall cease to exist.

(8) (a) Where a provisionally registered co-operative has failed to apply for renewal of its registration, the Commissioner shall allow the co-operative an additional two months period after its date of expiry to apply for renewal.

(b) At the end of such period, if the provisionally registered co-operative has still not applied for renewal of its registration the Commissioner shall deregister the provisionally registered co-operative and institute liquidation proceedings against it.

(9) The validity of any transaction entered into by a provisionally registered co-operative shall not be invalidated by the provisional nature of its registration.

(10) (a) If at any time during the period of provisional registration the Commissioner is satisfied that the co-operative complies with the conditions for full registration as provided for in this Act and ought to be fully registered the Commissioner may fully register the co-operative under Section 9.

- (b) In such a case, the co-operative shall be deemed to have been registered on the date of its provisional registration, and this section shall cease to apply to it.

Power to make by-laws.

14. (1) The members of a co-operative may make any by-laws that are necessary or desirable for the purposes for which such co-operative is established as long as they are not contrary to the provisions of this Act.

(2) The by-laws, made in terms of subsection (1), may provide for any or all of the purposes as prescribed in the Regulations.

By-laws to bind members.

15. (1) The by-laws of a co-operative shall, when registered, bind the co-operative and members thereof to the same extent as if they were signed by each member and contained covenants on the part of each member for himself/herself or for his/her successor to observe all the provisions of the by-laws.

(2) A dispute arising out of the interpretation of a by-law shall be referred to the Commissioner for the Commissioner's decision.

(3) An appeal against the Commissioner's decision may be made to the Co-operative Tribunal according to the procedures set out in the Act.

Amendment and registration of by-laws.

16. (1) A co-operative may amend its by-laws, including a change of name, by a special resolution of the members passed at a general meeting convened for that purpose according to the procedures laid down in the co-operative's by-laws.

(2) The amendment of a by-law shall require at least a two-thirds majority of the members present and voting at the general meeting convened for such purpose.

(3) Within one month from the passing of an amendment of the by-laws, three copies of the amendment shall be sent to the Commissioner who shall, subject to the provisions of sub-section (4), register the amendment and return to the co-operative a signed and sealed copy thereof which shall be conclusive evidence of the registration.

(4) No amendment of a by-law shall have effect unless it is registered with the Commissioner according to the provisions of subsection (3).

(5) The Commissioner shall refuse to register any amendment if it appears to the Commissioner to be contrary to the provisions of this Act.

(6) Where the Commissioner refuses to register an amendment, the Commissioner shall record the reasons for the Commissioner's refusal and notify them to the co-operative.

(7) An appeal against the Commissioner's decision shall lie to the Co-operative Tribunal within one month from the date of such decision.

(8) The Tribunal shall make a decision within two months of having received such appeal.

(9) An amendment which changes the name of a co-operative shall not affect any right or obligations of the co-operative or its members or past members, and any legal proceedings pending may be commenced or continued by or against the co-operative under its new name.

(10) A change in the registered address of a co-operative where this forms part of the by-law shall not be considered to be an amendment of the by-laws.

PART V: RIGHTS AND DUTIES OF CO-OPERATIVES

Registered address and name of co-operative.

17. (1) A co-operative shall have an address registered in accordance with this Act to which all notices and communications shall be sent.

(2) The Cooperative shall inform the Commissioner of any change in address within 14 days of the change and the Commissioner shall register such change.

(3) The address of the co-operative shall be its physical address where the records of the co-operative are kept.

(4) A co-operative shall display its name in legible letters on the outside of every place or office in which its business is carried on.

(5) A co-operative shall include its name in all business letters, notices, other official documents and publications of the co-operative and on its common seal, if any.

(6) No co-operative shall be registered by a name which is identical with that of another registered co-operative or which in the opinion of the Commissioner, nearly resembles such a name as to be calculated to confuse or deceive or which may be undesirable.

(7) Every co-operative shall have -

(a) the word "co-operative" as part of its name;

(b) the word "limited" or its abbreviation "Ltd" at the end of its name, if it is a co-operative having limited liability of members.

Register of members and shares.

18. (1) Every co-operative shall maintain a register of members, and where a co-operative issues shares to its members, a register of shares held by each member.

(2) The register of members and shares shall be prima facie evidence of any of the following particulars entered therein -

(a) the date on which the name of any person was entered in such register as a member;

(b) the date on which any such person ceased to be a member;

(c) the number and value of shares held by a member; and

(d) the nominee.

Copy of Act, Regulations, By-laws and list of members open to inspection.

19. (1) Every co-operative shall keep a copy of this Act, the by-laws of the co-operative and a list of its members open for inspection to its members or to the Commissioner and the Commissioner's officers or of any apex organisation in possession of a valid identity card or to the auditor free of charge at all reasonable times at the registered address of the co-operative.

(2) Any other person wishing to inspect any of the documents mentioned in subsection (1) may do so with the approval of the Management Committee.

Registration of officers of co-operatives.

20. (1) The names, occupations and addresses of all officers of every co-operative and any changes thereof shall be notified to the Commissioner who shall keep and maintain a register of officers of co-operatives.

(2) The cooperative shall give notice of any such changes to the Commissioner within 14 days.

Acts of co-operatives not to be invalidated by certain defects.

21. No act of a co-operative or any member of the Management Committee or any officer of the co-operative shall be deemed to be invalid by reason only of the existence of any defect in the constitution of the co-operative or of the Management Committee or in the appointment or election of an officer or on the ground that such officer was disqualified for appointment.

Disposal of produce to or through a co-operative.

22. (1) A co-operative which has, as one of its objects, the disposal of any article produced or obtained by the work of its members, whether the produce of agriculture, animal husbandry, fisheries, forestry, handicrafts, the manufacture of goods or otherwise, may either provide in its by-laws or otherwise contract with its members -

(a) that every member who produces or obtains any such article shall dispose of the whole or any specified amount, proportion or description thereof to or through the co-operative; and

(b) that any member who is proved or adjudged to be in breach of the by-law or contract shall pay as liquidated damages a sum ascertained or assessed in such manner as may be prescribed by the by-laws.

(2) Where failure to deliver such produce to the co-operative was due to the fact that before becoming a member of the co-operative or signing the contract with the co-operative he had contracted to deliver such produce to another and the prior contract was disclosed to the co-operative when applying for membership or signing the contract, such failure shall not be a breach in terms of sub-section (1).

(3) No by-law or contract entered into under the provisions of sub-section (1) shall be contested in any court or other proceedings on the grounds only that it constitutes a contract in restraint of trade.

Imposition of fines on members.

23. (1) The by-laws of a co-operative may provide for the imposition of fines on its members for any infringement of its by-laws, but no such fine shall be imposed upon any member until a written notice of the intention to impose the fine and the reason therefore has been served on the member and has had an opportunity of being heard or otherwise showing cause why the fine should not be imposed.

(2) No fine exceeding an amount to be specified in the Regulations shall be imposed except with the approval of the general meeting.

(3) Any such fine shall be recoverable by the co-operative as a civil debt due to the co-operative.

Charge and set-off in respect of shares or interest of members.

24. A co-operative shall have a charge upon the share or interest in the capital and on the deposits of a member, past member or and upon a dividend or patronage refund payable to a member or past member or to the estate of a passed member in respect of a debt due to the co-operative from such member or past member or estate, and may set off a sum credit or payable to a member or past member or estate of a past member for the payment of any such debt.

Creation of charges in favour of co-operatives.

25.(1) Subject to any other written law as to priority of debts, any debt or outstanding demand payable to a registered co-operative or by any member or past member shall be a first charge on all crops or other agricultural produce, felled timber or other forest produce, fish, livestock, fodder, agricultural, industrial and fishing materials, stock in trade, and generally all produce of labour and things used in connection with production raised, purchased or produced in whole or in part from any loan, whether in money or in goods, given to him by the co-operative.

Provided that nothing herein contained shall affect the claim of a bona fide purchaser or transferee without notice.

(2) Any outstanding demand or due payable to a housing co-operative by a member or past member in respect of rent, shares, loans or purchase money or any other rights or amounts payable to such co-operative shall be a first charge upon the member's interest in the immovable property of the co-operative.

Shares or interest not liable to attachment or sale

26. Subject to the provisions of section 24, the share or interest of a member in the capital of a co-operative shall not be liable to attachment or sale under any decree or order of a court in respect of a debt or liability incurred by such member, and neither the member's assignee in insolvency nor a receiver duly appointed shall be entitled to, or have a claim on, such share or interest.

Transfer of interest on death of a member.

27. (1) On the death of a member a co-operative may -

- (a) transfer the member's membership and share or other interest in the capital of the co-operative to such person nominated by the member provided that such nominee is qualified under this Act and the by-laws of the co-operative to be a member;
- (b) if such nominee is not qualified under the Act or under the by-laws of the co-operative to be a member, the co-operative may transfer the membership and the share or other interest due to the deceased member to a person specified by the nominee;
- (c) within six months after the death of the deceased, where a nominee is a minor, the share or other interest in the capital of the co-operative due to such nominee shall be subject to the general laws of Swaziland relating to succession of minors;
- (d) pay all moneys due to the deceased member from the co-operative to the nominee in such amounts and manner to be ascertained by the by-laws of the co-operative.

(2) All transfers and payments made by a co-operative in accordance with the provisions of this section shall be valid against any demand made upon the co-operative by any other person.

(3) Where the member of a co-operative becomes of insane mind, the provisions of sub-sections (1) and (2) of this section shall apply mutatis mutandis. Deposits by or on behalf of minors.

Deposits by or on behalf of minors.

28. (1) A co-operative may receive deposits from or for the benefit of minors and it shall be lawful for a co-operative to pay such minors the interest which may become due on such deposits.

(2) A deposit made by a minor may, together with the interest accrued thereon, be paid to that minor and a deposit made on behalf of a minor may, together with the interest accrued thereon, be paid to the guardian of that minor for the use of the minor.

(3) The receipt, by the legal guardian of such minor, of money paid to the guardian under this section shall be a sufficient discharge of the liability of the co-operative in respect of that money.

Contracts with co-operative members who are minors.

29. In the case of a school co-operative the minority of a person duly admitted as a member of any co-operative shall not preclude that person from executing any instrument or giving a discharge necessary to be given under this Act and shall not be a ground for invalidating or voiding a contract entered into by any such person, with the co-operative, and such contract entered into by such person with the co-operative shall be enforceable by law against such person notwithstanding the person's minority.

Proof of entries in the books of a co-operative.

30. (1) A copy of an entry in a book of a co-operative, regularly kept in the course of business, shall be prima facie evidence, in any legal proceedings, of the existence of such entry and of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is admissible.

(2) Such copy of an entry in the book of a co-operative shall be certified by a written certificate at the foot of such copy, declaring that it is a true copy of such entry and that the book containing the entry is still in the custody of the co-operative, such certificate being dated and signed by the chairperson and the secretary of the co-operative.

(3) No officer of any such co-operative shall, in any legal proceedings to which the co-operative or the liquidator of the co-operative is not a party, be compelled to produce any of the co-operative's books, the contents of which can be proved under sub-section (1) or to appear as witness to prove matters, transactions or account therein recorded, unless a competent court of law so directs.

Diligent performance of duties.

31. A co-operative may require a member of the Management Committee, an officer or employee handling funds, securities or property on behalf of the co-operative to furnish such amount and manner of security, for the honest and diligent performance of his duties, as it considers necessary.

Instrument for salary or wage deduction.

32. (1) A member of a cooperative may, notwithstanding the provisions of existing laws to the contrary, execute an instrument in favour of the co-operative authorizing the member's employer to deduct from the salary or wages payable to him by the employer and pay to the cooperative such amount as may be specified in satisfaction of any debt or other demand due from the member to the cooperative

(2) Such instrument shall be deemed to be a contract between such member, the member's co-operative and employer.

(3) Upon the execution of such instrument and as may be required by the cooperative contained in a written request, the employer shall make the deduction in accordance with the agreement and remit forthwith the amount so deducted to the cooperative.

(4) The employer shall make the deduction for as long as such debt or other demand or any part of it remains unpaid by the employee.

PART VI: RIGHTS AND DUTIES OF MEMBERS

Membership in co-operatives.

33. (1) A person other than a co-operative shall qualify for membership in a primary co-operative where -

- (a) the person is at least eighteen years of age, except for a school co-operative;
- (b) the person is a citizen or resident of Swaziland;
- (c) the person satisfies such other requirements with regard to residence, employment, profession or any other matter as may be prescribed in the by-laws of the co-operative.

(2) In the case of any apex organisation and the National Co-operative Federation or any co-operative seeking membership thereof it shall have to satisfy all requirements as may be prescribed in the by-laws of such co-operatives.

(3) A person wishing to become a member of a co-operative shall-

- (a) submit an application to the Management Committee for admission and agree to be bound by the co-operative's by-laws;
- (b) be admitted following the procedure provided for by the by-laws of the co-operative;
- (c) have paid-up the minimum share capital necessary to be paid on admission according to the by-laws of the co-operative.

(4) The founder members of a co-operative shall be exempted from the above mentioned application and admission procedures provided that their names appear in the application for registration of the proposed co-operative and the proposed by-laws of the co-operative and have made the necessary payments to the capital of the co-operative as agreed upon by them.

Rights of members.

34. (1) A member of a cooperative shall have the right-

- (a) to participate in the general meetings, in decisions taken at such meetings and in voting;
- (b) to use the services and facilities of the cooperative in accordance with its by-laws;
- (c) to be elected to the organs of the cooperative namely the Management Committee, the supervisory committee, any sub-committees and to any meeting of delegates subject to the provisions of this Act and the by-laws of the co-operative;
- (d) to be informed by the members of the Management Committee during general meetings or other meetings about the functioning of the co-operative;

- (e) to peruse, at the registered office, the co-operative's by-laws, internal regulations, registers, minutes of general meetings, annual reports and balance sheets, audit reports and the inventory;
- (f) to call for a special general meeting according to the procedures laid down in the Act and regulations;
- (g) to call for an inquiry to be held into the constitution, organization, working and financial situation of the co-operative, as prescribed by section 73 of this Act;
- (h) to participate, under the conditions and according to the modalities set out in the by-laws, in the distribution of surplus, if any, at the end of the financial year;
- (i) to withdraw from the co-operative as prescribed in this Act and the by-laws of the co-operative;
- (j) to claim refund of the member's share or shares upon termination of membership;
- (k) to exercise any other rights provided for in the by-laws of the co-operative.

