

# SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

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PUBLISHED BY AUTHORITY



**LEGAL NOTICE NO. 100 OF 2011**

**THE CONSTITUTION OF SWAZILAND ACT, 2005**  
(Act No. 001 of 2005)

**THE APPOINTMENT OF ACTING JUDGE PRESIDENT OF THE INDUSTRIAL  
COURT NOTICE, 2011**  
(Under Section 153)

In exercise of the powers conferred by Section 153 (5) of the Constitution of Swaziland Act, 2005, the Chief Justice after consultation with Judicial Service Commission appoints -

**JUDGE N. NKONYANE**

as Acting Judge President of the Industrial Court with effect from the 17<sup>th</sup> June to 17<sup>th</sup> July, 2011.

**M. M. RAMODIBEDI**  
*CHIEF JUSTICE*

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**LEGAL NOTICE NO. 101 OF 2011**

**THE CONSTITUTION OF SWAZILAND ACT, 2005**  
(Act No. 001 of 2005)

**THE APPOINTMENT OF ACTING JUDGE PRESIDENT OF THE INDUSTRIAL  
COURT NOTICE, 2011**  
(Under Section 153)

In exercise of the powers conferred by Section 153 (5) of the Constitution of Swaziland Act, 2005, the Chief Justice after consultation with Judicial Service Commission appoints -

**JUDGE D. MAZIBUKO**

as Acting Judge President of the Industrial Court with effect from the 18<sup>th</sup> July to 18<sup>th</sup> August, 2011.

**M. M. RAMODIBEDI**  
*CHIEF JUSTICE*



LEGAL NOTICE NO. 102 OF 2011

THE SWAZILAND WATER SERVICES CORPORATION ACT, 1992  
(Act No. 12 of 1992)

APPOINTMENT OF BOARD OF DIRECTORS FOR THE  
SWAZILAND WATER SERVICES CORPORATION  
(AMENDMENT), NOTICE 2011  
(Under Section 4)

In exercise of the powers conferred by Section 4 of the Swaziland Water Services Corporation Act of 1992, the Minister for Natural Resources and Energy issues the following Notice -

***Citation and Commencement***

1. (1) This Notice may be cited as the Appointment of Board of Directors For The Swaziland Water Services Corporation (Amendment) Notice, 2011 and shall be read as one with Legal Notice No. 59 of 2011.

(2) This Notice shall come into force on the date of publication.

***Amendment***

2. Legal Notice No. 59 of 2011 is amended in Section 2 by adding new members as follows -

(h) Mr. Manqoba Julius Ntshangase; and

(i) Mr. Mmiseni Baya Qhakazane Dlamini.

**PRINCESS TSANDZILE DLAMINI**  
*MINISTER FOR NATURAL RESOURCES AND ENERGY*

LEGAL NOTICE NO. 103 OF 2011

THE COMMISSIONERS OF OATHS ACT, 1942  
(Act No. 23 of 1942)

THE COMMISSIONERS OF OATHS (AMENDMENT OF  
PART II OF THE SCHEDULE) NOTICE, 2011  
(Under Section 3)

In exercise of the powers conferred by Section 3 of the Commissioners of Oaths Act, 1942, the Minister for Justice and Constitutional Affairs amends Part II of the ex officio Commissioners of Oaths as follows -

***Citation and Commencement***

1. (1) This Notice may be cited as The Commissioners of Oaths (amendment of Part II of the schedule) Notice, 2011

(2) This Notice shall come into force on the date of publication in the gazette.

