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# SWAZILAND GOVERNMENT GAZETTE

VOL. XXXIX]

MBABANE, Friday, NOVEMBER 23rd., 2001

[No. 776

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**PUBLISHED BY AUTHORITY**

888

**NOTICE**

Notice is hereby given that I, Isaac Bhekuyise Nkonyane 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 / The Swazi Observer being the newspapers 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 534  
Nhlangano

C1761 4x23-11-2001

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**NOTICE**

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

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

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

P. O. Box 315  
Bhunya

C1753 4x23-11-2001

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**NOTICE**

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

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

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

P. O. Box 49  
Mankayane

C1799 4x30-11-2001

**NOTICE**

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

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

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

P. O. Box 53  
Mankayane

C1804 4x30-11-2001

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**NOTICE**

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

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

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

P. O. Box 53  
Mankayane

C1803 4x30-11-2001

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**NOTICE**

**ESTATE LATE: DUMSILE REJOICE MABUZA ESTATE NO. ES95/98**

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.

GLORY J. MASEKO  
P.O. Box 3079  
Manzini

C1863 23-11-2001

890

**NOTICE**

Notice is hereby given that I, December Dlamini of Shiselweni Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Dube after the fourth publication of this notice in each of the four consecutive weeks in the Times of Swaziland / The Swazi Observer being the newspapers 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 Dube is my natural surname.

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

P. O. Box 19  
Gege

C1817 4x30-11-2001

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**NOTICE**

Notice is hereby given that we intend applying for a certified copy of **Title Deed No. 64/1997** dated the 19th day of February, 1997 made in favour of **THE S.D. CARMICHAEL TRUST** over:

**CERTAIN** : Remaining Extent of Portion 6 (a portion of Portion 2) of Farm No. 286, situate in the District of Manzini, Swaziland;

**MEASURING** : as such 3314 (Three Three One Four) square metres.

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

DATED AT MBABANE ON THIS 9TH DAY OF NOVEMBER, 2001.

SIGWANE, MANZINI AND PARTNERS  
Attorneys for Applicant  
P. O. Box A204  
Swazi Plaza  
Mbabane

C1847 2x23-11-2001

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**NOTICE**

**ESTATE LATE: NONHLANHLA THEMBI JELE ESTATE NO. EM341/2001**

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.

MICHAEL JELE  
P. O. Box 4051  
Manzini

C1862 23-11-2001

**NOTICE**

Notice is hereby given that we intend applying for the cancellation of an entry in the Deeds Office register relating to the following mortgage bonds, namely;

1. Mortgage Bond No. 76/1981 dated the 25th February, 1981 for an amount of **E41,000.00 (Forty One Thousand Emalangeni)** passed by **THE S.D CARMICHAEL TRUST** in favour of **SWAZILAND BUILDING SOCIETY**;
2. Mortgage Bond No. 655/1992 dated the 16th September, 1992 for an amount of **E36,000.00 (Thirty Six Thousand Emalangeni)** passed by **THE S.D CARMICHAEL TRUST** in favour of **SWAZILAND BUILDING SOCIETY**
3. Mortgage Bond No. 348/1986 dated the 13th October, 1986 for an amount of **E65,000.00 (Sixty Five Thousand Emalangeni)** passed by **THE S.D CARMICHAEL TRUST** in favour of **SWAZILAND BUILDING SOCIETY**
4. Mortgage Bond No. 251/1990 dated the 24th April, 1990 for an amount of **E30,000.00 (Thirty Thousand Emalangeni)** passed by **THE S.D CARMICHAEL TRUST** in favour of **SWAZILAND BUILDING SOCIETY**
5. Mortgage Bond No. 256/1982 dated the 16th August, 1982 for an amount of **E35,000.00 (Thirty Five Thousand Emalangeni)** passed by the **THE S.D CARMICHAEL TRUST** in favour of **SWAZILAND BUILDING SOCIETY**

Any person having an objection to the cancellation of such entries in the Deeds Office Register is hereby requested to lodge such objection in writing with the Registrar of Deeds within three (3) weeks of the last publication of this notice.

DATED AT MBABANE ON THIS 9<sup>TH</sup> DAY OF NOVEMBER. 2001.

SIGWANE, MANZINI AND PARTNERS  
Attorneys for Applicant  
P. O. Box A204  
Swazi Plaza  
Mbabane

C1848 2x23-11-2001

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**NOTICE**

**ESTATE LATE: SIBONISO DLAMINI ESTATE NO. EM122/2001**

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.

SARAH DLAMINI  
Private Bag 7  
Mankayane

C1864 23-11-2001

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

HELD AT MBABANE

CASE NO. 1132/1995

In the matter between:

STANDARD CHARTERED BANK SWAZILAND LIMITED

Plaintiff

and

MILTEC (PTY) LIMITED

1<sup>st</sup> Defendant

PHILIP SERGEANT

2<sup>nd</sup> Defendant

CLIENT SERGEANT

3<sup>rd</sup> Defendant

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**NOTICE OF SALE**

NOTICE is hereby given that pursuant to a Writ of Execution issued in the above matter, the undermentioned property will be sold by Public Auction by the Deputy Sheriff for the District of Hhohho, outside the New High Court Building, Hospital Hill, Mbabane at 11.30 a.m. on **FRIDAY** the 14 day of **DECEMBER 2001**.

CERTAIN : Portion 217 of Farm No. 188, Dalriach, situate in the Hhohho District, Swaziland;  
MEASURING : 4,434 (Four Comma Four Three Four) hectares;  
RESERVE PRICE : E140,000-00

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.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE ON THIS 20<sup>TH</sup> DAY OF JUNE 2001.

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

C1886 23-11-2001

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**NOTICE**

**ESTATE LATE: THULANI PHILLIP THWALA ESTATE NO. ES160/2001**

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.

MRS KELLINAH NDLANGAMANDLA  
P. O. Box 193  
Vuvulane

C1865 23-11-2001

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

HELD AT MBABANE

CASE NO. 3489/2000

In the matter between:

SWAZILAND DEVELOPMENT & SAVINGS BANK

Plaintiff

and

KENNETH SITHABA MAPHANGA

Defendant

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**NOTICE OF SALE**

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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 Manzini outside the Regional Administration Offices, Manzini, District of Manzini at 2:30 p.m. on **FRIDAY** the 14th of **DECEMBER 2001**.

**CERTAIN** : Lot No. 980 in Manzini Extension No. 9 (Fairview North) Urban area District of Manzini, Swaziland.

**MEASURING** : 756 (Seven Five Six) Square Metres;

**HELD** : By the Defendant, Kenneth Sithaba Maphanga under Deed of Transfer No. 172/97.

**RESERVE PRICE** : E180 000-00 (One Eighty Thousand Emalangeni).

The 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 Robinson Bertram.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE ON THIS 14<sup>TH</sup> DAY OF NOVEMBER 2001.

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

C1887 23-11-2001

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**NOTICE**

**ESTATE LATE: ESTEL BHEKENI MOFOKENG ESTATE NO. EM297/2001**

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.