Duties of members.

35. (1) Each member of a cooperative shall be subject to the following duties-

- (a) to abide by the provisions of the Act, and the by-laws of the co-operative, and by the decisions taken in due form by the general meeting and by the Management Committee of the co-operative where such Management Committee is empowered to take such decisions under this Act and the co-operative's by-laws;
- (b) to use the services and facilities of the co-operative for all or part of the transactions that may be carried out through it, if specified in the admission form at the time of his joining the co-operative, or in a contract made in accordance with section 22 of the Act;
- (c) to pay the fines imposed upon the member under the by-laws for infringement of the by-laws or for failure to fulfil the member's obligations under any contract with the co-operative;
- (d) to subscribe and pay-up shares or make any other payments provided for in the by-laws;
- (e) to abstain from any act detrimental to the interests of the co-operative;
- (f) to fulfil his financial obligations towards the co-operative in the event of bankruptcy under the conditions and within the limits provided for by this Act and in the by-laws.

Members not to exercise rights until due payment made.

36. (1) A member of a co-operative shall not exercise any of the rights of a member unless the member has made such payment to the co-operative in respect of membership, or has acquired such shares or interest in the co-operative, as may be prescribed under this Act or by the by-laws of the co-operative.

(2) The by-laws of a co-operative may provide that only a part of the minimum share capital to be paid by a member shall be paid on admission.

Restriction of membership in more than one co-operative.

37. A person shall not be a member in more than one co-operative or any corporate organisation having the same or similar objects.

Expulsion of member.

38. (1) The expulsion of a member may be ordered by the Management Committee or by the general meeting if such member carried out or attempted to carry out an act seriously detrimental to the co-operative or if the member failed to respect all the obligations stipulated in section 35 of this Act.

(2) The procedure of expulsion of a member shall be set out in the by-laws and shall include-

- (a) a period of notice of at least two (2) months;
- (b) a written notification stating the reasons for the expulsion; and
- (c) the member's right to defend oneself before the Management Committee or the General Meeting prior to the decision.

(3) Where the expulsion was decided by the Management Committee, the expelled member may appeal to the next general meeting whose decision shall be final.

(4) If the general meeting confirms the decision of the Management Committee to expel the member, such member shall be deemed to have been expelled from the date on which the Management Committee issued the notice of expulsion.

PART VII: THE NATIONAL CO-OPERATIVE FEDERATION AND THE APEX ORGANISATION

Power to federate.

39. Co-operatives may form apex organizations and a National Co-operative Federation which may be registered to facilitate the operations of their members or to provide such other services as may be necessary for their members as laid down in their by-laws.

Formation of Apex Organisations.

40. (1) (a) 51% of members of a primary co-operative may form an apex organization.

(b) For the purposes of this Act any co-operative having at least fifty-one percent of all registered primary co-operatives of that type as its members shall be deemed to be an apex organisation.

(c) An apex organisation may have a primary co-operative as its member.

Provided that for the purposes of this section the word "type" represents a particular classification of co-operatives to be prescribed by the Minister in the Regulations.

(2) The decision to form an apex organisation or to join an already existing one shall be made by a general meeting convened for that purpose in accordance with the by-laws of each of the co-operatives concerned.

(3) The formation procedures, the required documents and the registration formalities shall be the same as prescribed in this Act for primary cooperatives except where the Act specifically provides otherwise.

(4) The general meetings of an apex organisation shall be composed of delegates of their member co-operatives and the number of delegates and their voting powers shall be prescribed in the by-laws.

(5) In an apex organisation a member shall have a maximum of three votes.

Functions of Apex Organisation.

41. (1) An apex organisation has the objective of facilitating the operations of their member co-operatives.

(2) Its functions shall include -

- (a) to provide, organize and supervise central services such as joint supply of inputs, raw materials or implements, access to technical services and loans, joint marketing of produce and joint utilisation of any other services and installations that may be necessary to help the officers and members of their member co-operatives in achieving their objectives;
- (b) to operate as a central financing facility by mobilising savings of members and providing loans to members on a centralized basis;
- (c) to provide information, education, training and advisory services on co-operative principles and practices and on the management of co-operative enterprises;
- (d) to assist formation committees and co-operatives in determining the feasibility of their projects and to facilitate the registration of new co-operatives;
- (e) to conduct audit of member co-operatives according to the provisions of this Act;
- (f) to provide insurance services to its members subject to any law which may regulate such insurance activities;
- (g) to provide any other services which may be necessary to promote the objectives of their members.

National Co-operative Federation.

42. (1) The National Co-operative Federation shall represent the interest and welfare of all types of co-operatives at all levels.

(2) The functions of the National Co-operative Federation shall include-

- (a) representing the interests of its member organizations in different fora;
- (b) acquiring, analysing, and disseminating economic, statistical, and other information relating to its members;
- (c) sponsoring studies in the economic, legal, financial, social and other fields concerned with co-operatives, and publish the results thereof;
- (d) promoting the knowledge of co-operative principles and practices;
- (e) developing the co-operative movement in their respective sectors;
- (f) advising the appropriate authorities on all questions relating to co-operatives and to participate actively in planning and policy-making of co-operative development programmes;

- (g) raising funds for co-operative development through membership fees, dues and contributions, donations, and subsidies from local and foreign sources whether private or public;
- (h) doing and performing such other activities as may be necessary to attain the foregoing objectives.

PART VIII: CO-OPERATIVE ADVISORY BOARD OF SWAZILAND

Establishment of Co-operative Advisory Board.

43. There shall be established a Board to be known as the Co-operative Advisory Board of Swaziland.

Constitution of the Co-operative Advisory Board.

44. (1) The Co-operative Advisory Board shall consist of seven persons to be appointed by the Minister with the recommendation of the Commissioner and shall include-

- (a) three persons from the co-operative movement representing different types of co-operatives;
- (b) two persons representing non-governmental organisations actively involved in co-operative development;
- (c) two persons from the Ministry responsible for the administration of this Act.

(2) Where the National Co-operative Federation has been registered in terms of this Act the three representatives to be appointed from the co-operative movement shall be appointed by the National Co-operative Federation.

Functions of Co-operative Advisory Board.

45. (1) The functions of the Co-operative Advisory Board of Swaziland shall be to advise the Minister generally or in respect of a particular matter, and make recommendations to the Minister, in relation to -

- (a) the policy which may be followed in relation to co-operative development in Swaziland and the manner in which such policy may be implemented;
- (b) the amendment or application of provisions of this Act or any other law relating to co-operative matters;
- (c) any matter referred to the Co-operative Advisory Board by the Minister under subsection (2).

(2) Where the Minister is required to exercise or perform any power, duty or function or to take any decision under or for the purposes of this Act, the Minister may, before doing so, request the Co-operative Advisory Board to advise the Minister in relation to the exercise or performance of such power, duty or function or the taking of such decision.

Terms of office and conditions of service of members of Co-operative Advisory Board.

46. (1) A member of the Co-operative Advisory Board shall hold office for a period not exceeding three years, but may be re-appointment or re-designated, as the case may be, at the expiration of that period.

(2) The conditions of service of the members of the Co-operative Advisory Board and all other matters related to its functioning shall be prescribed in the Regulations.

PART IX: ORGANISATION AND MANAGEMENT OF CO-OPERATIVES

Different types of General Meetings.

47. (1) The General Meeting shall represent all the members and shall be the supreme organ of deliberation and decision-making of the co-operative.

(2) The decisions of the General Meeting shall be binding on all members, even on those absent or dissenting.

(3) There may be four types of general meetings-

- (a) the First General Meeting, which is the first general meeting held after the registration of a co-operative;
- (b) the Annual General Meeting, which is convened at least once a year;
- (c) the Ordinary General Meeting, if any, convened periodically in accordance with the by-laws; and
- (d) the Special General Meeting, convened for special reasons.

Management Committee.

48. (1) (a) Each cooperative shall have a Management Committee which shall be the administrative and management organ of the co-operative.

(b) The Management Committee shall, within the scope of this Act and the by-laws, exercise such powers as shall be delegated to it under this Act and by the Annual General Meeting.

(c) The Management Committee may appoint a manager where necessary and it may dismiss such manager.

Functions of the Management Committee.

49. The Management Committee shall-

- (a) convene the General Meetings as provided for in this Act or in the by-laws;
- (b) keep or cause to be kept precise and accurate accounts and a correct record of the assets and liabilities of the co-operative;
- (c) hear reports on settlement of accounts and the progress reports of officers assigned special responsibilities in particular the Chairperson, the Manager and the Treasurer;
- (d) present to the Annual General Meeting a management report as well as duly certified accounts;
- (e) present to the Annual General Meeting a work plan and the budget for the next financial year for its approval;
- (f) give all necessary assistance to persons authorized to audit the accounts of the co-operative;

- (g) take all necessary measures to safeguard the funds, assets, stocks and property of the co-operative;
- (h) ensure that sums borrowed do not exceed the ceiling fixed by the general meeting;
- (i) appoint sub-committees where the general meeting has authorised it to do so;
- (j) implement all decisions taken by the General meeting;
- (k) carry out such other functions, as authorised, to promote the operations of the co-operative.

Composition of Management Committee and term of office.

50. (1) (a) The number of members of the Management Committee shall be determined by the by-laws and shall be three or a multiple of three.

- (b) At the end of each term of office of the members of the Management Committee their position shall be declared vacant and shall be filled through elections.

(2) (a) The term of office of members of the Management Committee shall be two years.

- (b) At the end of each term half of the members of the Management Committee shall step down from office according to the manner provided in the by-laws and be replaced by new members elected at the Annual General Meeting.

- (c) A member of the Management Committee stepping down from office may be re-elected to the Management Committee after a lapse of one term.

- (d) No member of the Management Committee can serve continuously for more than two terms.

(3) Nothing contained in this section shall prevent members from exercising their right to dismiss any or all of the members of the Management Committee at a General Meeting.

(4) Any vacancy in the Management Committee as a result of death, resignation, expulsion or withdrawal for any other reason, shall be filled by co-option by the members of the Management Committee until the next General Meeting at which such a vacancy shall be filled.

(5) Where the number of members of the Management Committee drops to less than half the number prescribed by the by-laws or three in the case of a co-operative having less than six members in the Management Committee, the remaining members of the Management Committee shall convene a Special General Meeting to elect new members of the Management Committee.

(6) The by-laws of each co-operative with branch meetings or any union or federation of cooperatives shall determine the conditions of representation of such area groups or affiliated member co-operatives, on the Management Committee taking into account their numerical and economic importance.

Eligibility for membership of Management Committee

51. (1) A person shall not be eligible for membership in the Management Committee of a co-operative or remain a member of such committee if -

- (a) the person is under twenty-one years of age, except in a school;
- (b) the person is not a citizen or permanent resident of Swaziland;
- (c) the person is insolvent;
- (d) the person has been convicted of an offence involving dishonesty;
- (e) the person has been convicted of an offence under this Act;
- (f) the person has been dismissed as an employee of a co-operative;
- (g) the person has been found to have previously misused or mismanaged the funds of a co-operative or any other organisation;
- (h) from the sixth year of registration of a co-operative, the person has not been a member of that co-operative for a minimum period of five years and successfully completed a basic course in the cooperative concept, principles and practices.

Provided that this shall not apply to a registered co-operative with one hundred members or less and to school co-operatives;

- (i) the person takes part directly or indirectly, permanently or occasionally in any activity which is directly in competition with that of the co-operative.
- (j) the person does not satisfy any other requirements laid down in the by-laws of the co-operative.

(2) A person shall not be elected to the Management Committee of a Co-operative if the person holds any position as a civil servant above the rank of Deputy Commissioner or Deputy Director except in the case of a co-operative where all the members are civil servants and no person shall be elected to the Management Committee if he holds any political office.

Honorary services of members of Management Committee.

52. (1) The services of members of the Management Committee shall be honorary, provided that expenses incurred by any member of the Management Committee in the performance of the member's duties authorized or ratified by the Supervisory Committee, if any, or the Annual General Meeting, may be reimbursed.

(2) A member of a Management Committee may receive an honorarium or an allowance from the co-operative provided that the payment of an honorarium or allowance has to be authorized by a resolution to that effect passed by the Supervisory Committee, if any, or the Annual General Meeting of the co-operative every year.

(3) A member of the Management Committee who is in receipt of an allowance shall not be entitled to receive an honorarium.

Office-bearers of the Management Committee.

53. (1) Each co-operative shall have a chairperson, vice-chairperson and a treasurer all of whom shall be elected by secret ballot at the Annual General Meeting in accordance with procedures laid down in the by-laws of the co-operative.

(2) The Annual General Meeting shall appoint a secretary who need not be a member of the Management Committee.

Duties of Chairperson.

54. The Chairperson or in the absence of the Chairperson the Vice Chairperson shall preside at all General Meetings and all meetings of the Management Committee and shall perform such other duties as may be conferred upon the Chairperson by the by-laws.

Duties of Secretary

55. The secretary shall serve the co-operative on a regular basis and shall carry out the duties conferred upon the secretary by the by-laws which shall include the duty-

- (a) to maintain correctly and update the co-operative's registers, books and other papers;
- (b) to summon and attend the General Meetings and Management Committee meetings and to record the proceedings in the minute book;
- (c) to conduct and sign the correspondence of the co-operative on behalf of the Management Committee.

Duties of Treasurer.

56. The treasurer shall serve the co-operative on a regular basis and shall carry out the duties conferred upon the treasurer by the by-laws which shall include the duty -

- (a) to maintain correctly and update the co-operative's accounts and accounting records;
- (b) to take charge of all financial transaction of the co-operative and to secure the safe-keeping of the co-operative's funds;
- (c) to prepare or cause to be prepared all necessary receipts, vouchers and accounts required by this Act, and the by-laws.