***Amendment of the Schedule***

2. The Schedule found in the Principal Act (Act No. 23 of 1942) is amended by inserting the following offices in alphabetical sequence -

- |                                      |   |
|--------------------------------------|---|
| (a) General Manager                  | - Tambankulu Estates<br>Area and jurisdiction of office           |
| (b) Human Resources Manager          | - Tambankulu Estates<br>Area and jurisdiction of office           |
| (c) Operations Manager               | - Public Service Pensions Fund<br>Area and jurisdiction of office |
| (d) Senior Benefits Officer          | - Public Service Pensions Fund<br>Area and jurisdiction of office |
| (e) Senior Customer Services Officer | - Public Service Pensions Fund<br>Area and jurisdiction of office |

**J. L. NKHAMBULE**  
**PRINCIPAL SECRETARY**  
**MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS**

LEGAL NOTICE NO. 104 OF 2011

THE ENVIRONMENT MANAGEMENT ACT, 2002  
(Act No. 5 of 2002)

THE LITTER REGULATIONS, 2011  
(Under Section 76)

In exercise of the powers conferred by Section 76 of the Environment Management Act, 2002, the Minister for Tourism and Environmental Affairs makes the following Regulations.

***Short title and Commencement***

1. (1) These Regulations may be cited as the Litter Regulations, 2011.
- (2) These Regulations shall come into operation on the date of publication in the Gazette.

***Application***

2. These Regulations shall apply to the Government of Swaziland and any other persons, bodies and institutions.

***Interpretation***

3. In these Regulations, unless the context otherwise requires -

*"Act"* means the Environment Management Act No.5 of 2002;

*"Authority"* means the Swaziland Environment Authority established by the Environment Management Act No.5 of 2002;

*"Director"* means the Executive Director of the Swaziland Environment Authority;

*"infringement notice"* means any notice served to any violator of these Regulations as referred to in terms of section 76 of the Act;

*"litter"* includes any discarded, used or consumed substance or waste which may include any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper containers or any other packaging material including packaging for construction material, abandoned vehicles, motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard;

*"litter warden"* means any person employed by any local authority or authorized by the local authority to perform any functions related to the control of litter in terms of these Regulations. For the purposes of these Regulations any designated inspector and any law enforcement agent, including police officers shall be deemed to be authorized to enforce these Regulations;

*"inspector"* means any officer designated in terms of Section 60 of the Act to carry out environmental monitoring and enforcement in Swaziland;

*"public place"* means any street, road, nature reserve, tourist attraction area, any portion of an urban or peri-urban area which the public have access to whether as of right or by permission and whether subject to a fee or free of charge.

***Prohibition of littering***

4. (1) A person shall not dump, deposit, drop, throw, discard, cause or permit the dumping, depositing, dropping, throwing, discarding or leaving litter upon any public place, private property, river stream or any body of water in the Kingdom of Swaziland, unless -

- (a) such litter is being placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for deposit of litter;
- (b) the person is acting under the direction of a proper public official during special clean-up days and that such litter is disposed of within 48 hours by the public official or his designate; and
- (c) the person is lawfully acting in or reacting to an emergency situation where health and safety is threatened.

(2) A person shall not dump, deposit, drop, throw, discard, cause or permit the dumping, depositing, dropping, throwing, discarding or leaving litter from any vehicle upon any public road, public place or private property including any water body.

(3) A person who contravenes sub-regulations (1) and (2) commits an offence and shall have an option of paying a fixed fine in the manner prescribed in regulation 5.

***Special procedure on litter offences***

5. (1) Notwithstanding any other law providing for the trial and punishment of offences, where any person commits an offence against any of the provisions of these Regulations or of any order made in accordance with such Act, the following provisions of these Regulations shall apply.

(2) A litter warden in whose opinion an offence has been committed shall hand over to the offender an infringement notice containing a general description of the offence.

(3) Where an infringement notice has been handed over as is provided in sub-regulation (2), the person referred to in the said notice may pay at any nearest police station or police post, within 28 days, a fine specified in the infringement notice in respect of the offence committed.

(4) Where any fine imposed under sub-regulation (3) is not paid within the aforementioned period, criminal proceedings in respect of the offence shall be taken in accordance with the provisions of these Regulations and of the Criminal Procedure and Evidence Act, 1938.

(5) The payment of any such fine shall, for all intents and purposes of law, be deemed to be an admission of the commission of the offence.

(6) The burden of proof shall rest on the person charged to produce proof that the notice has been discharged by paying the specified fine.