LEPHINA MAKHATHINI  
P. O. Box 1342  
Matsapha

C1866 23-11-2001

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

HELD AT MBABANE

CASE NO. 3386/2000

In the matter between:

SWAZILAND DEVELOPMENT & SAVINGS BANK

Plaintiff

and

ABEDNIGO KUSENI HLOPHE

Defendant

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**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 Manzini outside the Regional Administrator's Building, Nkoseluhlaza Street, Manzini, District of Manzini at 2:30 p.m. on **FRIDAY the 14<sup>TH</sup> of DECEMBER 2001.**

CERTAIN : Lot No. 129 situate at Fairview Township, Mndeni Road, District of Manzini, Swaziland.

MEASURING : 1510 (One Five One Zero) square metres.

RESERVE PRICE : E200 000.00 (Two Hundred Thousand Emalangeni).

The Conditions of Sale are available for inspection at the office of the Sheriff in the High Court Building, Mbabane and at the Regional Administrator's Office in Manzini.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE ON THIS THE 8<sup>TH</sup> OF NOVEMBER 2001.

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

C1888 23-11-2001

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**NOTICE**

**ESTATE LATE: MAKHASANE SIMON MABUZA ESTATE NO. EM343/2000**

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.

MARTIN MABUZA  
P. O. Box 284  
Lobamba

C1867 23-11-2001



**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

HELD AT MBABANE

CASE NO. 315/01

In the matter between:

STANDARD BANK OF SWAZILAND LIMITED

Plaintiff

and

SIPHO DUBE

Defendant

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**NOTICE OF SALE**

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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 Shiselweni, outside the Nhlangano Magistrates Court at 9:30 a.m. on **WEDNESDAY** the 11<sup>th</sup> day of **JANUARY 2002**.

- CERTAIN : Plot No. 377 situate in Nhlangano, District of Shiselweni, Swaziland;  
MEASURING : 965 (Nine Six Five) square metres;  
IMPROVEMENTS : House with kitchen, lounge, bathroom, Two bedrooms. Outbuilding with bedroom, kitchen & lounge. Two rooms  
RESERVE PRICE : E70 000.00 (Seventy Thousand Emalangeni).

DATED AT MBABANE ON THIS 12<sup>TH</sup> OF NOVEMBER 2001.

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

C1893 23-11-2001

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**NOTICE**

**ESTATE LATE: ELPHAS MSONGELWA HLATSHWAYO ESTATE NO. EM208/2001**

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.

ANNAH M. HLATSHWAYO  
P. O. Box 14  
Manzini

C1868 23-11-2001

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

HELD AT MBABANE

CASE NO. 314/01

In the matter between:

STANDARD BANK OF SWAZILAND LIMITED

Plaintiff

and

SIPHO DUBE

Defendant

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**NOTICE OF SALE**

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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 Shiselweni, outside the Nhlngano Magistrates Court at 9:30 a.m. on **WEDNESDAY** the 11<sup>TH</sup> day of **JANUARY 2002**.

- CERTAIN : Plot No. 377 situate in Nhlngano, District of Shiselweni, Swaziland;  
MEASURING : 965 (Nine Six Five) square metres;  
IMPROVEMENTS : House with kitchen, lounge, bathroom, Two bedrooms. Outbuilding with bedroom, kitchen & lounge. Two rooms  
RESERVE PRICE : E70 000.00 (Seventy Thousand Emalangeni).

DATED AT MBABANE ON THIS 12<sup>TH</sup> OF NOVEMBER 2001.

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

C1894 23-11-2001

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**NOTICE**

**ESTATE LATE: THOKOZANI GOODWILL NKAMBULE ESTATE NO. ES176/001**

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.

MOSES MSHUMAYELI NKAMBULE  
P. O. Box 2047  
Manzini

C1869 23-11-2001

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

HELD AT MBABANE

CASE NO. 2731/1999

In the matter between:

STANDARD BANK SWAZILAND LIMITED

Plaintiff

and

W & M (PROPRIETARY) 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 Shiselweni, outside the Nhlngano Magistrate's Court, Nhlngano, at 3.00 p.m. on **FRIDAY** the **14TH** day of **DECEMBER, 2001**.

**PROPERTY NO. 1**

CERTAIN : Portion A of Farm No. 32 situate in the Shiselweni District, Swaziland:

MEASURING : 91,5747 (Nine One Comma Five Seven Four Seven) hectares:

**PROPERTY NO. 2**

CERTAIN : Remaining Extent of Farm No. 32 situate in the Shiselweni District, Swaziland;

MEASURING : as such 55,7203 (Five Five Comma Seven Two Zero Three) hectares:

**PROPERTY NO. 3**

CERTAIN : Portion D of Land Concession No. 1P Weltevrede. Named No. 84A situate in the Shiselweni District, Swaziland:

MEASURING : 33,1427 (Three Three Comma One Four Two Seven) hectares:

RESERVE PRICE : E150 000-00 (FOR ALL THREE PROPERTIES).

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 Nhlngano Magistrate's Court, Nhlngano.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE ON THIS THE 13<sup>TH</sup> DAY OF NOVEMBER 2001.

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

C1909 23-11-2001

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

HELD AT MBABANE

CASE NO. 1524/2001

In the matter between:

STANDARD BANK SWAZILAND LIMITED

Plaintiff

and

PROGRESS BUILDERS SUPPLY (PTY) LIMITED

1st Defendant

JOHN GODFREY SUSSMAN

2nd Defendant

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**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 Manzini, outside the Regional Administrator's Office, Manzini, at 2.30 p.m. on **FRIDAY** the 14 day of **DECEMBER, 2001**.

CERTAIN : Farm No. 759, situate in the Manzini District, Swaziland;

MEASURING : 1,6388 (One Comma Six Three Eight Eight) hectares;

RESERVE PRICE : E48,000-00

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, Manzini.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE ON THIS THE 18<sup>TH</sup> DAY OF NOVEMBER 2001.

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

C1910 23-11-2001

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**NOTICE**

**ESTATE LATE: NCOBILE VICTORIA SHONGWE ESTATE NO. EH270/2000**

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.

SAMUEL S. SHONGWE  
P. O. Box 2854  
Mbabane

C1872 23-11-2001

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

HELD AT MBABANE

CASE NO. 1083/2001

In the matter between:

SWAZILAND BUILDING SOCIETY

Plaintiff

and

PHANGISA ANDREAS DLADLA

Defendant

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**NOTICE OF SALE**

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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 **14<sup>th</sup>** day of **DECEMBER 2001**.

- CERTAIN : Lot No. 146 situate in Mvundleni Avenue in the Sidwashini South Town, Mbabane urban area, District of Hhohho Swaziland.
- MEASURING : 378 (Three Seven Eight) Square Metres:
- RESERVE PRICE : E175,000-00
- IMPROVEMENTS : A detached house consisting of 3 Bedrooms, Lounge, Dining Room, Kitchen, 2 Bathrooms, Toilet, Entrance Porch, Concrete Platform & Steps.

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 in 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 19<sup>TH</sup> DAY OF NOVEMBER 2001.

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

C1911 23-11-2001

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**NOTICE**

**ESTATE LATE: JOSEPH MADUBULA MYENI ESTATE NO. EL204/2001**

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.

MRS DUDUZILE F. MYENI  
Mambane Primary School  
P. O. Box 213  
Siteki

C1871 23-11-2001

900

**NOTICE**

**ESTATE LATE: SABELO VINCENT NDZIMANDZE ESTATE NO. EM74/001**

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.