End of office.

57. A Management Committee member shall cease to hold office if the member-

- (a) resigns, by notice in writing;
- (b) accepts any salary or payment from the co-operative other than an honorarium or allowance but this shall not apply to a workers' co-operative;
- (c) is convicted of any offence involving dishonesty by a court of law and has been imprisoned for 6 months or more;
- (d) is removed by a court of law from any office of trust on account of misconduct;
- (e) becomes of unsound mind;
- (f) becomes insolvent or makes any arrangement or composition with his creditors generally;
- (g) has ceased to reside continuously within the co-operative's area of operation for a period exceeding 6 months;
- (h) has absented himself from three consecutive meetings of the Management Committee without the written approval of the Chairman;

- (i) falls outside the eligibility criteria prescribed in section 51 of this Act or the by-laws; or
- (j) is disqualified for any other reason specified in the by-laws.

Meetings of the Management Committee.

58. (1) The Management Committee shall meet when convened by its Chairman and, in the absence of the Chairman, by the Vice-Chairman as often as the interests of the co-operative shall require and at least once every three months.

(2) The Management Committee shall validly conduct its business when at least two thirds or five members of the Management Committee, whichever is the less, are present.

(3) Decisions of the Management Committee shall be taken by a majority of votes cast and in the case of equality of votes, the Chairman shall have a casting vote.

(4) Minutes of meetings of the Management Committee shall be entered into a special register signed by the Chairperson, and the secretary of the session.

(5) Minutes shall be read and approved at the next session and comments arising therefrom shall be recorded in the minutes of that session.

Liability of members of Management Committee.

59. (1) In the conduct of the affairs of a co-operative the members of the Management Committee shall exercise the prudence and diligence of ordinary persons of business and shall be jointly and severally liable for any losses sustained through any of their actions which are contrary to this Act, and the by-laws of the co-operative or any of the directives of the General Meeting.

(2) If in any proceedings to recover from a person, mentioned in subsection (1) any amount for which the person is liable, it appears that the person has acted honestly and reasonably and ought fairly to be excused in whole or in part that person may be relieved wholly or partly from personal liability.

Sub-committees.

60. (1) The by-laws of a co-operative may provide for the setting up of sub-committees charged with advising and assisting the Management Committee.

(2) The composition, terms of reference and functioning of such committees shall be prescribed in the by-laws.

(3) Each sub-committee shall have at least one member who is not a member of the Management Committee.

(4) The members of a sub-committee shall be appointed by the General Meeting unless the General Meeting has authorised the Management Committee to do so.

Powers of the Manager.

61. (1) The Manager shall be appointed by the Management Committee which shall fix the Manager's salary and other benefits in accordance with the laws regulating employment in the country.

(2) The Manager shall perform the Manager's duties under the authority and control of the Management Committee and represent the co-operative in dealings with third parties within the limits of the powers conferred upon the Manager.

(3) The Manager shall be responsible, in particular, for-

- (a) implementing the business policy defined by the Management Committee;
- (b) drafting the programme of activities and the budget of the co-operative and submitting the same to the Management Committee and the General Meeting for approval;
- (c) ensuring the judicious handling of funds, which methods shall be determined by the by-laws, the correct use of property and maintenance of equipment, the internal organization of services, the keeping of proper and accurate accounts;
- (d) drawing up periodical management reports;
- (e) preparing or causing to be prepared the accounts of the financial year or of any other period as required and defined by the Management Committee.

(4) The Management Committee shall delegate to the Manager, in writing, such powers as shall be necessary for the proper discharge of the Manager's duties.

(5) Apart from exceptional cases, the Manager shall attend meetings of the Management Committee in an advisory capacity.

(6) A Manager may be elected to the Management Committee if the Manager is a member of the co-operative.

(7) Within the limits of the budget approved by the Management Committee and the General Meeting, the Manager shall be responsible for staff management.

Supervisory Committee.

62. (1) Each co-operative shall have a supervisory committee which shall be a compulsory internal control organ of the co-operative.

(2) Where a co-operative has less than twenty members the co-operative shall not be bound to have a supervisory committee.

Composition of Supervisory Committee.

63. (1) The supervisory committee shall consist of three members, elected by the members at the Annual General Meeting.

(2) Members of the supervisory committee shall be elected for periods of two years at a time and may be re-elected.

(3) The supervisory committee shall be directly responsible to the General Meeting under the same conditions as for members of the Management Committee.

(4) Members of Management Committee of a co-operative cannot be elected to serve on the supervisory committee of that co-operative.

Functions and powers of the Supervisory Committee.

64. (1) The supervisory committee shall be responsible for ensuring that the affairs of the co-operative are conducted in accordance with the by-laws and resolutions adopted at the general meetings.

(2) In the exercise of its functions in terms of sub-section (1) the supervisory committee shall -

- (a) supervise the operations of the Management Committee and employees of the co-operative;
- (b) ascertain the validity and authority of all expenditures and approve expenditures above a certain sum to be prescribed in the by-laws of the co-operative;
- (c) examine the accounts of the co-operative at regular intervals of not less than once every two months;
- (d) ensure that all transactions of the co-operative are properly entered into the respective books, accounts and documents;
- (e) reveal to the Management Committee and to the members of the co-operative or to the Commissioner any irregularities that may occur in the management of the co-operative;
- (f) ensure the validity of the balance-sheet and any other financial statements and returns;
- (g) present at the Annual General Meeting a special report on the management and financial situation of the co-operative, including any violations of the by-laws;
- (h) approve any loans made to any member of the Management Committee.

(3) The supervisory committee may be present at meetings of the Management Committee.

(4) The supervisory committee shall have full access to all the books, accounts and documents, financial or otherwise, of the co-operative and shall have the power to summon any person to produce any information or such books, accounts or documents as may be necessary.

(5) The supervisory committee may, in the performance of its duties, make use of the services of an expert or a specialized institution for a limited period of time or for a specific task subject to financial resources being available for this purpose and subject to the approval of the General Meeting.

(6) Should a serious event threaten the existence of the co-operative, the supervisory committee shall be empowered to convene a Special General Meeting or to order an inquiry in accordance with section 73 of this Act.

Meetings of the Supervisory Committee.

65. (1) The supervisory committee shall meet at least four times in a year.

(2) The rules of procedure for meetings of the supervisory committee shall be laid down in the by-laws.

(3) In fulfilling its duties members of the supervisory committee shall be entitled to allowances and reimbursements of expenses with the approval of the General Meeting.

Provided that members of the supervisory committee shall not be eligible to receive honorarium.

PART X: AUDIT AND INQUIRY

Keeping of accounts, books and records.

66. (1) Every co-operative shall keep its accounts in commercial form and in accordance with the Accounting Practices existing in Swaziland as well as with accounting procedures generally accepted in the country.

(2) A provisionally registered co-operatives may be authorized to use a simplified accounting system and procedures with the written approval of the Commissioner.

(3) Separate accounts shall be kept for business with members and business with non-members except in the case of a workers co-operative.

(4) Accounts shall be closed at the end of the financial year as determined in the by-laws and they shall be drawn up and audited within four months after the end of the financial year.

Provided that this period may be extended by one more month with the approval of the Commissioner.

(5) Every co-operative shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the assets of the co-operative and over the expenditure incurred by the co-operative.

(6) The accounts and records shall be kept in such manner that the auditor or auditors can have easy access to them and can obtain a true and fair view of the financial situation of the co-operative.

Audit of co-operatives.

67. (1) All co-operatives shall cause their accounts to be audited at least once every year by a practising member of the Swaziland Institute of Accountants or by any person authorised by the Commissioner except for co-operatives with assets that are below the amount stipulated in the regulations where the Commissioner may require such cooperatives to submit only external financial reports.

Provided that no co-operative shall appoint an auditor without the prior approval in writing of the Commissioner and in compliance with the Regulations.

(2) For the purposes of this section "certified" shall mean certified by the Institute of Chartered Accountants of Swaziland.

Qualification of Auditor.

68. (1) The qualification requirements and codes of conduct within the law regulating accountants in the country shall apply to all auditors of co-operatives.

(2) Any person having family links of the first degree of consanguinity with any member of the Management Committee or persons having business relations with the cooperative or any member or employee of the co-operative may not be appointed to audit the accounts of the co-operative.

Duties of Auditor.

69. (1) The auditor shall audit the accounts and other relevant records of the co-operative in accordance with internationally acceptable accounting standards.

(2) The financial statements prepared by the co-operative after the close of the financial year shall be audited and reported on by the auditor.

(3) The auditor's shall prepare a report which, where possible, shall include-

- (a) the result of the audit of the accounts;
- (b) a statement whether in the opinion of the auditor that proper accounting and other records have been kept and that the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the co-operative during the year have been in accordance with the provisions of this Act, regulations and the by-laws and minutes of the meetings of the co-operative;
- (c) a statement of any transactions and special agreements between the co-operative and its members not specified in the by-laws and any special agreements between the co-operative and a third party likely to cause damage to the co-operative;
- (d) an appraisal of the management of the co-operative and the functioning of its organs;
- (e) an appraisal of the extent and manner in which the co-operative is achieving its objective of promotion of the interests of its members.

(4) Upon completion of the audit, the auditor shall certify the correctness of the financial statements and the auditor's report before they are adopted by the Annual General Meeting of the co-operative.

(5) The accounts of a co-operative which have been audited and adopted and approved by the Annual General Meeting of the co-operative are conclusive, save as regards -

- (a) any error discovered within three months after the date of approval by the Annual General Meeting; and
- (b) any allegation of fraud.

(6) Where such an error is discovered within such period mentioned in sub-section 5(a) it shall forthwith be corrected by the auditor and if discovered after that period shall be corrected in the accounts of the ensuing period of audit and thereafter the accounts are conclusive save as regards any allegation of fraud.

Power of Auditor on audit matters.

70. (1) An auditor shall have free access to all books, accounts, stocks, securities, minutes and documents of the co-operative and may question any member of the Management Committee, manager, employee or member of the co-operative whom the auditor considers capable of supplying information on the activities and functioning of the co-operative and such persons shall be bound to furnish all information requested of them to the auditor.

(2) The auditor may consult the supervisory committee any time during the audit and shall inform the chairperson of the Management Committee and the supervisory committee of the findings of the auditor's work after completion of the audit.

(3) An auditor shall have the power to take possession of a book or document relating to the affairs of, or any cash or securities belonging to, the co-operative by the officer, agent, servant or member in possession of the book, document, cash or securities.

Provided that the possession of such books, documents, securities, cash referred to in this sub-section shall not exceed a period of three months.

Submission of Annual and Auditor's Report.

71. (1) A co-operative shall, as soon as practicable, before the Annual General Meeting, submit to the Commissioner an annual report on its activities during the year, together with two certified copies of the audited financial statements of the co-operative and the auditor's report for that year.

(2) When the accounts of a cooperative have not been audited within the time limits prescribed in this Act or where the annual audit report has not been submitted to the Commissioner within the time limit prescribed under subsection (1), the Commissioner shall notify the management Committee of the co-operative of its failure to comply with the law.

(3) If a co-operative fails to submit its audited accounts to the Commissioner within the period specified in sub-section (1) for a continuous period of three years, the Commissioner shall, after providing due warning and after ascertaining that the delays were not caused by unforeseen circumstances but by negligence or lack of interest on behalf of the co-operative, cancel the registration of the co-operative.

(4) A co-operative whose registration is so cancelled shall be deemed to be dissolved and the Commissioner shall initiate liquidation proceedings against such co-operative according to the provisions of section 100 of this Act.

Inspection of books of a co-operative.

72. (1) The Commissioner or any person authorised by the Commissioner in writing or a person duly authorised by any apex organisation shall at all times have access to any of the books, accounts, papers, minutes, cash in hand and securities of a co-operative and have the power to inspect such books, accounts, papers, minutes, cash in hand and securities.

(2) Every officer or employee of the co-operative shall furnish such information in regard to the transactions and working of the co-operative as the person making the inspection may require.

Inquiry.

73. (1) Where there is reason to believe that mistakes are made in the management of a co-operative showing incompetence of the members of the Management Committee, contravention of provisions of this Act or the by-laws of a co-operative or serious disrespect of the interests of the co-operative, an inquiry shall be carried out upon a written request of at least ten percent of the registered members of the co-operative or forty whichever is the less, or upon such a resolution of the members at a general meeting or on the initiative of the supervisory committee itself.

(2) In the case of a co-operative having less than twenty members at least two persons shall have to make the written request.

(3) In case of such request or resolution made in sub-section (1), the supervisory committee may, within a period of not more than two months from the date of receipt of such request or resolution, initiate the inquiry itself or ask the apex organisation to which it is affiliated or ask the Commissioner to carry out such inquiry.

(4) Where the supervisory committee conducts the inquiry itself it may, for this purpose, appoint a Commission of Inquiry of not less than two competent persons, at least one of whom shall be designated by those persons making the request, and the cost of the inquiry, shall be borne by the co-operative.

(5) Where an inquiry is upon the request of a group of members the supervisory committee may refuse to start inquiry proceedings, if the reason of inquiry is considered to be frivolous, in this event, the requesting members may start the inquiry by themselves at their own expense.

(6) The expenses of the members may be reimbursed, if the results of the inquiry prove to the general meeting that their request was justified.

(7) At the end of such inquiry, a special general meeting shall be convened to hear the report of the Commission of Inquiry or the supervisory committee or both, to deliberate on appropriate measures to be taken or to decide on the election of new members of the Management Committee before the current term of the members of the Management Committee expires.

(8) Such inquiry may cover the constitution, organization, management, activities or the financial situation of the co-operative.

Inquiry by Commissioner.

74. (1) Where the Commissioner suspects that there are contraventions of this Act or the by-laws of a co-operative the Commissioner may in writing, appoint to hold an inquiry into the possible contravention of the Act or by-laws.

(2) The commissioner shall not appoint a co-operative officer or a person who in the past has been associated, in any way, with the co-operative.

(3) The officers, employees and members of the co-operative shall produce such books, accounts, papers and securities of the co-operative and shall furnish such information in regard to the affairs of the co-operative as the person appointed by the Commissioner to conduct the inquiry may require.