***Infringement Notices***

6. A notice under regulation 5(2), offering the opportunity of the discharge of any liability to conviction of an offence by payment of a fixed penalty, shall be in the form set out in the First Schedule to these Regulations and shall be completed in triplicate by the litter warden at the time the Notice is served.



***Litter receptacles and litter disposal***

7. (1) Every local authority shall ensure that adequate litter receptacles are distributed within the vicinity of all public places, streets, roads and building for purposes of being used by members of the public.

(2) Every owner of premises, landlord, lessee, shall place at the entrance or anywhere within the premises receptacles for use by occupants and visitors.

(3) Every local authority and government agency shall place within vicinity including along public roads litter receptacles for use by members of the public.

(4) Every organizer of any public function shall liaise with the Authority and ensure that adequate litter receptacles are properly placed within the perimeters of the area where the public function shall be held and shall ensure that the litter is removed and appropriately disposed.

(5) A person shall not unlawfully remove or otherwise interfere with any receptacle for litter provided by the local authority, owner, landlord, lessee, government agency in any building, street, roads or other public place or any dustbin deposited for collection at any place.

(6) A person who contravenes this regulation commits an offence and shall be served with an infringement notice in accordance with regulation 5.

***Enforcement***

8. (1) A litter warden including any person assigned by the Authority to enforce these regulations shall -

- (i) serve upon any person violating any provisions of these regulations, a notice in terms of Regulation 5;
- (ii) advise the Authority about any violation of the Act and the Waste Regulations, 2000 whose jurisdiction exceeds the minimum fine stipulated in Schedule 1 of these regulations.
- (iii) report the name and addresses of persons served with notices from time to time;
- (iv) submit occurrence books which provide in detail the time and nature of the violations of the regulations;
- (v) furnish the Director with a duplicate of each notice of violation at any required period.

(2) A litter warden may not impose fine more than that which is contained in the Schedule 2 of these Regulations.

**SCHEDULE 1**

**ENVIRONMENT MANAGEMENT ACT, 2002  
(Under Section 76(3))**

**Regulation 5**

Notice No. ....

**NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY**

TAKE NOTICE: that I ..... have reason to believe that ..... (name of offender) ..... on the ..... day of ..... committed the offence, particulars of which are given below was being or had been committed.

.....  
**LITTER WARDEN / POLICE OFFICER / INSPECTOR**

The fixed penalty for the offence is

.....  
(penalty in words and figures)

This amount is to be paid or remitted to the nearest police station within 28 days from issue of this notice.

Paid at: .....  
.....  
.....

(insert address of Clerk of the Peace)

If you do not wish to have a complaint of the alleged offence heard and determined by a court, you may dispose of this matter by paying the modified penalty within a period of 28 days after the service of this notice:

The fixed penalty shall be accompanied by this notice, and payment must be of exact amount shown on the notice.

If you fail to pay the fixed penalty before the end of twenty eight (28) days from the above date you are hereby required to attend the Magistrate's Court on the ..... day of ..... 20..... At 9.00 o'clock in the forenoon at the under-mentioned address as the accused in the matter in respect of which this notice was issued.

.....  
(state name and address of Court)  
.....

This notice was given at .....  
(state location)

On ..... 20 ..... at ..... a.m./p.m.  
(state date) (state time)

**PARTICULARS OF OFFENCE**

at ..... a.m./p.m. on the ..... day of  
..... 20 ..... at .....

contrary to .....  
(state provision contravened)

.....  
(Signature of Litter Warden/ Police Officer/Inspector)

.....  
Signature of Person served with notice

**SCHEDULE 2**

**ENVIRONMENT MANAGEMENT ACT, 2002**  
(Under Section 76(1))

<b>OFFENCE</b>	<b>FINE</b>
Throwing any litter through a moving vehicle	E 50.00
Dropping any litter at any public place	E 50.00
Dumping litter using a vehicle or any substantive quantity at a place not designated as a waste disposal site	E5000.00
Failure to display litter receptacle within public vicinity	E5000.00

**MCFORD SIBANDZE**  
*MINISTER FOR TOURISM AND ENVIRONMENTAL AFFAIRS*

**The Government Printer, Mbabane**