NOMPENDULO NDZIMANDZE  
P. O. Box 4769  
Mbabane

C1873 23-11-2001

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**NOTICE**

**ESTATE LATE: PRINCE MAQUBA DLAMINI ESTATE NO. EH218/2000**

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.

TIFIKILE DLAMINI  
P. O. Box 128  
Lobamba

C1875 23-11-2001

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**NOTICE**

**ESTATE LATE JOHANNES SANNIE VILAKATI EM396/2000**

Notice is hereby given in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902 that the Liquidation and Distribution Account will lie open at the offices of the Master of the High Court of Swaziland, Mbabane for a period of 21 (Twenty One) days from date of publication of this notice.

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

Q. M. MABUZA  
Attorneys for the Executrix Dative  
Amalgam House  
Ngwane Street  
MANZINI

C1890 23-11-2001

901

**NOTICE**

**ESTATE LATE: MKHANGEZI ALCAN ZISHWILI ESTATE NO. EM278/2001**

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

ANATON ZISHWILI  
P. O. Box 32  
Mankayane

C1870 23-11-2001

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**NOTICE**

**ESTATE LATE: DANIEL THEMBA DLADLA ESTATE NO. EM350/2001**

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.

MRS SIZAKELE DLADLA  
P. O. Box 196  
Matsapha

C1874 23-11-2001

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**NOTICE**

**ESTATE LATE: MBUBUTHANE JAMES NKAMBULE ESTATE NO. EM142/2001**

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.

AMOS NKAMBULE  
P. O. Box 1  
Simunye  
T.F.E.

C1876 23-11-2001

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**NOTICE**

**ESTATE LATE: JABULANI VUSI MAZIYA ESTATE NO. EL178/2001**

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.

MRS PHILISIWE MAZIYA  
P. O. Box 498  
Siteki

C1877 23-11-2001

902

**NOTICE**

**ESTATE LATE: NONHLANHLA PRECIOUS HLOPHE ESTATE NO. EH250/2001**

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.

MR EPHRAEM HLOPHE  
P. O. Box 346  
Mbabane

C1878 23-11-2001

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**NOTICE**

**ESTATE LATE: JABU PRISCA MADONDO ESTATE NO. EM307/2001**

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.

MAKHOSAZANA MADONDO  
P. O. Box 73  
Manzini

C1879 23-11-2001

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**NOTICE**

**ESTATE LATE: ALFRED MAZAYIZAYI DLAMINI ESTATE NO. EH49/2001**

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.

MALCOLM DLAMINI  
P. O. Box 1  
Mhlume

C1880 23-11-2001

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**NOTICE**

**ESTATE LATE: MFANYANA HEZEKIEL FAKUDZE ESTATE NO. EH170/2001**

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.

MRS MARIA FAKUDZE  
P. O. Box 21  
Lobamba

C1881 23-11-2001



903

**NOTICE**

**ESTATE LATE: MFANASIBILI GAMEDZE ESTATE NO. EL187/2001**

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.

FUTHI GAMEDZE  
P. O. Box 358  
Siteki

C1882 23-11-2001

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**NOTICE**

**ESTATE LATE: MARY ZODWA DLAMINI ESTATE NO. EH57/2001**

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.

NJABULISO DLAMINI  
P. O. Box 5806  
Mbabane

C1883 23-11-2001

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**NOTICE**

**ESTATE LATE: LUCY MANTATHU NDLANGAMANDLA ESTATE NO. EL182/2001**

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.

PETROS BOY NDLANGAMANDLA  
P. O. Box 46  
Vuvulane

C1884 23-11-2001

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**NOTICE**

**ESTATE LATE: SIMON MASHIPHISA MNGOMETULU ESTATE NO. EL183/2001**

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.

ELIAS M. MNGOMETULU  
P. O. Box 24  
Vuvulane

C1885 23-11-2001

904

**NOTICE**

**ESTATE LATE: EDWARD MGOLOLI ESTATE NO. EL215/2001**

Debtors and Creditors in the above estate are hereby required to lodge their claims with and pay their debts to the undersigned within 21 (twenty one) days from date of publication hereof.

ZWANE KUBHEKA AND ASSOCIATES  
126 Lusweti Chambers  
Esser Street  
P. O. Box 1301  
MANZINI

C1889 23-11-2001

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**NOTICE**

**ESTATE LATE: FIKILE AUTILIA MAGAGULA**

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

DATED AT MBABANE ON THIS 13TH DAY OF NOVEMBER, 2001.

SIGWANE, MANZINI AND PARTNERS  
Attorneys for Executor Dative  
1st Floor, Embassy House  
P. O. Box A204  
Swazi Plaza  
Mbabane

C1891 23-11-2001

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**NOTICE**

**ESTATE LATE: JOY OSWIN H280/2001**

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

DATED AT MBABANE ON THIS 13<sup>TH</sup> DAY OF NOVEMBER, 2001.

NTIWANE, MAMBA & PARTNERS  
Attorneys for Executrix  
Fourth Floor Mbandzeni House  
P. O. Box A93  
Swazi Plaza  
Mbabane

C1892 23-11-2001

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**NOTICE**

**ESTATE LATE: NKUNZANA JOSEPH MAZIYA ESTATE NO. EL180/2001**

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.

JABU MAZIYA  
P. O. Box 331  
Siteki

C1907 23-11-2001

905

**NOTICE**

**FIRST LIQUIDATION AND DISTRIBUTION ACCOUNT OF MASTERFRIDGE  
LIMITED (IN LIQUIDATION)  
MASTER'S REFERENCE NO. 245/2001**

In terms of Section 108 of the Insolvency Act No. 81 of 1955, as amended, notice is hereby given that the First Liquidation and Distribution Account for Masterfridge Limited (In Liquidation) has been lodged with the Master of the High Court of Swaziland and will lie for inspection for a period of 14 days from and including the 23<sup>rd</sup> November 2001.

**JOINT LIQUIDATORS**  
*Masterfridge Limited (In Liquidation)*

C1895 23-11-2001

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**NOTICE**

**FIRST LIQUIDATION AND DISTRIBUTION ACCOUNT OF FRIDGEMASTER  
EXTRUSION PRODUCTS (PTY) LTD (IN LIQUIDATION)  
MASTER'S REFERENCE NO. 874/2001**

In terms of Section 108 of the Insolvency Act No. 81 of 1955, as amended, notice is hereby given that the First Liquidation and Distribution Account for Fridgemaster Extrusion Products (In Liquidation) has been lodged with the Master of the High Court of Swaziland and will lie for inspection for a period of 14 days from and including the 23<sup>rd</sup> November 2001.

**LIQUIDATOR**  
*Fridgemaster Extrusion Products (In Liquidation)*

C1896 23-11-2001

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**NOTICE**

**ESTATE LATE: MGALAJELWA SIMON MSHENGU DLAMINI ESTATE NO.EM249/2001**

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.

**PHUMZILE DLAMINI NEE MSIBI**  
P. O. Box 41  
Mankayane

C1897 23-11-2001

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**NOTICE**

**ESTATE LATE: PAUL GOVANE MABUZA ESTATE NO.EL31/96**

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.

**SIBUSISO MABUZA**  
P. O. Box 165  
Vuvulane

C1899 23-11-2001

906

**NOTICE**

**ESTATE LATE: MESHACK SOTJA DLAMINI ESTATE NO. EH196/2001**

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.