(4) The Commissioner shall communicate the results of such inquiry to the members of the co-operative under inquiry and may convene a Special General Meeting for such purpose.

(5) If the results of such inquiry give reason to believe that any or all of the members of the Management Committee are guilty of an offence or of a contravention of this Act, or the by-laws of the co-operative, the Commissioner may request the members present at the Special General Meeting convened by the Commissioner to dismiss such member or members or all the members of the Management Committee from office stating reasons for the dismissal.

(6) In the event that the Special General Meeting does not dismiss such member or members of the Management Committee in terms of sub-section (5), the Commissioner may, with the approval of the supervisory committee, if any, of the co-operative or of any apex organisation the co-operative may be affiliated to, dismiss such member or members of the Management Committee.

(7) In the event of sub-section (6) taking place, the Commissioner shall convene a Special General Meeting within one month of the Commissioner's decision to dismiss the member or members of the Management Committee and during such special General Meeting new members of the Management Committee shall be elected.

(8) A person aggrieved by the decision of the Commissioner may appeal to the Minister within fourteen days of such decision.

Examination of books of indebted co-operative.

75. (1) The Commissioner may, on the application of a creditor of the co-operative, examine or direct any person authorized by the Commissioner in writing to examine the books of the co-operative, if the applicant -

- (a) proves to the Commissioner's satisfaction that an ascertained sum of money is due and payable to the creditor and that the creditor has demanded payment thereof and has not received it;
- (b) deposits with the Commissioner, where this is considered necessary, such sum as security for the costs of the proposed examination as the Commissioner may require.

(2) The Commissioner shall communicate the results of such examination to the creditor and to the members of the co-operative, the books of which were examined.

Communication of defects in the working of co-operatives.

76. (1) If an audit, inquiry or examination of books made under this Act discloses any defects in the working of a co-operative, the Commissioner may bring such defects to the notice of the co-operative and if the co-operative is a member of a secondary co-operative or of an apex organization, also to the notice of that secondary co-operative or apex organization.

(2) The Commissioner may make an order directing the co-operative or its officers to take such action as may be specified in the order within the time mentioned therein to remedy the defects disclosed in the audit, inquiry or examination of books.

Costs of inquiry and examination.

77. (1) Where an inquiry is held under section 74 or an examination is held under section 75 of this Act the Commissioner may make an award apportioning the costs, or such part of the costs, as the Commissioner may think right, between the co-operative, the members or creditor demanding the inquiry or examination and the officers or past officers of the co-operative and the decision of the Commissioner shall be final.

(2) A sum awarded by way of costs under sub-section (1) shall be deemed to be a civil debt recoverable in the same way as any other civil debt.

PART XI: AMALGAMATION, TRANSFER, DIVISION AND CONVERSION OF CO-OPERATIVES

Amalgamation of societies.

78. (1) Any two or more co-operatives may, after due notice to the members, at an extraordinary general meeting specially called for the purpose, resolve to amalgamate into one co-operative.

(2) The resolution to amalgamate into one co-operative shall be passed at a Special General Meeting by not less than two-thirds of the members present and voting, the by-laws may prescribe a higher percentage.

(3) Whenever an amalgamation involves the transfer of liabilities by one co-operative to another co-operative, at least three months' notice of the amalgamation shall be given to all creditors of the amalgamating co-operatives.

(4) Creditors of any of the amalgamating co-operatives shall be entitled to payment of any sum due to them if they make a written demand to this effect at least one month before the date fixed for the amalgamation.

(5) A member of the amalgamating co-operatives may, notwithstanding any by-law to the contrary, by notice in writing given to his co-operative at least one month before the date specified as the date of amalgamation declare the member's intention not to become a member of the amalgamated co-operative.

(6) If the Commissioner is satisfied that -

- (a) the by-laws of the proposed amalgamated co-operative are in accordance with the provisions of this Act ; and
- (b) all requirements laid down in subsections (1) and (2) of this section, have been complied with, the Commissioner shall register the amalgamated co-operative and its by-laws and thereupon -
 - (i) the registration of all the amalgamating co-operatives shall be cancelled, and the amalgamating co-operatives prior to amalgamation shall be dissolved;
 - (ii) the registration of the amalgamated co-operative shall be a sufficient conveyance to vest the assets and liabilities of the amalgamating co-operatives in the amalgamated co-operative;
 - (iii) the remaining members of the amalgamating co-operatives shall become members of the amalgamated co-operative subject to its by-laws; and
 - (iv) the creditors of the amalgamating co-operatives or any other persons who have claims against the amalgamating co-operatives, and whose claims were not satisfied before the registration of the amalgamated co-operative, may pursue such claims or course of action against the amalgamated co-operative.

Transfer of co-operatives.

79. (1) A co-operative may, after due notice at a Special General Meeting specially called for the purpose, resolve to transfer its assets and liabilities to another co-operative (hereinafter referred to as "the receiving co-operative) which, by a resolution of its members at a Special General Meeting duly called for such purpose, is prepared to accept them.

(2) The resolution to transfer the assets and liabilities to a receiving co-operative and to receive the assets and liabilities by the receiving co-operative has to be passed at the extraordinary general meeting of the transferring and receiving co-operatives by not less than two-thirds of the members present and voting.

(3) The by-laws may provide for a higher percentage.

(4) Wherever the transfer of assets and liabilities involves the transfer of liabilities by the transferring co-operative to the receiving co-operative, at least three months' notice of the transfer shall be given to all creditors of the transferring co-operative.

(5) Creditors of the transferring co-operative shall be entitled to payment of a refund of any sum due to them if they make a written demand to this effect at least one month before the date fixed for the transfer.

(6) A member of the transferring co-operative may, notwithstanding any by-law to the contrary, by notice in writing given to the member's co-operative at least one month before the date specified as the date of transfer declare that member's intention not to become a member of the receiving co-operative.

(7) Where the Commissioner is satisfied that -

- (a) all requirements laid down in subsections (1), (2) and (3) are complied with, the Commissioner may approve the transfer and thereupon -

- (i) the registration of the transferring co-operative prior to the transfer shall be cancelled and the transferring co-operative shall be dissolved;
- (ii) the approved resolution in accordance with subsection (2) of this section shall be sufficient conveyance to vest the assets and liabilities of the transferring co-operative in the receiving co-operative;
- (iii) the remaining members of the transferring co-operative shall become members of the receiving co-operative, subject to its by-laws; and
- (iv) the creditors of the transferring co-operative or any other person, who have claims against the transferring co-operative and whose claims were not satisfied before the approval of transfer by the Commissioner may pursue such claims or course of action against the receiving co-operative.

Division of co-operative.

80. (1) A co-operative may divide itself into two or more co-operatives and if the Commissioner is satisfied that -

- (a) the proposed new co-operatives conform with the conditions and requirements for registration according to the provisions of this Act;
- (b) a resolution to divide the co-operative is passed at an extraordinary general meeting especially called for that purpose;
- (c) all requirements in subsections (2), (3), (4) and (5) of this section have been complied with;

The Commissioner shall register the new divided co-operatives and their by-laws.

(2) The resolution to divide the co-operative shall -

- (a) be passed by at least two-thirds of the members present and voting at a Special General Meeting, the by-laws may provide for a higher percentage;
- (b) contain proposals for the division of the assets and liabilities of the co-operative among the proposed new co-operatives;
- (c) specify the members who will constitute each new divided co-operative;
- (d) prescribe the area of operation of each new divided co-operative;
- (e) be communicated to all members and creditors of the co-operative.

(3) A member of the co-operative may, by notice in writing, declare the member's intention to withdraw the member's membership from the co-operative at least one month before the date of the proposed division.

(4) A creditor of the co-operative shall be entitled upon making a written demand to payment of any sums due to the creditor at least one month before the date fixed for the division irrespective of any agreement to the contrary.

(5) A person whose interest may be affected by the division may by written notice within one month before the date fixed for the division, object to the division of the co-operative.

(6) Upon the registration of the new divided co-operatives, the Commissioner shall specify by notice in the Gazette -

- (a) the date on which the co-operative is divided;
- (b) the names of the new co-operatives;
- (c) the manner in which the assets and liabilities of the co-operative are divided or distributed amongst the new co-operatives;
- (d) the area of operation of each new co-operative;
- (e) such directions as the Commissioner considers necessary for giving effect to the division of the co-operative;
- (f) the cancellation of the registration of the co-operative prior to the division effective from the date of division; and
- (g) the registration of the new divided co-operatives.

Conversion of co-operatives to any other legal form.

81. (1) Any co-operative intending to convert itself to any other legal form can do so with the written consent of at least two-thirds of all registered members.

(2) The by-laws may provide for a higher percentage.

(3) Where the transfer of assets and liabilities involves the transfer of liabilities of the co-operative to the organisation having another legal form at least three months notice of the intention of the co-operative to convert has to be given to all creditors of the co-operative.

(4) Creditors of the co-operative shall be entitled to payment of any sums due to them if they make a written demand to this effect at least one month before the date fixed for the conversion.

(5) A member of the co-operative may, by notice in writing given to the co-operative at least one month before the date specified for the conversion declare the member's intention not to become a member or share-holder or any form of owner of the organisation having another legal form to which the assets and liabilities of the co-operative are going to be transferred.

(6) Where the Commissioner is satisfied that-

- (a) all the requirements laid down in sub-sections (1) and (2) of this section have been fulfilled;
- (b) all dissenting creditors and members have received the sums due to them;
- (c) immediately after the conversion comes into effect the members still own the majority of the shares of the organisation having another legal form;
- (d) the legal conditions necessary for the formation of the new organisation under any law or laws which may apply to it have been fulfilled and the new organisation has been registered under such law or laws,

the Commissioner shall cancel the registration of the co-operative and the co-operative shall cease to exist from the date of the cancellation and shall be deemed to have been converted to another legal form.

Conversion of a company into co-operative.

82. (1) A company incorporated and registered under the Companies Act may, by a special directors resolution, determine to convert itself into a registered co-operative.

(2) A resolution for the conversion of a company into a registered co-operative shall -

- (a) be accompanied by a copy of the by-laws of the co-operative therein referred to; and
- (b) appoint seven, members of the company who, together with the company secretary, shall sign the by-laws, and be authorised to act on behalf of the company to be converted.

(3) A copy of the special resolution for conversion of the company into a registered co-operative together with the by-laws shall be sent to the Commissioner, who shall thereupon proceed to deal with the resolution as if it were an application for registration in terms of this Act.

(4) Upon the conversion of a company into a registered co-operative, the company shall accordingly notify the Registrar of Companies in terms of the Companies Act.

(5) Registration of a company as a registered co-operative shall not affect any right or claim for the time being subsisting against the company, or any penalty for the time being incurred by the company, and, for the purpose of enforcing any right, claim or penalty, the company may be sued and proceeded against in the same manner as if it had not become registered as a co-operative.

(6) Every such right or claim, and the liability to such a penalty, shall have priority as against the property of the co-operative over all other rights or claims against, or liabilities, of the co-operative.

PART XII: PROPERTY AND FUNDS OF A CO-OPERATIVE

Funds of a co-operative.

83. (1) The capital of co-operatives shall be raised by any or all of the following-

- (a) joining fees which shall not be refundable except in cases where an application for membership has been rejected;
- (b) shares subscribed and paid-up by each member of which a minimum number prescribed by the by-laws shall only be withdrawable after termination of membership, while shares subscribed in excess of this minimum contribution may be withdrawable and transferable, or either withdrawable or transferable, subject to the provisions of this Act, and to any restrictions laid down in the by-laws;
- (c) reserves formed by allocation of surplus at the end of the financial year which shall be indivisible social capital of the co-operative;
- (d) grants, donations and other contributions from public or private donor organizations;
- (e) capital borrowed from members in the form of voluntary savings deposits, from other cooperative societies or banks and public or private credit institutions, or from any other technical or financial assistance organization subject to any conditions and restrictions as are provided for in this Act and the by-laws and subject to such limits for maximum liability decided at a General Meeting;

- (f) any other contributions by members to the equity capital as stipulated in the by-laws.

Nature of share capital.

84. (1) Every co-operative having share capital shall provide for the nominal value of each share in their by-laws.

- (2) The minimum nominal value of each share shall be stipulated in the by-laws.

(3) The by-laws of a co-operative may provide for any mode of payment of the shares be it in cash or in any other form.

(4) Where the payment of shares is required to be made by cash at least ten percent of the minimum share contribution as laid down in the by-laws shall be payable on admission to a co-operative.

(5) The by-laws of a co-operative may provide for a system of staggered share contributions whereby the minimum share contribution for each member can be different according to criteria provided for in the by-laws of a co-operative.

Issue of share certificates.

85. Share certificates bearing the names of a member and the nominal value of the share shall be prima facie evidence of the member's share capital contribution to the co-operative.

Restriction on holding of share capital.

86. A member of a primary co-operative shall not hold more than one-fifth of the share capital of the co-operative.

Restriction on Transfer of Shares or Interest.

87. (1) The transfer or charge of the share or interest of a member or past member in the capital of a co-operative shall be subject to such conditions as to maximum holding as are laid down in this Act or as may be prescribed by the by-laws of the co-operative.

(2) A member of a co-operative shall not transfer any share or interest held by the member in the capital of the co-operative or any part thereof unless -

- (a) he has held such share or interest for not less than one year; and
- (b) the transfer or charge is in favour of the co-operative, a member of the co-operative or a person whose application for membership has been accepted by the Management Committee of the co-operative.

Liability of a member limited by shares or by guarantee.

88. (1) Notwithstanding the provisions of any by-laws, the liability of a member, present or past, of a co-operative limited by shares, shall extend to the nominal value of any shares held or subscribed by the member.

(2) Where in the by-laws of a co-operative the amount of the liability of a member is expressed to be greater than the nominal value of any shares held or subscribed for by the member, then the liability of such member shall extend to such greater amount.

(3) Where in the by-laws of a co-operative the amount of the liability of a member is unlimited the member's liability shall extend to the member's assets.

Liability of past member and of the estate of deceased past member for Debts of co-operative.