ZANELE DLAMIINI  
P. O. Box 230  
Bhunya

C1900 23-11-2001

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**NOTICE**

**ESTATE LATE: REJOICE DUMSILE NENE ESTATE NO. ES155/2000**

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.

IDAH NENE  
P. O. Box 914  
Nhlangano

C1901 23-11-2001

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**NOTICE**

**ESTATE LATE: ISRAEL MACANDENI DLAMINI ESTATE NO. EH289/2001**

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.

MRS EMMA K. DLAMINI  
P. O. Box 4600  
Mbabane

C1902 23-11-2001

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**NOTICE**

**ESTATE LATE: MAKHAZA GUMEDZE ESTATE NO. EL82/2001**

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.

DESMOND & NOMTHANDAZO GUMEDZE  
P. O. Box 75  
Siteki

C1903 23-11-2001

907

**NOTICE**

**ESTATE LATE: MANKUNKUZA M. NDWANDWA ESTATE NO. EP71/2000**

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.

DAVID M. NDWANDWE  
Magumedze Grocery  
Private Bag  
Manzini

C1905 23-11-2001

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**NOTICE**

**ESTATE LATE: MPENDULO MASHAYINGANE GAMA ESTATE NO. EH217/2001**

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.

JAN GAMA  
P. O. Box 212  
Mbabane

C1904 23-11-2001

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**NOTICE**

**ESTATE LATE: WONDERBOY MISTAKE YENDE ESTATE NO. EM197/2001**

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.

ALMON YENDE  
P. O. Box 44  
Mankayane

C1906 23-11-2001

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**NOTICE**

**ESTATE LATE: BEN KOKOZELA MNGOMETULU ESTATE NO. EM103/2001**

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

DAISY MNGOMETULU NEE NHLEKO  
P. O. Box 4102  
Manzini

C1898 23-11-2001

908

**NOTICE**

**ESTATE LATE: HAZEL SIMANGELE MCHOBOKAZI (NEE DLAMINI)  
ESTATE NO. EM346/99**

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

NOMVULA NONKULULEKO RADEBE  
c/o Rodrigues and Associates  
P. O. Box 1689  
Manzini

C1908 23-11-2001

SUPPLEMENT TO  
THE  
SWAZILAND GOVERNMENT  
GAZETTE

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VOL. XXXIX]

MBABANE, Friday, NOVEMBER 23rd., 2001

[No. 776

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FAIR TRADING ACT, 2001  
(Act No. 11 of 2001)



I ASSENT

MSWATI III  
King of Swaziland

5 November 2001

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AN ACT  
entitled

## ARRANGEMENT OF SECTIONS

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2. Interpretation
3. Application outside Swaziland

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29. Power to make Regulations

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**SCHEDULE**

An Act to provide for a standard code of trading conduct and to prohibit certain conduct and practices in trade and matters incidental thereto.

ENACTED by the King and Parliament of Swaziland:

**PART 1: PRELIMINARY**

*Short title and commencement*

1. This Act may be cited as the Fair Trading Act, 2001, and shall come into force on publication in the Gazette.

*Interpretation*

2. (1) In this Act, unless the context otherwise requires -  
“acquire”, -

(a) in relation to goods, includes obtain by way of gift, purchase, or exchange, and also includes take on lease, hire, or hire purchase of goods;

(b) in relation to services, includes acceptance of services; and

(c) in relation to interest in land, includes obtain by way of gift, purchase, exchange, lease or licence of land,

and “acquisition” has a corresponding meaning;

“advertisement” means any form of communication made to the public or a certain section of the public for the purpose of promoting the supply of goods or services or the sale or granting of an interest in land, and “advertise” has a corresponding meaning;

“business” means any undertaking -

(a) that is carried on whether or not for gain or reward; and

(b) in the course of which -

- (i) goods or services are acquired or supplied; or
- (ii) any interest in land is acquired or disposed of, whether free of charge or not;

“Court” means the High Court of Swaziland;

“credit instrument” means any verbal or written agreement, acknowledging an obligation to pay a sum or sums of money on demand or at any future time or times;

“document” means a document in any form whether or not signed or initialed or otherwise authenticated by its maker, and includes -

- (a) any writing on any material;
- (b) any information recorded or stored by means of any tape recorder, computer, or other device, and any material subsequently derived from information so recorded or stored;
- (c) any label, marking, or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means whatsoever;
- (d) any book, map, plan, graph, or drawing; or
- (e) any photograph, film, negative, tape, or other device in one or more visual images which are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced.

“goods” has its ordinary meaning and shall also include -

- (a) animals, including fish;
- (b) minerals, trees, and crops, whether on, under, or attached to land or not; and
- (c) electricity;

“local authority” has the same meaning as defined in the Urban Government Act, 1969;

“Minister” means the Minister responsible for Commerce or Enterprise;

“Ministry” means the Ministry responsible for commerce or enterprise;

“person” includes a local authority, and any association of persons whether incorporated or not;

“place” includes any premises, building, aircraft, ship, carriage, vehicle, box or receptacle;

“price” includes valuable consideration in any form, whether direct or indirect, and includes any consideration that in effect relates to the acquisition or supply of goods or services or the acquisition or disposition of any interest in land, although ostensibly relating to any other matter or thing;

“services” includes any rights, including rights in real or personal property, benefits or facilities that are provided or are to be provided, granted, or conferred, or conferred under-

- (a) a contract for, or in relation to, -
  - (i) the performance of work, including work of a professional nature, whether with or without the supply of goods;
  - (ii) the provision of, or the use or enjoyment of facilities for accommodation, parking, amusement, or the care of persons, animals or things, entertainment, instruction, recreation; or
  - (iii) the conferring of rights or benefits for which remuneration is payable in the form of a royalty, tribute, levy, or similar exaction;
- (b) a contract of insurance, including life assurance, and life reinsurance;
- (c) a contract between a bank and a customer of the bank;
- (d) any contract for, or in relation to, the lending of money or granting of credit, or the making of arrangements for the lending of money or granting of credit, or the buying or discounting of a credit instrument, or the acceptance of deposits but does not include rights or benefits in the form of the supply of goods or the performance of work under a contract of service;

“supply” -

- (a) in relation to goods, includes supply or resupply of goods by way of gift, sale, exchange, lease, hire, or hire purchase; and
- (b) in relation to services, includes to provide a grant or confer of services, and “supply” as a noun, “supplied”, and “supplier” have corresponding meanings; and

“trade” means any trade, business, industry, profession, occupation, activity of commerce or undertaking relating to the supply or acquisition of goods or services or to the disposition or acquisition of any interest in land.

(2) In this Act, a reference to engaging in conduct shall be read as a reference to doing or refusing to do an act, and includes -

- (a) omitting to do an act; or
- (b) making it known that an act will or will not be done.

#### *Application*

3. (1) This Act extends to any person resident or carrying on business in Swaziland, who is engaged in conduct outside Swaziland, to the extent that such conduct relates to the supply of goods or services, or the granting of interests in land, within Swaziland.

(2) The provisions of this Act shall be in addition to the Regulation of Advertisement Act No. 62 of 1953 and where the two Acts are inconsistent, the provisions of this Act shall take precedence.

**PART II:  
MISLEADING AND DECEPTIVE CONDUCT, FALSE REPRESENTATIONS AND  
UNFAIR PRACTICES**

*Misleading or deceptive conduct generally*

4. A person shall not, in trade, engage in any conduct that is misleading or deceptive or is likely to mislead or deceive.

*Misleading conduct in relation to goods or services*

5. A person shall not in trade or services engage in any conduct that is liable to mislead the public as to the nature, manufacturing process, characteristics, suitability for a purpose, or quantity of goods and services.

*Misleading conduct in relation to employment*

6. A person shall not in relation to employment that is, or is to be, or may be offered by that person or any other person, engage in any conduct that is misleading or deceptive or is likely to mislead or deceive as to the availability, nature, terms or conditions or any other matter relating to that employment.

*False representations in respect of goods or services*

7. A person shall not in trade in connection with the supply or possible supply of goods or services or with the promotion by any means of the supply or use of goods or services, -

- (a) falsely represent that goods are of a particular kind, standard, quality, grade, quantity, composition, style, or model, or have had a particular history or particular previous use;
- (b) falsely represent that services are of a particular kind, standard, quality, or quantity, or that they are supplied by any particular person or by any person of a particular trade, qualification, or skill;
- (c) falsely represent that a particular person has agreed to acquire goods or services;
- (d) falsely represent that goods are new, or that they are reconditioned, or that they were manufactured, produced, processed, or reconditioned at a particular time;
- (e) falsely represent that goods or services have any sponsorship, approval, endorsement, performance characteristics, accessories, uses, or benefits;
- (f) falsely represent that a person has any sponsorship approval, endorsement, or affiliation;
- (g) make a false or misleading representation with respect to the price of any goods or services;
- (h) make a false or misleading representation concerning the existence, exclusion, or effect of any condition, warranty, guarantee, right, or remedy; or
- (i) make a false or misleading representation concerning the place of origin of goods.

*False representations in respect of land*

8. (1) A person shall not in trade in connection with the sale or grant or possible sale or grant of an interest in land or with the promotion by any means of the sale or grant of an interest in land -

- (a) falsely represent that a person has any sponsorship, approval, endorsement, or affiliation; or
- (b) make a false or misleading representation concerning the nature of interest in the land, the price payable for the land, the location of the land, the characteristics of the land, the use to which the land is capable of being put or may lawfully be put, or the existence or availability of facilities association with the land.

(2) A person shall not use physical force, harassment, or coercion in connection with the sale or grant or possible sale or grant of an interest in land, or the payment for an interest in land.

(3) In this section "interest", in relation to land, means a legal or equitable estate or interest in the land, and includes -

- (a) a right of occupancy of the land, or of a building or part of a building erected on the land, arising by virtue of the holding of shares, in a company that owns the land or building; or
- (b) a right, power or privilege over, or in connection with the land.

*Limited application of sections 4 to 8 to news media*

9. Sections 4 to 8 shall not apply to the publication of any information or matter in a newspaper or broadcasting service, not being -

- (a) an advertisement; or
- (b) information or matter relating to the supply or promotion of goods or services or the sale or grant or promotion of an interest in land by -
  - (i) the newspaper publisher or broadcasting service or a body corporate connected thereto; or
  - (ii) any person who is a party to any contract, arrangement, or understanding with that publisher or service relating to the content, nature or tenor of the information or matter.

*Certain conduct in relation to trade marks prohibited*

10. (1) A person shall not, in trade, -

- (a) forge any trade mark; or
- (b) falsely apply to any goods any trade mark or mark so nearly resembling a trade mark as to be likely to mislead or deceive.

(2) A person shall not sell or expose or have in the person's possession for sale or for the purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied or to which any trade mark, or mark so nearly resembling a trade mark as to be calculated to deceive, is falsely applied.

(3) For the purposes of this section a person shall be deemed to forge a trade mark if that person -

- (a) without the consent of the proprietor of the trade mark, makes that trade mark or a mark so nearly resembling that trade mark as to be likely to mislead or deceive; or
- (b) falsifies any trade mark, whether by alteration, effacement or otherwise.

(4) For the purposes of this section, "trade mark" means any trade mark as defined in the Trade Marks Act, 1981 or any successor thereto, and includes any mark which is used upon or in connection with goods for the purpose of indicating that they are the goods of the proprietor of the mark by virtue of manufacture, selection, certification, dealing with, or offering for supply.

(5) It shall be a defence to any charge under subsection (2) if the defendant proves that

- (a) she or he, having taken all reasonable precautions against contravening the provisions of the subsection, had at the time of committing the alleged offence no reason to suspect the genuineness of the trade mark or trade description; and
- (b) she or he, on demand made by or on behalf of the complainant, gave all the information known to her or him regarding the persons from whom she or he obtained such goods or things.

*Offering gifts and prizes -*

11. A person shall not, -

- (a) in connection with the supply or possible supply of goods or services or with the promotion by any means of the supply or use of goods or services; or
- (b) in connection with the sale or grant or the possible sale or grant of an interest in land or with the promotion by any means of the sale or grant of an interest in land,

offer gifts, prizes, or other free items with the intention of not providing them as offered.

*Trading stamp schemes prohibited*

12. (1) A person shall not in trade supply or arrange for the supply of any trading stamp, either directly or indirectly, to any manufacturer, packer, importer, distributor, or seller of goods or supplier of services.

(2) In this section "trading stamp" means any coupon, stamp, token, cover, package, document or thing -

- (a) that is supplied or intended to be supplied in connection with the sale of goods or services or for the purpose of promoting the sale of goods or services;
- (b) that is redeemable by a person who is not the manufacture, packer, importer, distributor, or seller of goods or supplier of services in connection with which it is supplied; and
- (c) that entitled the holder on redemption to money, goods or services or qualifies the holder on redemption to receive money, goods or services.

*Bait advertising*

13. (1) A person shall not in trade advertise for supply at a specified price goods or services which that person -

- (a) does not intend to offer for supply; or
- (b) does not have reasonable grounds for believing can be supplied by that person -

at that price for a period that is, and in quantities that are, reasonable having regard to the nature of the market in which the person carries on business and the nature of the advertisement.

(2) Any person who advertise goods or services for supply at a specified price shall offer such goods or services for supply at that price for a period that is, and in quantities that are, reasonable having regard to the nature of the market in which the person carries on business and the nature of the advertisement.

*Referral selling*

14. (1) A person shall not, subject to subsection (2), induce another person to acquire goods or services by representing that the person acquiring the goods or services will after the contract for the acquisition of the goods or services is made, receive a rebate, commission, or other benefit in return for giving that person the names of prospective customers or otherwise assisting that person to supply goods or services to other users or consumers, if receipt of the rebate, commission, or other benefit is contingent on an event occurring after such contract is made.

(2) Subsection (1) shall not apply to the acquisition of goods for re-supply.

*Demanding or accepting payment without intending to supply as ordered*

15. (1) A person shall not demand or accept payment or other consideration for goods or services, if at the time of the demand or acceptance, that person -

- (a) does not intend to supply the goods or services;
- (b) intends to supply goods or services materially different from the goods or services in respect of which the payment or other consideration is demanded or accepted; or
- (c) does not have reasonable grounds to believe that that person will be able to supply the goods or services within any specified period, or if no period is specified, within a reasonable time.