89. (1) The liability of a past member for the debts of a co-operative within the limitations of section 88, as they existed on the date on which the past member ceased to be a member shall not continue for a period of more than two years reckoned from that date.

(2) The estate of a deceased member, who is a past member to whom sub-section (1) applies, shall not be liable for debts of the co-operative as they existed on the date of the member's death.

(3) A past member or the estate of a deceased member shall not be liable for the debts of a co-operative, if the first audit of the accounts of such co-operative after the termination of membership of the past or deceased member discloses that the co-operative is solvent.

Restriction on borrowings.

90. (1) A co-operative may receive deposits and loans from non-members only to such extent and under such conditions as may be prescribed by its by-laws.

(2) A co-operative which under its by-laws has power to borrow moneys shall determine from time to time at a general meeting, the maximum liability which it may incur in loans or deposits from members and non-members.

(3) The Minister may prescribe in the Regulations or by public notice in the Gazette that for a limited period, not exceeding ten years after the enactment of this Act, loans provided by the financial institutions to any agricultural or agro-based co-operative shall require the prior approval of the Commissioner.

Restrictions on loans.

91. (1) A co-operative shall make loans or allow credit to any person only to the extent and subject to the restrictions laid down in the by-laws and in the resolutions made at a general meeting.

(2) Any loans made to a member of the Management Committee shall require the prior approval of the supervisory committee, if any and where no Supervisory Committee exists, such loans shall be approved by the General Meeting of the co-operative.

Investment of funds.

92. (1) A co-operative may invest or deposit its funds subject to the limitations laid down in the by-laws and to the provisions of this Act and the Regulations.

(2) No investments above a certain sum to be specified in the by-laws shall be made without the prior approval of the supervisory committee or the general meeting.

(3) A co-operative may invest or deposit its funds-

- (a) with a financial institution registered in the country or a well established company that is registered and carrying on its business in the country; or
- (b) in such other manner as the Commissioner may approve.

(4) The Commissioner may, if the Commissioner is of the opinion that the provisions of sub-section (2) are being violated and shall, if the Commissioner receives a written request of inquiry to this effect by the members or the supervisory committee, the Commissioner may institute an inquiry into the operations of the co-operative.

Reserve fund.

93. (1) Every co-operative shall maintain a reserve fund which shall be used in such manner as may be prescribed in the by-laws.

(2) Every co-operative shall allocate to the reserve fund at least twenty-five percent of its surplus resulting from the transactions of the co-operative with its members during the financial year.

(3) Except in a workers co-operative the entire surplus resulting from the transactions with non-members of the co-operative during the financial year shall be allocated to the reserve fund.

(4) When the reserve fund reaches at least half the value of the total assets of the co-operative, such co-operative may reduce its allocation to the reserve fund to at least five percent of its surplus.

(5) All co-operatives registered after the enactment of this Act shall allocate to the statutory reserve fund at least forty per cent of its surplus for the first four years after registration and the provisions of sub-section (2) of this section shall apply after the end of such four year period.

(6) At least ten percent of the reserve fund shall be kept in the form of liquid assets or as current deposits to meet unforeseen losses or other eventualities.

(7) The reserve fund shall be indivisible and no member shall be entitled to claim a specific share of it.

Distribution of net surplus.

94. (1) After the statutory contribution to the reserve fund has been made, the remainder of the surplus resulting from the operations of a co-operative during the financial year together with any surplus carried forward from preceding years may be utilised for any or all of the following purposes-

- (a) bonus paid to members according to their volume of transactions with the co-operative;
- (b) dividend paid on share capital in line with the co-operative principles specified in section 5 of this Act;
- (c) incentive bonus paid to employees and workers of the cooperative;
- (d) allocations to any special funds as provided for by the by-laws;
- (e) donations and grants for charitable or social purposes provided that this sum shall not exceed ten percent of the surplus;
- (f) payment of honoraria to members of the Management Committee to such extent and under such conditions as may be prescribed under this Act, the by-laws or by the General Meeting;
- (g) for issuing bonus shares according to the provisions of section 97 of this Act;
- (h) for any other purpose provided for in the by-laws.

(2) If a loss is incurred during a financial year, no surplus shall be distributed to members during the following years until the losses have been covered.

Education and Training Fund.

95. (1) Every co-operative shall allocate at least ten per cent of its net surplus to an Education and Training Fund which shall be utilised to provide co-operative education to the members and to develop business skills of the members, officers, committee members and employees of the co-operative.

(2) A co-operative may transfer at least half of the allocation referred to in sub-section (1) to any apex organisation to which it may be affiliated, which shall utilise it for the purpose of providing education and training to its member co-operatives.

Central Co-operative Fund.

96. (1) There shall be established a Central Co-operative Fund to which all co-operatives shall allocate a certain portion of their net surplus every year.

(2) The Minister shall by notice in the gazette prescribe the portion of the net surplus to be allocated to the Central Co-operative Fund by each co-operative.

Provided that such portion cannot exceed five percent of the net surplus of a co-operative.

(3) The Audit and Supervision Fund existing under the Co-operative Societies Act, 1964 shall be transferred to the Central Co-operative Fund together with all interest accruing to this fund immediately after the enactment of this Act and thereafter the Audit and Supervision Fund shall cease to exist.

(4) The Commissioner shall open an account with any recognised bank into which he shall deposit all the monies of the Central Cooperative Fund.

(5) Upon the registration of the National Cooperative Federation, the Commissioner shall transfer the administration of the fund to the Federation.

Provided that upon the registration of a Cooperative bank, the National co-operative Federation shall transfer the Central co-operative Fund to an account opened for that purpose with the cooperative Bank.

(6) The Central Co-operative Fund shall be used by the National Co-operative Federation for the development of all types of co-operatives in Swaziland in accordance with section 43 of this Act and it may also be used for the payment of allowances or to cover expenses of the Co-operative Tribunal and the National Co-operative Advisory Board until such time when the State can make provisions for such allowances or expenses in its budget.

Bonus shares.

97. A co-operative may distribute a part of its net surplus among its members in the form of bonus shares.

PART XIII: SETTLEMENT OF DISPUTES

Settlement of disputes.

98. (1) If a dispute concerning the by-laws, election of officers, conduct of meetings, management or business of a co-operative arises -

- (a) among members, past members and persons claiming through members and past members;
 - (b) between a member, past member, and the co-operative, its Management Committee or any other officer of the co-operative;
 - (c) between the co-operative or its Management Committee and any other officer of the co-operative;
 - (d) between the co-operative and any other co-operative, such dispute may be referred, after due attempts to settle the issue within the co-operative or by local informal mediators have failed, to the Commissioner who shall refer the case to the Co-operative Tribunal established under section 99 of this Act for decision.
- (2) Without prejudice to the generality of subsection (1) -
- (a) a claim by a co-operative for a debt or demand due to it from a member, past member or the nominee or legal representative of a deceased member, whether such debt or demand is admitted or not; and
 - (b) a claim by a member who was a guarantor of a loan against the member whose loan the member guaranteed resulting from the repayment by the guarantor of the loan to the co-operative, for the repayment of the amount by the borrower, shall be deemed to be disputes concerning the business of the co-operative within the meaning of sub-section (1).

(3) The Co-operative Tribunal shall make a decision on any dispute referred to it within five months from the date of receiving such dispute for deliberation.

Establishment of the Co-operative Tribunal.

99 (1). There is hereby established a Co-operative Tribunal which shall consist of three persons -

- (a) the Commissioner or a duly authorised co-operative officer;
Provided that in the case of an appeal against a decision made by the Commissioner to the Co-operative Tribunal such person shall be appointed from the office of the Attorney General.
- (b) a representative of the co-operative movement, approved by the parties to the dispute and such representative shall be appointed by the Minister from a list of candidates to be submitted by any apex organisation representing a certain type of co-operative until such time that a National Co-operative Federation is registered, on the registration of which such representative shall be appointed by the National Co-operative Federation;

Provided that in the case of (b), if the parties to the dispute cannot agree on the person, the Minister shall have the right to appoint such person.

- (c) a person appointed from the office of the Attorney General.

(2) All three persons shall be present when the Co-operative Tribunal is in session.

(3) In its deliberation, the Co-operative Tribunal may call witnesses, may demand the production of books, records and documents, both financial or otherwise or it may cause a person to undertake additional fact finding.

(4) The parties to the dispute shall have the right to be heard during the deliberations of the Co-operative Tribunal.

(5) The terms and conditions of service of members of the Co-operative Tribunal and the arbitration procedures for the deliberation of disputes and appeals by the Co-operative Tribunal shall be prescribed in the Regulations.

(6) The Co-operative Tribunal shall make a ruling on any dispute or appeal when at least two of its members agree to the ruling.

PART XIV: DISSOLUTION AND LIQUIDATION OF CO-OPERATIVES

Dissolution of co-operative.

100.(1) Where the Commissioner-

- (a) after an audit has been held in terms of section 67;
- (b) after an inquiry has been held in terms of section 74;
- (c) after an examination has been held in terms of section 75;
- (d) on receipt of the written consent of three-fourths of all the members of a co-operative, is of the opinion that such co-operative ought to be wound up, the Commissioner may issue an order directing it to be wound up.

(2) The Commissioner may, of the Commissioner's own motion, make a winding-up order in respect of a co-operative which has ceased working continuously over a period of six months or the membership of which is reduced to less than the minimum membership prescribed in terms of this Act.

Provided that where the Commissioner has reason to believe that a co-operative has ceased operations for a continuous period of at least two years or if the co-operative repeatedly fails to reply to letters or notices of the Commissioner, the Commissioner shall, after due warnings and not earlier than one year after having given the third warning in writing, make a winding-up order in respect of the co-operative.

(3) A co-operative shall not be wound up save by an order of the Commissioner.

(4) A member of a co-operative may, within fourteen days from the date of a winding-up order under subsection (1) or (2) appeal, in writing, against such order to the Co-operative Tribunal which shall make a decision within three months and the decision shall be final and conclusive.

(5) If the Co-operative Tribunal fails to make a decision within three months of receiving the appeal the co-operative shall not be wound-up and dissolved.

(6) When making a winding-up order under subsection (1) or (2), the Commissioner may appoint a liquidator for this purpose and fix his remuneration.

(7) Where a co-operative is wound-up upon the resolution of the members in terms of subsection (1), of this section the members may appoint such liquidator with the Commissioner's approval.

(8) A liquidator shall not wind up a co-operative until a decision has been taken upon the appeal instituted under the provisions of subsection (4).

Powers of liquidator.

101.(1) Subject to the provisions of any order made by the Commissioner under section 98 a liquidator appointed by the Commissioner or by the members with the approval of the Commissioner shall have power to -

- (a) take immediate possession of all assets belonging to the co-operative and of all books, records and other documents pertaining to the business thereof;
- (b) carry on the business of the co-operative so far as may be necessary for winding up beneficially, except that he shall not for this purpose be entitled to issue any loan;
- (c) fix by notice published in the Gazette a day on which creditors shall state their claims for admission or be excluded from any distribution made before they have proved them;
- (d) refer a dispute to arbitration and institute and defend suits and other legal proceedings on behalf of the co-operative;
- (e) give such directions in regard to the collection and realisation of assets as may be necessary in the course of winding up the co-operative;
- (f) investigate all claims against the co-operative and, subject to the provisions of this Act, decide by order questions of priority arising between claimants;
- (g) pay claims against the co-operative including interest payable up to the date of the winding-up order in full or to such extent as the assets of such co-operative permit;
- (h) settle any claim by or against the co-operative, provided that the approval of the Commissioner has first been obtained;
- (i) call such meetings of members as may be necessary for the proper conduct of the liquidation, giving not less than fifteen days notice of every such meeting;
- (j) decide by order subject to this Act and any by-law limiting the liability of members, the contributions to be made by members, past members or by the estates of deceased past members of the co-operative to its assets;
- (k) arrange for the distribution of the assets of the co-operative in a convenient manner when a scheme of distribution has been approved by the Commissioner; and
- (l) make a decision on who shall and to what extent, bear the costs of the liquidation.

(2) Any person aggrieved by any order of the liquidator made in terms of this Act, may appeal in writing to the Co-operative Tribunal within thirty days of the date of such order and the decision of the Co-operative Tribunal shall be final and conclusive.

(3) A liquidator shall deposit the funds and other assets of a dissolved co-operative which come into his control as liquidator in such manner and in such place as may from time to time be determined by the Commissioner.

(4) A liquidator shall, once in every three months, submit to the Commissioner a report stating the progress made in winding up the affairs of the co-operative, and shall, on completion of the liquidation proceedings, submit a final report and hand over to the Commissioner all books, registers and accounts relating to such proceedings kept by him.

(5) A liquidator appointed under this Act shall, in so far as such powers are necessary for carrying out the purposes of this section, have power to summon and enforce the attendance of parties and witnesses and to compel the production of documents by the means and, so far as may be, in the same manner as is provided in the case of a court of law.

Powers of Commissioner to monitor liquidation.

102. A liquidator shall exercise the liquidator's powers under the supervision of the Commissioner, who may -

- (a) rescind or vary an order made by a liquidator and make whatever new order the Commissioner deems fit;
- (b) remove a liquidator from office;
- (c) call for all books, documents and assets of the co-operative;
- (d) by order in writing limit the powers of a liquidator under section 97;
- (e) require accounts to be rendered to him by the liquidator;
- (f) cause the liquidator's accounts to be audited and authorise the distribution of the assets of the co-operative;
- (g) make an order for the remuneration of the liquidator, which remuneration shall be included in the costs of liquidation and shall be payable out of the assets in priority to all other claims.

Enforcement of order.

103.(1) The award of the Tribunal on a matter referred to it under section 101 shall be binding upon the parties and shall be enforceable in like manner as an order made by the Commissioner under that section.

(2) An order made by a liquidator or by the Commissioner or by the Co-operative Tribunal under sections 101 or 102 shall be enforced by a court of law in like manner as a decree of that court.

Limitation of jurisdiction of a court.

104. Save in so far as expressly provided in this Act no court of law shall have any jurisdiction in respect of any matter concerned with the winding-up of a co-operative.

Disposal of assets on liquidation.