*Misleading representations about certain business activities*

16. (1) A person shall not make a representation that is false or misleading in a material aspect by particular concerning the profitability or risk or any other material aspect of any business activity that that person represents as one that may be, or may be to a substantial extent, carried on at or from a person's place of residence.

(2) A person who invites, whether by advertisement or otherwise, persons to engage or participate or to offer or apply to engage or participate in a business activity requiring -

- (a) the performance by the persons concerned of work; or

- (b) the investment of money by the persons concerned and the performance by them of work associated with the investment, shall not make, with respect to the profitability or risk or any other material aspect of the business activity, a representation that is false or misleading in a material particular.

*Harassment and coercion*

17. A person shall not use physical force or harassment or coercion in connection with the supply or possible supply of goods or services or the payment for goods or services.

*Pyramid selling schemes*

18. (1) A person shall not promote or operate a pyramid selling scheme.

(2) For the purposes of this section, the term "pyramid selling scheme" includes -

- (a) a scheme -
- (i) that provides for the supply of goods or services or both for reward; and
  - (ii) that, to many participants in the scheme, constitutes primarily an opportunity to sell an investment opportunity rather than an opportunity to supply goods or service; and
  - (iii) that is or is likely to be unfair to many of the participants in the scheme in that -
    - (aa) the financial rewards of many of those participants are dependent on the recruitment of additional participants, whether or not, at successively lower levels; and
    - (bb) the number of additional participants in the scheme that must be recruited to produce reasonable financial rewards to participants in the scheme is not attainable or is not likely to be attainable by many of the participants to the scheme; or
- (b) a scheme of the type commonly known as a chain letter scheme, whether or not it provides for the supply of goods or services or both that is likely to be unfair to many of the participants in the scheme, in that -
- (i) the financial rewards of many of those participants are dependent on the recruitment of additional participants; and
  - (ii) the number of additional participants in the scheme that must be recruited to produce reasonable financial rewards to participants in the scheme is not attainable or is not likely to be attainable by many of the participants in the scheme.

*Import of goods bearing false trade description or false trade mark prohibited*

19. (1) No goods to which -

- (a) a false trade description is applied; or
- (b) there is falsely applied any trade mark, or mark so nearly resembling a trade mark as to be likely to mislead or deceive,

shall be imported into Swaziland and shall be deemed to be included among goods prohibited



from import under section 113 of the Customs, Fiscal, Excise and Sales Duties Act, 1971, and the provisions of that Act shall apply to such goods in so far as it is applicable.

(2) In this section "false trade description" means any representation which, if made in connection with the supply or possible supply of goods or with the promotion by any means of the supply or use of goods, would constitute a contravention of paragraphs (a), (d) or (j) of section 7.

(3) For the purpose of subsection (1) a false trade description or trade mark or mark shall be deemed to be applied to goods if -

- (a) it is woven in, impressed on, worked into, or annexed or affixed to the goods in any manner; or
- (b) it is applied to a covering, label, reel, or thing in or with which the goods are supplied.

### **PART III: ENFORCEMENT AND REMEDIES**

#### *Jurisdiction of Courts*

20. (1) Magistrates' Courts shall hear and determine -

- (a) proceedings for offences under section 21; and
- (b) applications for orders under section 24 where the amount or value claimed or awarded does not exceed E50,000

(2) The Court shall hear and determine -

- (a) appeals from proceedings in a Magistrate's Court for offences under section 21;
- (b) applications for injunctions under section 22; and
- (c) application for orders under sections 23 and 24.

#### *Offences and Penalties for contravention of Part II*

21. (1) A person who contravenes any of the provisions of Part II commits an offence and liable on conviction to a fine not exceeding E100,000 or to imprisonment for a period not exceeding 5 years or to both such fine and such imprisonment.

(2) Proceedings under this section may be commenced at any time within 3 years after the matter giving rise to the contravention arose or came to light.

#### *Injunctions for contravention of Part II*

22. (1) The Court may, on the application of any person, grant an injunction, including an interim injunction, restraining a person from engaging in any conduct which constitutes -

- (a) a contravention or an attempt to contravene any provision of Part II;
- (b) aiding, abetting, or assisting any other person to contravene such a provision;

- (c) inducing, or attempting to induce, any other person, whether by threats, promises or otherwise, to contravene such a provision;
- (d) being in any way directly or indirectly, knowingly concerned in, or party to, the contravention by any other person of such a provision; or
- (e) conspiring with any other person to contravene such a provision.

(2) If it appears to the Court -

- (i) that any person has engaged or is likely to engage in any conduct referred to in subsection (1); or
- (ii) that it is otherwise desirable to issue an injunction, whether or not it appears to the Court that the person intends to continue or repeat the conduct and whether or not there is damage or imminent danger of damage to any other person,

the Court may grant an injunction or interim injunction as requested.

(3) The Court may at any time rescind or vary an injunction or interim injunction granted under this section.

*Order to disclose information or publish advertisement*

23. The Court may, on the application of the Minister, if the Court is satisfied that a person has engaged in conduct constituting a contravention of any of the provisions of Part II, make -

- (a) an order requiring that person, or any other person involved in the contravention, to disclose, at that person's own expense, to the public, or to a particular person or class of persons, in such manner as is specified in the order, any information that is in the possession of the person to whom the order is directed or to which that person has access; or
- (b) an order requiring that person, or any other person involved in the contravention, to publish, at that person's own expense, in such manner and at such times as are specified in the order, corrective statements the terms of which are specified in, or are to be determined in accordance with, the order.

*Other orders*

24. (1) If, in any proceedings under this Act, or on the application of any person, the Court finds that a person, whether that person is or is not a party to the proceedings, has suffered, or is likely to suffer, loss or damage by any conduct of any other person, described in section 22, the Court may make an order -

- (a) declaring the whole or any part of a contract made between the person who suffered or is likely to suffer the loss or damage and the person who engaged in the conduct, or of a collateral arrangement relating to such a contract, to be void and, if the Court thinks fit, to have been void ab initio or from any other time;
- (b) varying such a contract or arrangement, with effect from any date;
- (c) directing the person who engaged in the conduct to refund money or return property to the person who suffered the loss or damage;

- (d) directing the person who engaged in the conduct to pay to the person who suffered the loss or damage the amount of the loss or damage;
- (e) directing the person who engaged in the conduct to repair, or provide parts for, goods that had been supplied by that person to the person who suffered, or is likely to suffer, the loss or damage; or
- (f) directing the person who engaged in the conduct to supply specified services to the person who suffered, or is likely to suffer, the loss or damage.

(2) An application under subsection (1) may be made at any time within 3 years from the time when the matter giving rise to the application occurred or came to light.

(3) Subject to section 20(1)(b), a Magistrate's Court may hear and determine applications for orders under subsection (1).

### *Defences*

25. (1) Subject to this section, it is a defence to a prosecution for contravening section 21 if the defendant proves -

- (a) that the contravention was due to a reasonable mistake;
- (b) that the contravention was due to reasonable reliance on information supplied by another person; or
- (c) that -
  - (i) the contravention was due to the act or default of another person, or to an oversight or to some other cause beyond the defendant's control; and
  - (ii) the defendant took reasonable precautions and exercised due diligence to avoid the contravention.

(2) For the purposes of subsection (1)(b) and (c) the term "another person" does not include -

- (a) a servant or agent of the defendant; or
- (b) where the defendant is a body corporate, a director, servant or agent of the defendant.

(3) A defendant is not, without the leave of the Court, and subject to such order as to costs as the Court may deem fit, entitled to rely on the defence provided for by subsection (1)(b) or (1)(c)(i) unless the defendant has, not later than 7 days before the date on which the hearing of the proceedings commences, served on the person contemplated in section 25 (1) (b) a notice in writing identifying that person.

(4) It is a defence to a prosecution for an offence for the contravention of section 21, or to any other proceedings under this Part, in relation to a contravention of a provision of this Act committed by the publication of an advertisement, if the defendant proves -

- (a) that the defendant's business is publishing or arranging for the publication of advertisements; and
- (b) that the defendant received the advertisement, or the information contained in the advertisement, as the case may be, in the ordinary course of that business and did

not know and had no reason to suspect that the publication of the advertisement or the publication of the advertisement containing that information, as the case may be, would constitute a contravention of the provision.

*Conduct by servants or agents*

26. (1) Where, in proceedings under this Act in respect of a contravention by a person of any provisions of this Act, it is necessary to establish the state of mind of that person, it is sufficient to show that a servant or agent of the person, including a director in the case of a body corporate, acting within the scope of that person's actual or apparent authority, had that state of mind.

(2) Any conduct engaged in on behalf of a person -

- (a) by a servant or agent of the person, including a director in the case of a body corporate, acting within the scope of that person's actual or apparent authority; or
- (b) by any other person at the direction or with the consent or agreement, whether express or implied, of a servant or agent of the person, including a director in the case of a body corporate, given within the scope of the actual or apparent authority of the servant or agent,

shall be deemed, for the purposes of this Act, to have been engaged by the first-mentioned person.

**PART IV: GENERAL**

*Power to search*

27. (1) The Minister may authorise an Officer of the Ministry to search, any place named in the warrant for the purpose of ascertaining whether a person mentioned in the warrant has engaged in or is engaging in conduct that constitutes or may constitute a contravention of this Act.

(2) A Magistrate who is satisfied, on application made on oath by an Officer of the Ministry authorised under subsection (1), that there are reasonable grounds to believe that it is necessary for the purpose of ascertaining whether or not a person mentioned in the warrant has engaged in or is engaging in any conduct that constitutes or may constitute a contravention of this Act, may authorise a warrant to search the place mentioned in the warrant.

(3) A warrant issued under subsections (1) or (2) authorises the Officer named in it

- (a) to enter and search the place specified in the warrant on one occasion only within 30 days of the date of issue at a reasonable time;
- (b) to use such assistance (including that of the Police) as is reasonable, in the circumstances;
- (c) the use such force for gaining entry of any property and for breaking open any article or thing as is reasonable in the circumstances;
- (d) where necessary, to take copies of documents, or extracts from documents, that the person executing the warrant believes on reasonable grounds may be relevant in the case; and
- (e) where necessary, to require a person to reproduce, or assist any person executing the warrant to reproduce, in usable form, information recorded or stored in a document.

(4) Where as a result of the information obtained from the search, the Officer has reason to believe that there has been a contravention of this Act or any other law, the Officer may report to and may request the Director of Public Prosecutions to institute criminal proceedings against any person involved in the contravention and the Director of Public Prosecutions shall judiciously act upon the matter.

(5) Any person who resists, obstructs, or unreasonably delays any Officer authorised to search the place mentioned in the warrant is guilty of an offence and liable on conviction to a fine not exceeding E10,000 or to imprisonment for a period not exceeding 5 years or to both fine and imprisonment.

(6) Nothing contained in this section shall be construed as derogating from the powers to enter, search and seize conferred on Police Officers by the Criminal Procedure and Evidence Act or any other laws;

*Repeal of laws*

28. (1) Subject to the provisions of subsection (2), the laws specified in the Schedule are hereby repealed.

(2) Any regulation, rule, notice, approval, authority, return, certificate, document, direction or appointment made, issued, given or granted, and any other act done under any provision of any law repealed by this Act shall, subject to the provisions of subsections (3), be deemed to have been made, issued, given, granted or done under the corresponding provisions of this Act.

(3) 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 or Magistrate's Court, and in which evidence has at such date been led 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.

*Power to make Regulations*

29. (1) 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 in this Act;
  - (ii) amending the fines provided for in this Act;
  - (iii) prescribing any thing under this Act which is to be prescribed and generally for the better carrying out of the objects and purposes of this Act or to give force or effect to its provisions or for its better administration.

**SCHEDULE**

Merchandise Marks Act 1937 (No. 24 of 1937)

THE LIVESTOCK IDENTIFICATION ACT, 2001  
(Act No. 13 of 2001)



I ASSENT

MSWATI III  
King of Swaziland

13<sup>th</sup> November 2001

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AN ACT  
entitled

An Act to provide for the registration of livestock identification marks and the compulsory marking of livestock with registered livestock identification marks.

ENACTED by the King and the Parliament of Swaziland.

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement
2. Interpretation
3. Brands provided for in other laws
4. Incidental powers
5. Delegation of powers by Minister
6. Registrar of Livestock Identification marks
7. Register
8. Appointment of public officers as inspectors
9. Registration of identification marks
10. Application for registration of identification marks
11. Allocation of identification marks
12. Certificate of registration
13. Duties of owners of livestock
14. Size of identification marks
15. Method of marking
16. Police and pound master's to be furnished with a list of identification marks
17. Transfer of registration and identification marks
18. Transfer and cancellation of registration after death of owner
19. Surrender of identification marks
20. Cancellation of identification marks
21. Notification of change of address
22. Inspection of register
23. Butcher's and dealer's register
24. Stray livestock
25. Notification of impounded livestock.
26. Pound marks
27. Special marks
28. Registration of livestock markers

29. Powers of entry, investigation and seizure
30. Identification marks to be prima facie evidence of ownership
31. Mutilation, defacing etc.
32. Prohibited marking of livestock
33. Offences and penalties
34. Regulations
35. Repeal of laws

*Short title and commencement*

1. This Act may be cited as the Livestock Identification Act, 2001 and shall come into effect on a date to be announced by the Minister by notice in the Gazette.

*Interpretation*

2. In this Act unless the context otherwise requires –

“authorized traditional authorities” means traditional authorities and chiefs duly recognized as such by any law in force in Swaziland and includes the family council;

“cattle” means any bull, ox, steer, cow, heifer or calf;

“deed of transfer” means, a document duly signed by the livestock owner under the seal of an officer containing details of the identification of the livestock, their new owner and the reasons for the transfer of ownership;

“group” in relation to livestock, means either large stock, small stock or ostriches as the circumstances may require;

“identification mark” means a mark duly registered under this Act and made or placed on livestock in the prescribed manner;

“inspector” means any person appointed as an inspector of identification marks by the Minister under section 8;

“livestock” means cattle and any other species of animals which the Minister may, by notice in the Gazette, declare as such for the purposes of this Act;

“marking instrument” means any instrument prescribed for marking livestock;

“mark” means to make or place a permanent identification mark on livestock;

“Minister” means the Minister responsible for Livestock;

“Ministry” means the Ministry under which the Livestock portfolio falls;

“officer” means a public officer whose duties are relevant or relating to the operations of this Act in the Ministry responsible for livestock;

“owner” in relation to any registered identification mark, means the person in whose name such identification mark is registered or in relation to livestock, the holder of livestock bearing an identification mark in whose name such an identification mark has been registered;

“prescribed” means prescribed by regulations made in terms of this Act;

“register” means the record kept in pursuance of this Act containing a list of identification marks for livestock registered thereunder;

“registered” means entered in the register in terms of this Act;

“registration” means entry of livestock identification marks in the register by the Registrar;

“Registrar” means the Registrar of Livestock Identification marks appointed under section 6;

“stud book” means a register kept by livestock breeders societies or association for the registration of pedigree livestock;

“speculator” means a person who buys livestock for the purpose of re-sale primarily as a profit generating venture;

“tattoo” means any mark made by inserting indian ink or other pigment or colouring matter into punctures on any livestock;

“temporary owner” means the holder of livestock under a deed of transfer;

“this Act” includes any regulations made in terms thereof; and

“Veterinary officer” includes veterinary assistants.