105.(1) Upon winding up of a co-operative, the assets, including the reserve fund, shall be applied first to the -

- (a) costs of liquidation;
- (b) discharge of all deposit liabilities to its depositors;
- (c) discharge of all other liabilities of the co-operative;
- (d) payment of share capital held by members; and

- (e) payment of a dividend or bonus at a rate not exceeding that laid down in the by-laws of the co-operative for any period during which no dividend or bonus was in fact paid.

Cancellation of registration.

106.(1) When the affairs of a co-operative, in respect of which a liquidator has been appointed, have been wound up the Commissioner shall cancel the registration of such cooperative which shall cease to exist as from the date of cancellation.

(2) In the case of a cooperative wound up in terms of section 100 the Commissioner shall, two months after making the winding up orders cancelled the registration of the cooperative which shall cease to exist from date of the cancellation.

(3) The claim of a creditor or a member of the co-operative who has not received what is due to him under the final distribution in terms of section 101 shall prescribe after two years have elapsed from the date of the cancellation of registration, and the Commissioner shall by notice published in the gazette, issue a notice of closure of liquidation and cancellation of registration.

(4) Any moneys remaining after the application of the funds to the purposes specified in section 101 and any sums unclaimed after two years have elapsed under subsection (2) of this section shall not be divided, in the case of a primary co-operative, among the members, but shall be applied for the furtherance of any objectives related to co-operative development in such manner as the by-laws of the co-operative may provide or in the absence of which in such manner as the Regulations may prescribe.

(5) In the case of a secondary co-operative or an apex organisation or the National Co-operative Federation any sums unclaimed after liquidation of such co-operative may be distributed among its members according to the provisions of its by-laws.

PART XV: MISCELLANEOUS PROVISIONS

Power of Minister to Make Regulations.

107. The Minister may make Regulations for such matters which are referred in this Act to be prescribed in the Regulations.

Power of Minister to exempt from stamp duty and fees.

108. The Minister may, by notice published in the Gazette or by prescribing in the Regulations, in the case of registered co-operatives or a particular type of co-operative, remit -

- (a) the stamp duty with which, under any law, instruments executed by or on behalf of a registered co-operative, or by an officer or member and relating to the business of the co-operative, or any class of those instruments, are respectively chargeable; or
- (b) any fee payable under any law.

Licences.

109.(1) The provisions of the law relating to trading licences shall apply to a registered co-operative for the fulfilment of its registered objects except where the business of the co-operative is confined to members of the co-operative.

(2) The Minister may, where he deems fit, by notice in the Gazette, exempt a registered co-operative from the provisions of the law mentioned in subsection (1).

Exemption from certain taxes and duties.

110.(1) Notwithstanding anything contained in any law, a registered co-operative is hereby exempted from -

- (a) any taxes or duty chargeable upon turnover or capital other than interest on income, profits, dividends or rent accruing from investments by the co-operative outside its normal course of business;
- (b) any auction duties chargeable in respect of agricultural produce and livestock sold by or on behalf of a co-operative;
- (c) any licence duties chargeable in respect of turnover of capital;
- (d) any other taxes or duties of a like nature to those mentioned in paragraphs (a), (b) and (c).

(2) The exemption from taxes or duties in terms of this section shall not apply in respect of any business conducted by the co-operative with, for, or on behalf of, non-members of the co-operative.

Prohibition of the use of the word "Co-operative".

111.(1) A person, other than a co-operative, shall not without the approval of the Commissioner, trade or carry on business under a name or title of which the word "co-operative" or its equivalent in siSwati is part.

(2) A person who contravenes the provisions of sub-section (1) commits an offence and is liable, on conviction, to a fine not exceeding E1,000.00 and in the case of a continuing offence, to a further fine not exceeding E250.00 for each day the offence continues.

Offences.

112.(1) Any person who -

- (a) wilfully neglect or refuses to do an act or furnish information required in terms of this Act by the Commissioner;
- (b) wilfully makes a false return or furnishes false information required in terms of this Act;
- (c) wilfully or without reasonable excuse disobeys any summons, requisition or lawfully written order issued in terms of this Act or does not furnish information lawfully required from him by a person authorised to do so under the provisions of this Act;
- (d) acts or purports to act as a member of the Management Committee when not entitled to do so;
- (e) performs any act which requires the consent or approval of the Commissioner without having first obtained such consent or approval;
- (f) generally contravenes any provision of this Act;

commits an offence and be liable, on conviction, to a fine not exceeding E25,000.00 or to imprisonment for a term not exceeding five years or to both.

(2) Where any offence under this Act has been committed by a co-operative, every person who, at the time of the commission of the offence, was a member of the Management Committee, secretary

or officer of such co-operative or was purporting to act in any capacity, shall be deemed also to have committed that offence unless the person proves that the offence or connivance and that he exercised all such diligence to prevent the commission of offence as he ought to have exercised having regard to the nature of his function in that capacity and to all the circumstances of the offence.

Exemption from provisions of Companies Act.

113. The provisions of the Companies Act shall not apply to co-operatives.

Repeal and savings.

114.(1) The Co-operative Societies Act, 1964 is hereby repealed.

(2) A co-operative which was, immediately before commencement of this Act, registered under the provisions of the repealed Co-operative Societies Act, 1964 shall be deemed to be a co-operative registered under this Act.

(3) Co-operatives registered or deemed to be registered under the repealed Co-operative Societies Act, 1964 shall adapt their by-laws such that they are in conformity with this Act not later than two years after commencement of this Act.

Functions of Formation Committee.

115. The functions of the Formation Committee shall be-

- (a) to organize educational meetings and to discuss the objects and operations of the proposed co-operative with its prospective members;
- (b) to assess the probable membership and expected volume of business in the first year of activities;
- (c) to undertake together with an employee of an apex organisation or with a co-operative officer or with any non-governmental organisation or with any other person, a feasibility study about the economic potential for operations of the proposed co-operative and to draw up a budget plan, expected cash flow chart for its first year of operation;
- (d) to compile a list of prospective members and a record of probable contributions to the share capital of the proposed co-operative;
- (e) to prepare, in consultation with an apex organisation or a co-operative officer or any non-governmental organisation or any other person the by-laws for the proposed co-operative according to the provisions contained in the Second Schedule of this Act and to discuss the by-laws with the prospective members;
- (f) to undertake all such activities as may be necessary for the purpose of making the application for the full or provisional registration of the proposed co-operative provided that for persons seeking to be registered as a provisionally registered co-operative only (a), (e) and (f) of this sub-section shall apply.

Founders Meeting.

116.(1) A Founders Meeting of all prospective members shall be convened by the Formation Committee.

(2) During this meeting -

- (a) the prospective members shall formally decide to form a cooperative and sign a written declaration to this effect;
- (b) a register of members shall be opened;
- (c) the by-laws stating especially the common objectives and the common bond shall be approved;
- (d) the first office-bearers of the group shall be elected.

First General Meeting.

117.(1) The First General Meeting shall be held within thirty days after registration of a co-operative.

(2) The functions of the First General Meeting shall be-

- (a) to elect the members of the Management Committee;
- (b) to appoint the auditors for the coming financial year in accordance with the provisions this Act;
- (c) to give directives to the Management Committee and confer upon it and the manager, if any, powers necessary for the smooth functioning of the co-operative;
- (d) to determine the maximum amount the co-operative may borrow from banks or other credit providing institutions subject to the provisions of this Act;
- (e) to determine the maximum amount of investments and deposits of the co-operative and their conditions;
- (f) in the case of fully registered co-operatives examine and adopt the work programme, the budget and the cash flow forecast for the financial year;
- (g) to decide on the volume of business to be carried out by the co-operative with non-members, where appropriate;
- (h) to decide on all other matters that are duly submitted to it or that are provided for in the by-laws.

Annual General Meeting.

118.(1) The Annual General Meeting shall be convened once in every year by the Management Committee within six months from the end of the financial year.

(2) In the absence of an Annual General Meeting convened by the Management Committee, the supervisory committee, and where there is no supervisory committee the members themselves shall have power to convene the Annual General Meeting.

(3) Where the members fail to convene the Annual Meeting the apex organisation to which the co-operative is affiliated or the Commissioner may convene such meeting.

(4) After approval of minutes of the preceding Annual General Meeting and the examination of reports of the Management Committee, the supervisory committee, if any, and the auditor, the Annual General Meeting shall, as appropriate-

- (a) approve or correct accounts and discharge or refuse to discharge the Management Committee of its responsibility for the preceding financial year;
- (b) amend the by-laws;
- (c) elect and dismiss members of the Management Committee and members of the supervisory committee, determine their functions within the limits of the provisions of this Act and the by-laws and appoint the auditors of the co-operative where applicable;
- (d) give directives to the members of the Management Committee and confer upon them powers required for the smooth running of the co-operative;
- (e) determine the maximum amount the co-operative may borrow from banks or public or private credit institution;
- (f) determine the maximum amount of investments and deposits and their conditions;
- (g) determine the manner in which the net surplus of the financial year shall be distributed and fix interest rates to be paid on shares and savings deposits;
- (h) examine and adopt the work programme and the budget for the next financial year;
- (i) decide on the refusal of admission and the recommendation for expulsion of members as proposed by the Management Committee;
- (j) decide on the volume of business to be carried out by the co-operative with non-member users where appropriate;
- (k) depending on the by-laws of the co-operative elect the members of sub-committees;
- (l) order an inquiry in accordance with the provisions of section 73 of this Act;
- (m) decide on all other matters that are duly submitted to it or that are provided for in the by-laws.

(5) The deliberations of the Annual General Meeting called upon to examine and approve the annual accounts shall be void if they are not preceded by the reading of the report of the supervisory committee, if any, and of the auditor's report as prescribed in section 82 of this Act.

Ordinary General Meeting.

119.(1) The by-laws of a co-operative may provide for regular Ordinary General Meetings in addition to the statutory Annual General Meeting.

(2) These meetings may, as appropriate -

- (a) review the general progress and policies of the co-operative;
- (b) decide on the refusal of admission and the recommendation for expulsion of members as proposed by the Management Committee;
- (c) examine and adapt the work programme and the budget for the current financial year;
- (d) order an inquiry in accordance with the provisions of section 73 of this Act;

- (e) decide on all other matters that are duly submitted to it or that are provided for in the by-laws.

Special General Meeting.

120.(1) A Special General Meeting may be convened whenever the Management Committee deems it necessary for the smooth running of the co-operative.

(2) The Special General Meeting shall be convened when at least one quarter of its members or 40 for societies with more than 160 members, so request to the Management Committee in writing.

(3) The Special General Meeting may decide on the following matters -

- (a) dissolution of the co-operative before the fixed date, if any, or continuation beyond the fixed date;
- (b) amalgamation with another co-operative;
- (c) division of the co-operative;
- (d) amendment of by-laws;
- (e) election of new members of the Management Committee in case of vacancies if the number of members of the Management Committee falls below one half of the number fixed in the by-laws or below three in the case of co-operatives having less than six board members;
- (f) discussion of any other matter duly submitted by the Management Committee, the supervisory committee or members, where the Special General Meeting is convened upon members' request.

Procedure at General Meeting.

121.(1) A General Meeting shall be convened by the Management Committee

(2) The General Meeting shall be announced fourteen (14) days before the date set for the meeting, by public notice at the cooperative's registered office, by personal invitation or by any other methods of public information or communication traditionally used.

(3) The invitation shall state the date, time and place as well as the agenda of the meeting.

(4) The agenda of the General Meeting shall be determined by the Management Committee except when convened by the supervisory committee or at the request of members.

(5) The agenda shall include all matters submitted to Management Committee at least two days before the General Meeting in writing, signed by at least ten members.

(6) Only matters on the agenda may be considered during General Meetings, and the deliberations on matters other than those on the agenda shall require the prior approval of the majority of those members present at the meeting.

(7) A General Meeting of a primary co-operative may only take valid decisions when the number of members present is at least equal to one quarter (1/4) of members registered at the time when the meeting is convened or forty members whichever is the less.

(8) A General Meeting of an apex organisation or the National Co-operative Federation may only take valid decisions when the number of delegates present is at least equal to half (1/2) the total number of registered members or ten delegates whichever is the less.

(9) If the quorum is not reached, a second General Meeting shall be convened at the same place with the same agenda within the next fifteen days at which meeting valid decisions may be taken irrespective of the number of members present or represented.

Voting rights at General Meeting.

122.(1) Each individual member of a primary co-operative shall have only one vote in the affairs of the co-operative, irrespective of the number of shares the member holds and such vote shall be exercised in person and not by proxy.

Provided that in a primary co-operative having branch meeting according to the provisions of section 124 of this Act, voting shall be exercised by the delegates elected from each branch group.

(2) In secondary co-operative or in the apex organization or in the National Co-operative Federation the General Meeting shall be replaced by a meeting of delegates and each delegate shall have as many votes as may be provided by the by-laws of such co-operative.

Provided that no member of an apex organisation or the National Co-operative Federation shall have more than three votes.

Voting procedure at General Meeting.

123.(1) (a) Decisions at the general meeting shall be taken by the majority of votes cast.

(b) The by-laws of a co-operative may provide for a majority which is larger than a simple majority.

(c) In case of equality of votes, the chairperson of the meeting shall have a casting vote.

(d) Voting shall be by show of hands or in any other form as prescribed in the by-laws, provided that the election of the Chairperson, Vice Chairperson and the Treasurer shall be by secret ballot according to the procedure to be prescribed in the Regulations.

(2) (a) The Chairperson of the Management Committee shall preside at the General Meeting and, in the absence of the Chairperson, the Vice-Chairperson.

(b) Should both the Chairperson and the Vice-Chairperson be unable to attend, the members present shall elect a Chairperson for the session.

(3) (a) The Chairperson of the General Meeting shall organize and conduct discussions in accordance with the internal regulations of the co-operative.

(b) In the absence of such internal regulations, the procedure shall be as prescribed in the Regulations.

(4) The Chairperson, may, upon decision of the Meeting, adjourn the session and on resumption, deliberations shall relate only to matters that were left unsettled.

(5) Deliberations shall be declared void if an attendance sheet with the full names of members present is not drawn up and countersigned by the Chairperson of the general meeting.

- (6) (a) The Secretary of the session shall keep the minutes thereof which shall be signed by him and the Chairperson of the General Meeting and recorded or transcribed in the minute-book kept at the registered office of the cooperative.

(b) The minutes shall be read and adopted at the opening of the next General Meeting.

Branch Meetings.

124.(1) (a) The setting up of branch meetings may be provided for in the by-laws.

- (b) The number of branch groups and the area which each of them cover shall also be determined by the by-laws of the co-operative.

(2) Branch meetings shall be convened under the same conditions as the General Meeting and shall take place at least ten days before the General Meeting and shall be attended by one member of the Management Committee.

(3) Each branch group shall be headed by a committee elected by the branch meeting and it shall comprise at least a Chairperson, a Vice-Chairperson and a secretary.

(4) Branch Meetings shall have the following functions -

- (a) electing from among its members, delegates who shall represent them at the General Meeting of the co-operative which shall thus become a meeting of delegates as provided for in section 125;
- (b) discussing matters on the agenda of the meeting of delegates after listening to reports on these matters;
- (c) discussing and deciding on any matter which directly concerns the members of the branch group;
- (d) making recommendations to the delegates representing the branch group at the meeting of delegates;
- (e) informing members on the activities of the co-operative.

(5) The number of delegates from each branch group shall be determined in the by-laws.

(6) The rules of procedure for branch meetings shall be the same as those for General Meetings.

(7) Branch Meetings shall take valid decisions irrespective of the number of members present or represented.

(8) The branch meeting may decide to convene itself in particular to hear the report of the meeting of delegates.

Meetings of delegates.

125.(1) The General Meeting of a co-operative subdivided into branch meetings shall be composed of delegates elected at the branch meetings.

- (2) Each delegate of a branch group shall have one vote at the meeting of delegates.

(3) Delegates shall inform the members of their branch group especially on activities and deliberations during the meeting of delegates.

(4) The General Meeting of an apex organisation and the National Co-operative Federation shall be composed of elected delegates from member cooperatives.

(5) The by-laws of such cooperatives shall determine the rules of representation at the meeting of delegates taking into account the volume of activities of the member cooperatives and the number of their members.

TRADE AND BUSINESS FACILITATION BILL, 2001
(Bill No. 4 of 2001)

(To be presented by the Minister for Enterprise and Employment)

MEMORANDUM OF OBJECTS AND REASONS

A Bill to provide for the licensing of trades and businesses, and for the licensing of hawkers and street vendors in designated areas; to encourage the growth and expansion of commercial enterprise and in particular of small-scale entrepreneurship; and to repeal the Shop Hours Act 1955 and the Trading Licences Order 1975.

P. M. DLAMINI
ATTORNEY-GENERAL

A BILL
entitled

AN ACT to provide for the licensing of trade and businesses and other matters incidental thereto.

ENACTED by the King and Parliament of Swaziland:

PART I: PRELIMINARY

1. This Act may be cited as the Trade and Business Facilitation Act, 2001 and shall come into force upon publication in the Gazette.

Interpretation

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

“business” means the selling, leasing, hiring out, repairing, servicing or rendering of, or other dealing in, goods or services, or the provision of any facilities, as a commercial activity of a continuing nature, and includes acting as a commercial agent or a commission agent;

“extension services” means the provision of services by technical and other experts trained and experienced in the teaching and demonstration of basic and intermediate business practice, who give advice and assistance in the field, that is where the recipients of the advice and assistance work or carry on business;

“farm” means any title deed land falling outside the municipality boundary;

“hawker” means a person who carries on business or trade from place to place whether on foot or with a vehicle or by any other means and whether or not at a place accessible to the public or at an open stand or in, on or from any vehicle or movable structure, and “hawking” has a corresponding meaning;

“issuing officer” means an officer of the Public Service who is authorised to issue trade licences under this Act and includes a deputy issuing officer;

“licence” means a trade licence issued, or applied for, as the case may be, under this Act, and “licence” and “licensed” have corresponding meanings;

“Minister” means the Minister responsible for Enterprise;

“street vendor” means a person who carries on business or trade in any street, road or thoroughfare or open place and not from any premises;

“trade” means carrying on business.

PART II: APPLICATION FOR LICENCES

Appointment of Issuing Officer

3. (1) The Minister shall, by Notice published in the Gazette, designate officers employed in the Public Service as issuing officers who shall be responsible for the issuance of trade licences in the four regions of the country.

(2) Issuing officers shall exercise such powers and perform such functions as are conferred on or assigned to them in this Act and in any regulations made under this Act.

Functions and Powers of Issuing Officer

4. (1) An issuing officer shall be responsible for-
- (a) the grant and renewal of trade licences in the regions;
 - (b) transfer and amendment of licences as provided for in the Act;
 - (c) registration of business in accordance with this Act;
 - (d) suspension or revocation of licences;
 - (e) monitoring compliance with this Act;
 - (f) assisting in the prosecution of offences under this Act;
 - (g) keeping and maintaining a register of licences and any other records as may be prescribed by the Minister.

(2) An issuing officer shall refuse to issue or renew a licence where-

- (a) the applicant has not complied with the requirements of other laws applicable to the type of business in respect of which a licence is being sought;
- (b) the type of business which the applicant intends to conduct is forbidden by law or it constitutes a danger to public safety, public health or public morals;
- (c) the applicant has not submitted all the necessary documentation in support of the application;
- (d) the applicant suffers from a legal incapacity which renders the applicant incapable of holding a licence; or
- (e) the applicant or director, in the case of a company, who has not been granted the requisite permits under the immigration laws of the country.

Application for licence

5. (1) Every person desirous of carrying on any business shall obtain a trade licence in respect of such business in accordance with this Act.

(2) An application for a trade licence shall be made by submitting a duly completed application in the form prescribed in the First Schedule to an issuing officer in the region in which the applicant intends to carry on business.

(3) A trade licence shall specify-

- (a) the full name and postal address of every licensee;
- (b) the name or style under which the business is to be conducted;
- (c) the place where or premises from which the business will be carried on;
- (d) in the case of dealings in goods, which of the following one or more categories of business is to be carried on -
 - (i) producer;
 - (ii) wholesaler or distributor;
 - (iii) retailer;
 - (iv) provider of services in respect of the goods; or
 - (v) other dealings;
- (e) the nature of the business;
- (f) the date of issue of the licence and its statutory duration; and
- (g) such other matters as may be prescribed in the regulations by the Minister.

(4) A licence may be issued to -

- (a) any natural person over the age of 18 years;
- (b) any partnership, provided the partners are named in the licence and are over the age of 18 years;
- (c) any company, co-operative society or other incorporated body; provided that a company or body incorporated outside Swaziland is also registered in Swaziland;

(d) any charitable or other society, club or organisation not distributing profits to its members; and

(e) any other body or board.

(5) Where a business is carried on at more than one premises, a separate licence is required for each premises.

(6) A licence shall be valid for 12 months from the date of issue and shall, subject to the compliance with section 12, be automatically renewed.

Suspension and revocation

6. (1) The issuing officer may, upon good cause shown to the issuing officer's satisfaction and after having given the holder of the licence 7 days written notice to make representations, suspend a licence for such period as the issuing officer deems fit, and such suspended licence shall be handed to the issuing officer.

(2) The issuing officer, when suspending a licence, shall state the reason and duration of such suspension.

(3) The issuing officer shall restore the licence to the holder upon being satisfied that the cause of the suspension has been remedied.

(4) An issuing officer may, after giving the licence holder 14 days written notice to make his representations, revoke a licence granted in respect of any trade or business which -

(a) has not commenced operations for a period of 6 months after being granted a licence;

(b) has ceased to operate continuously for a period of 3 months;

(c) in the case of a company, has been deregistered under the Companies Act, 1912 or subsequent law;

(d) has commenced operations on a licence obtained by fraud or misrepresentation;

(e) constitutes a danger or threat to public health, public interest or public safety;

(f) is conducted in a manner that is contrary to this Act or any other Law or in violation of the terms and conditions of the licence; or

(g) a recommendation from a person or authority legally authorized to make that recommendation is received by the issuing officer.

(5) A licence holder shall not be entitled to a refund of any fees paid in respect of a licence that has been suspended or revoked.

(6) A person who carries on any business or trade when the licence in respect of the business or trade has been suspended or revoked commits an offence and liable on conviction to a fine not exceeding E1,000.00 or to imprisonment for a period not exceeding 14 days or to both such fine and such imprisonment.

Appeal procedure

7. (1) Any person wishing to appeal against a decision of an issuing officer or against the exercise of any power by the issuing officer in terms of this Act shall lodge a written notice of appeal to the Minister within 14 days of the delivery of the decision to that person.

(2) The notice of appeal shall be copied to the issuing officer who shall, on receipt thereof, furnish the Minister with the record of proceedings together with written reasons for the decision.

Power of the Minister on appeal

8. The Minister may-

- (a) confirm, revise or alter the decision of the issuing officer;
- (b) remit the record to the issuing officer for the taking of further evidence; or
- (c) direct the parties or any other person to appear before him and give evidence to enable him to make a just decision on the matter.

Exceptions from licensing

9. Section 5 shall not apply to any business or trade -

- (a) conducted within the scope of any other law;
- (b) conducted by a person practising a profession who is a qualified member of that profession's association; or
- (c) of a kind or category specified by the Minister by Notice in the Gazette from time to time.

Hawkers and street vendors

10. (1) This Act shall apply to hawkers and street vendors, in respect of whom all references in this Act to premises shall be deemed references to the area, zone or district in which the hawker or street vendor is permitted to operate in terms of his or her licence.

(2) The Minister may, after consulting any local authority having jurisdiction in the area, zone or district, declare by Notice in the Gazette an area, zone or district within which -

- (a) hawkers;
- (b) street vendors; or
- (c) both hawkers and street vendors,

may not operate.

(7) An issuing officer shall not include in a trade licence to a hawker or street vendor any area, zone or district which has been excluded from street vending or hawking under subsection (2).

Change of circumstances

11. (1) If any change occurs in any material particular specified in a licence, including where -

- (a) the business in respect of which the licence is issued is no longer in the proprietorship of the licensee named in the licence;
- (b) the name or style under which the business is conducted has changed;

- (c) the premises at or from which the business is carried on have changed;
- (d) one of the categories specified under section 5(3) (d) has changed;
- (e) the nature of the business has changed; or
- (f) any particular prescribed under section 5 (3)(g) pertaining to the licence has changed,

the licensee shall apply for amendment of the licence within 14 days of such change in the manner provided for under section 13.

Renewal

12. (1) The issuing officer shall, during 30 days before the expiry of an existing licence upon application being made in the form prescribed renew the licence with effect from the date of expiry of the existing licence provided that there is no change in the particulars of the existing licence.

(2) The statutory duration of all other licences shall be 12 months commencing from the date the application for the licence is made.

Amendment of licence

13. (1) The issuing officer may, upon application by the holder of a licence in the prescribed form,-

- (a) amend the hours of conducting the business or trade;
- (b) amend the terms and conditions of the licence;
- (c) amend the licence by substituting other premises for the premises where the trade or business is intended to move;
- (d) amend the licence by adding the adjoining premises where the trade or business is intended to be extended to such adjoining premises;
- (e) amend the licence by substituting or adding another name where either ownership of the business or trade has changed or where the name or style by which the business or trade is registered is changed.

(2) There shall be payable in respect of the licence, as amended, the prescribed fee.

(3) An amended licence shall expire on the same date the original licence would have expired.

(3) An applicant whose licence is amended under sub-section (1) shall publish a notice to that effect in the Gazette and in a daily newspaper circulating in Swaziland not later than 14 days after the amendment has taken effect.

PART III: ENCOURAGEMENT OF ENTERPRISE

Local promotion

14. (1) The Minister shall institute measures to promote commercial enterprise in Swaziland and in particular the growth and expansion of sustainable business and the promotion of small scale entrepreneurship.

(2) The measures referred to in subsection (1) shall include-

- (a) the establishment of extension services, especially in rural areas, for the giving of advice and assistance to new or existing or aspiring traders, business people and other entrepreneurs;
- (b) the establishment of training schemes for the persons mentioned in paragraph (a); and
- (c) the carrying out of studies and investigations to ascertain needs under paragraphs (a) and (b) and to identify areas or sectors where opportunity exists for growth and expansion in any business sector, especially in rural areas.

(4) The services referred to in paragraph (a) and the schemes referred to in paragraph (b) of subsection (2) may be provided or promoted by any of the following means -

- (a) the establishment of such services within the Ministry responsible for enterprise in terms of the Civil Service Order, 1973;
- (b) the active encouragement of non-governmental organisations, both local and foreign, to render such services in Swaziland;
- (c) the seeking of support from any sources, both local and foreign, for the financial subvention of the measures referred to in subsection (2), and for the supply of technical experts and other facilities to assist thereon; and
- (d) any other means which the Minister considers desirable.

PART IV: GENERAL

Prohibited names

15. (1) A business or trade may not, without the written consent of the Minister, be licenced by a name which includes the words "Royal", "Crown", "Ngwenyama", "Ndlovukazi", "Government" or any other name which suggests or purports to suggest that it enjoys the patronage of the King or the Government of Swaziland.

(2) Any person who uses a name in contravention of this section commits an offence and shall, on conviction, be liable to a fine not exceeding E800.00 or to imprisonment not exceeding 8 days or to both such fine and such imprisonment.

(5) This Act shall not affect any other law or rule of law relating to the use of names in business.

Hours of business or trade

16. (1) The Minister may, by Notice in the Gazette-

- (a) prescribe the hours during which trade or business may be conducted;
- (b) specify different trading or business hours for different types of trade or business;
- (c) change, vary, limit, or extend the hours prescribed under this subsection, whether in relation to specific types of trade or businesses or to trade businesses in general; and

(d) prescribe the fees to be paid by persons who wish to trade outside normal trading hours.

(2) A person shall not-

- (a) open or keep open any trade or business premises;
- (b) sell or offer for sale or supply any goods or take any order for, or display samples of any goods in or from any trade premises; or
- (c) carry on trade or business in any other manner,

contrary to the hours prescribed in any Notice under this section, unless otherwise permitted to do so in terms of this Act.

(6) A person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding E800.00 or to imprisonment not exceeding 8 days or to both such fine and such imprisonment.

Duplicate licence

17. The issuing officer shall, on application by a licensee in the district in which the licence was issued, and on payment of the prescribed fee, issue a duplicate licence to the licensee if the issuing officer is satisfied that the original licence has been lost, destroyed or defaced.

Display of licence

18. (1) A licensee shall display, in a prominent manner, a licence or its duplicate issued in terms of this Act, in the premises in respect of which the licence was issued.

(2) A licensee who fails to display a licence, contrary to sub-section (1), commits an offence and liable on conviction to a fine not exceeding E800.00 or to imprisonment not exceeding 8 days or to both such fine and imprisonment.

Trading without a licence

19. Every person who carries on business for which a licence is required, without having such a licence, commits an offence and shall, on conviction, be liable to a fine not exceeding E1,500.00 or to imprisonment not exceeding 21 days or to both such fine or such imprisonment.

Forgery of licence

20. A person who -

- (a) forges a licence;
- (b) without lawful authority, alters or erases any part of a licence or an entry lawfully made thereon;
- (c) produces or uses any forged licence or uses a licence which, to that person's knowledge, has been unlawfully altered or on which erasures have been unlawfully made;
- (d) unlawfully produces or uses any licence granted in the name of another person whether living or dead or of a fictitious person; or
- (e) forges any document for the purpose of obtaining a licence, commits an offence and shall, on conviction, be liable to a fine not exceeding E1,000.00 or to imprisonment not exceeding 6 months or to both such fine or such imprisonment.

Other offences

21. (1) Any person who contravenes any provision of this Act, for the breach of which no penalty is otherwise provided, commits an offence and shall be liable, on conviction, to a fine not exceeding E800.00 or to imprisonment not exceeding 8 days or to both such fine or imprisonment.

(2) Any issuing office to whom an application for a licence is duly made and who fails to issue the licence as required by this Act commits an offence and shall be liable, on conviction, to a fine not exceeding E800.00 or to imprisonment not exceeding 8 days or to both such fine and imprisonment.

Records

22. The Minister shall cause records to be kept of all licences issued under this Act, which records shall be available for inspection by any officer of the Public Service authorised on that behalf.

Amendments of Schedules and Regulations

23. The Minister may, by Notice in the Gazette -

- (a) amend any Schedule to this Act;
- (b) make regulations -
 - (i) prescribing any forms to be used under this Act;
 - (ii) prescribing the documentation to be submitted when making applications for the grant or renewal of licences under this Act;
 - (iii) prescribing the registers to be kept and the licences and other documents to be granted or used for the purpose of this Act;
 - (iv) prescribing the fees payable under this Act;
 - (v) prescribing any other matter that may be prescribed under this Act; or
 - (vi) generally for the better carrying out of the objects and purposes of this Act.

Repeal and transitional provisions

24. (1) The Shop Hours Act, 1955 and the Trading Licences Order, 1975 are hereby repealed.

(2) Notwithstanding the provisions of subsection (1), all licences issued under the Trading Licences Order, 1975, shall on the commencement of this Act, continue to be valid until the expiration of the period for which they were granted.

(3) Notwithstanding subsection (1), all proceedings or other matters pending before any officer or authority under the Shop Hours Act, 1955 or the Trading Licences Order, 1975 before the commencement of this Act shall be dealt with under those respective laws.

(4) Notwithstanding the repeal of any law under subsection (1), criminal proceedings which have, under such law at the date of commencement of this Act, been commenced in any court and in which evidence has at such date been in respect of the relevant charge, shall, if such proceedings have at that date not been concluded, be continued and concluded under such law as if it had not been repealed.

FIRST SCHEDULE

**APPLICATION FOR TRADE LICENCE UNDER THE TRADE AND BUSINESS
FACILITATION ACT, 2001
TO THE MINISTRY OF ENTERPRISE AND EMPLOYMENT
(IN THE REGION IN WHICH APPLICANT INTENDS TO TRADE)**

I/we hereby apply for a Trade Licence under the above Act, and declare the following to be true and correct in all respects:

1. Full name and postal address of the intended licensee/s:

Name/s

Address

2. The name or style under which the business will be conducted

.....

3. The premises at or from which the business will be conducted

.....

.....

(describe so that the premises can be located, by road/street and by building/floor, etc.)

In the case of a hawker or a street vendor, state the area, zone or district in which it is desired to operate.

4. In the case of dealings in goods, which of the following categories will apply:

1. producer of goods
2. wholesaler or distributor of goods
3. retailer of goods
4. provider of services in respect of the goods sold.

(Note: More than one category can apply)

5. The nature of kind of business to be carried on:

.....

Dated:

Signed by all persons name in 1 above.

.....

.....

SECOND SCHEDULE**FEES**

Application for trade licence - section 5

(including renewals - section 12) E

(If fees are to be graduated according to size of the business, then a criterion of size must be established.

This could be according to -

- (i) estimated turnover, or
- (ii) number of employees

If so, that question would need to be asked in the application form)

Hawker's or Street Vendor's licence - section 10 E

Duplicate licence - section 17 E

THE IMMIGRATION (AMENDMENT) BILL, 2001
(Bill No. 5 of 2001)

(To be presented by the Minister for Home Affairs)

(MEMORANDUM OF OBJECTS AND REASONS)

The object of this Bill is to amend the Immigration Act, 1982 so as to enable the issuance of Permanent Residence Permits.

P. M. DLAMINI
Attorney-General

A BILL
entitled

An Act to amend the Immigration Act, 1982.

ENACTED by the King and the Parliament of Swaziland.

Short title

1. This Act may be cited as the Immigration (Amendment) Act, 2001 and shall be read as one with the Immigration Act, 1982 (hereafter referred to in this Act as the "Principal Act").

Amendment of section 2

2. Section 2 of the principal Act is amended by replacing the definition of "entry permit" with the following definition -

"Entry permit" means an entry permit including a permanent residence permit issued under section 5 of this Act, or a provisional entry permit issued under section 21 of this Act and where the context so requires, includes a residence permit or temporary residence permit issued under the repealed law;

Amendment of section 5

3. Section 5(1) of the principal Act is amended by:-

- (a) inserting the words "including a permanent residence permit" between the words "permits" and "specified".
- (b) inserting the term "Permanent Residence Permit" between the terms "Residence Permit" and "Temporary Residence Permit".

LEGAL NOTICE NO. 29 OF 2001

UMBUTFO SWAZILAND DEFENCE FORCE ORDER, 1977
(Order No. 10 of 1977)

**APPOINTMENT OF COMMISSIONED OFFICERS TO THE UMBUTFO
SWAZILAND DEFENCE FORCE**
(Under Section 13)

In exercise of the powers conferred on me by the above-mentioned order, **I, MSWATI III, King of Swaziland**, hereby promote the following officers to the rank of **Captain** in the Umbutfo Swaziland Defence Force with effect from 1st February 2001.

1. Lieutenant Makhaza Dlamini
2. Lieutenant Mdumseni Dlamini
3. Lieutenant Antony Sibandze
4. Lieutenant Alfred Tsabedze
5. Lieutenant Abednigo Madonsela
6. Lieutenant Hectors S. Nzima
7. Lieutenant Kenneth Dlamini
8. Lieutenant Moses M. Zwane
9. Lieutenant Jerome Ndzimandze
10. Lieutenant Simelane Dlamini
11. Lieutenant Emmanuel V. Khumalo
12. Lieutenant Sithandwa Mamba
13. Lieutenant Khuza Dlamini
14. Lieutenant Aaron Dlamini
15. Lieutenant Mbokodvo B. Sikhondze
16. Lieutenant Zibazonke P. Ngobe
17. Lieutenant Hastings V. Motsa
18. Second Lieutenant Tsembeni Magongo

THUS DONE UNDER MY HAND AT LOZITHEHLEZI ON THIS 15TH DAY OF
FEBRUARY 2001.

**MSWATI III
KING OF SWAZILAND**

LEGAL NOTICE NO. 30 OF 2001

UMBUTFO SWAZILAND DEFENCE FORCE ORDER, 1977
(Order No. 10 of 1977)

**PROMOTION OF COMMISSIONED OFFICERS TO THE UMBUTFO
SWAZILAND DEFENCE FORCE**
(Under Section 13)

In exercise of the powers conferred on me by the above-mentioned order, **I, MSWATI III, King of Swaziland**, hereby promote the following officers to the rank of **Major** in the Umbutfo Swaziland Defence Force with effect from 1st February 2001.

1. Captain Daniel Zwane
2. Captain Gcina W. Shabangu
3. Captain Sunnyboy S. Khumalo
4. Captain Themba G. Dlamini
5. Captain Moses Mashikilisane Fakudze
6. Captain Mduduzi S. Sibandze
7. Captain Prvon Magwaza
8. Captain Manzemvula Mamba
9. Captain Wilson M. Khumalo

THUS DONE UNDER MY HAND AT LOZITHEHLEZI ON THIS 15TH DAY OF FEBRUARY 2001.

**MSWATI III
KING OF SWAZILAND**

LEGAL NOTICE NO. 31 OF 2001

UMBUTFO SWAZILAND DEFENCE FORCE ORDER, 1977
(Order No. 10 of 1977)

**APPOINTMENT OF COMMISSIONED OFFICERS TO THE UMBUTFO
SWAZILAND DEFENCE FORCE**
(Under Section 13)

In exercise of the powers conferred on me by the above-mentioned order, **I, MSWATI III, King of Swaziland**, hereby promote the following officers to the rank of **Lieutenant** in the Umbutfo Swaziland Defence Force with effect from 1st February 2001.

- I. Second Lieutenant Nhlanhla V. Gwebu

2. Second Lieutenant Thabo G. Luhlanga
3. Second Lieutenant Zakhele Kunene
4. Second Lieutenant Moses N. Dlamini
5. Second Lieutenant Samuel J. Dlamini
6. Second Lieutenant Jabulani N. Dlamini
7. Second Lieutenant Luhlabo G. Dlamini
8. Second Lieutenant Musa Mathunjwa
9. Second Lieutenant Mandla Ndlangamandla
10. Second Lieutenant Robert Ndlangamandla
11. Second Lieutenant Jabulani Mlambo
12. Second Lieutenant Albert M. Shongwe
13. Second Lieutenant Victor Dlamini
14. Second Lieutenant Niel M. Mlota
15. Second Lieutenant Khumbulani D. Manyatsi
16. Second Lieutenant Bongani L. Shongwe
17. Second Lieutenant Joseph P. Maziya
18. Second Lieutenant Innocent Tfwala
19. Second Lieutenant Joseph S. Msibi
20. Second Lieutenant Absalom Tsabedze
21. Second Lieutenant Sikelela Ntjalintjali
22. Second Lieutenant Helford Msibi
23. Second Lieutenant Musa Dlamini
24. Second Lieutenant Mzamo J. Dlamini
25. Second Lieutenant Lusekwane S. Dlamini
26. Second Lieutenant Sabelo Maseko
27. Second Lieutenant Petros S. Khumalo

THUS DONE UNDER MY HAND AT LOZITHEHLEZI ON THIS 15TH DAY OF
FEBRUARY 2001.

MSWATI III
KING OF SWAZILAND

LEGAL NOTICE NO. 32 OF 2001

UMBUTFO SWAZILAND DEFENCE FORCE ORDER, 1977
(Order No. 10 of 1977)

PROMOTION OF COMMISSIONED OFFICERS TO THE UMBUTFO
SWAZILAND DEFENCE FORCE
(Under Section 13)

In exercise of the powers conferred on me by the above-mentioned order, **I, MSWATI III, King of Swaziland**, hereby promote the following Officers to the rank of **Lieutenant Colonel** in the Umbutfo Swaziland Defence Force with effect from 1st February 2001.

1. Major Timothy M. Simelane
2. Major Jeremiah M. Shongwe
3. Major Fidza S. Dlodlu
4. Captain Jeffrey S. Tshabalala

THUS DONE UNDER MY HAND AT LOZITHEHLEZI ON THIS 15TH DAY OF FEBRUARY 2001.

MSWATI III
KING OF SWAZILAND

LEGAL NOTICE NO. 33 OF 2001

UMBUTFO SWAZILAND DEFENCE FORCE ORDER, 1977
(Order No. 10 of 1977)

REVOCATION OF APPOINTMENT OF CHAIRMAN OF THE GENERAL
COURT MARTIAL
(Under Section 25)

In exercise of the power vested on me by the above-mentioned order, **I, MSWATI III, King of Swaziland**, hereby revoke the appointment of:

MAJOR WILLIAM MANDLA DLAMINI

as CHAIRMAN of the GENERAL COURT-MARTIAL with effect from 31st September, 2000.

THUS DONE UNDER MY HAND AT LOZITHEHLEZI ON THIS 15TH DAY OF FEBRUARY 2001.

MSWATI III
KING OF SWAZILAND

LEGAL NOTICE NO. 34 OF 2001

UMBUTFO SWAZILAND DEFENCE FORCE ORDER, 1977
(Order No. 10 of 1977)

APPOINTMENT OF COMMISSIONED OFFICERS TO THE UMBUTFO
SWAZILAND DEFENCE FORCE
(Under Section 13)

In exercise of the powers conferred on me by the above-mentioned order, **I, MSWATI III, King of Swaziland**, hereby promote the following Officers to the rank of **Second Lieutenant** in the Umbutfo Swaziland Defence Force with effect from 1st February 2001.

1. O/CDT Nqaba N. Simelane
2. WOI Sidumo Dlamini
3. S/SGT Joshua Simelane
4. SGT Joseph M. Dlamini
5. S/SGT Mciniseli Mehlwesilwane Mkhathswa
6. PTE Cethuka Dlamini
7. SGT Banana Malinga
8. PTE Sibusisiwe Mngomezulu

THUS DONE UNDER MY HAND AT LOZITHEHLEZI ON THIS 15TH DAY OF
FEBRUARY 2001.

MSWATI III
KING OF SWAZILAND