*Brands provided for in the other laws.*

3. (1) The provisions of this Act shall supersede the provisions of any other law in existence at the commencement of this Act, authorizing or requiring the identification of livestock.

(2) Subject to section 9, any person or the holder of any office required by the Minister so to do, shall, within the period specified by the Minister, submit to the Registrar any identification mark with which any livestock are so authorized or required to be marked.

(3) The Registrar shall, before considering such or any other marks for registration, ensure that such or similar marks have not been registered and where duplication or confusion may occur, an alternative mark shall be submitted by the applicant to the Registrar for consideration.

*Incidental powers.*

4. (1) The Minister, Registrar, Inspector or such other authorised officer may require or order any person under this Act to produce any document, livestock identification marks, instruments or any other thing for the purposes of this Act or for the proper administration of this Act and such person so ordered shall comply with such order specified in that order .

(2) The Minister, Registrar, Inspector or such other authorized person, may, for the purposes of this Act, do any lawful act which is permitted or which may be lawfully done under this Act for purposes of achieving the objects of this Act.

*Delegation of powers by the Minister.*

5. The Minister may delegate to any officer of the Ministry responsible for livestock any of the powers conferred upon the Minister by this Act.



*Registrar of livestock identification marks.*

6. (1) The Minister shall appoint a public officer in the Ministry to be Registrar of Livestock Identification marks for Swaziland.

(2) The functions and duties of the Registrar shall, in addition to those found in this Act, be prescribed in the Regulations and include such other functions and duties as may be specified by the Minister.

*Register*

7. The Registrar shall keep a register in the prescribed form of all identification marks in Swaziland in terms of this Act.

*Appointment of public officers as inspectors.*

8. The Minister may appoint public officers to be inspectors whose functions shall include inspection of identification marks, marking instruments, identification mark certificates and such other duties as may be deemed necessary.

*Registration of identification marks.*

9. (1) Every person who owns livestock or who lawfully holds livestock at the coming into force of this Act, shall register an identification mark with the Registrar within twelve months of the date of the promulgation of this Act.

(2) (a) Every owner of livestock identification marks that were registered in terms of any previous legislation shall re-register such livestock identification marks within twelve months after the commencement of this Act provided they are in accordance with this Act.

(b) Notwithstanding the provision of section 2(a) any animal born after the coming into operation of this Act, shall bear the marks registered under this Act.

(3) Any other person who becomes or intends to be an owner, subsequent to the coming into force of this Act, shall make an application in terms of section 10 and shall, within the time specified under section 13(1), mark such livestock and further comply with the provisions of this Act.

(4) The application mentioned in subsection (3) shall be made within the time prescribed in the regulations or such reasonable time after acquiring ownership of the livestock.

(5) The Minister, for the effectiveness of this Act, may, by notice in the Gazette extend, the time limits provided in this section.

*Application for registration of identification marks.*

10. Every person required by this Act to register an identification mark shall submit an application in writing to the Registrar in the prescribed form with a sketch of the proposed identification mark.

*Allocation of identification marks.*

11. The Registrar shall, before registering any identification mark, ensure that it has not been registered in the name of any other person and where duplication may occur, the applicant shall provide an alternative or a new identification mark which may be allocated by the Registrar.

*Certificate of registration.*

12. Upon the registration of an identification mark, the Registrar shall issue and transmit to the applicant a certificate of registration.

*Duties of owners of livestock.*

13. (1) Each owner of livestock shall -

- (a) within three months of the date of the certificate of registration referred to in section 12, mark that owners' livestock in the prescribed manner with the livestock identification mark registered in that owners name and ensure that the country mark and the dip tank mark is marked on such livestock as prescribed in the Regulations.
- (b) within fourteen days of the date on which the owner becomes the owner of the livestock, mark such livestock in the prescribed manner with an identification mark registered in that owner's name;
- (c) in the case of cattle, mark that owners calves immediately after weaning, that is to say, before the calf is nine months old;
- (d) in the case of cattle, identify the calves by an ear-tag within three calendar days after birth in the manner as may be prescribed, that is, before the operation of paragraph (c) of this subsection;
- (e) in the case of sheep or goats, identify such off-spring within three calendar days after birth in the manner as may be prescribed;
- (f) where livestock is erroneously marked, draw the inspector's attention and mark such livestock in the correct and prescribed manner .
- (g) if an identification mark on livestock becomes invisible or indistinct, draw the inspector's attention and again mark the livestock in question in the prescribed manner.
- (h) where an identification mark on the livestock is, in the opinion of the Registrar, an inspector, a police officer or such other person appointed by the Minister, is invisible or indistinct, the owner may be given written notice to mark the livestock clearly with the owners registered identification mark within fourteen days and the owner shall comply.

(2) No person shall in any manner -

- (a) dispose of or acquire any livestock unless the livestock has been marked or identified in the prescribed manner.
- (b) acquire any livestock unless the person disposing of the livestock furnishes the person acquiring the livestock with a deed of transfer or the document of identification referred to in section 8 of the Stock Theft Act, 1982.
- (c) hold livestock not bearing that person's identification mark, unless that person holds a lawful deed of transfer in respect of that livestock.

*Size of identification marks.*

14. The size of the characters marked on livestock shall be in accordance with the specifications contained in the regulations.

*Method of marking*

15. All marks shall be branded, imprinted or tattooed upon livestock in accordance with the specifications contained in the regulations and in the certificate of registration.

*Police and poundmasters to be furnished with a list of identification marks*

16. (1) At the end of each quarter in every year, the Registrar shall supply every police regional headquarters, regional veterinary officers and poundmasters in Swaziland a list of all livestock identification marks or brands registered during the past three months.

(2) The Registrar shall further provide the persons named in subsection (1) with an update or current list of existing and cancelled livestock identification marks or brands in the same manner as in subsection (1).

*Transfer of registration and identification marks*

17. (1) Subject to the provisions of this Act, any owner of livestock of the appropriate group may, on the prescribed form, apply to the Registrar for the transfer of the registration of an identification mark from the name of any other person into that applicant's own name.

(2) The application shall be accompanied by the consent in writing of the owner of the identification mark.

(3) If the Registrar is satisfied that the application is in order, the Registrar shall transfer the registration of the identification mark in question into the name of the applicant and issue the applicant a certificate of registration in the prescribed manner.

*Transfer and cancellation of registration after the death of owner*

18. (1) Any person acquiring in any manner any livestock from the estate of a deceased owner with a registered identification mark may, in the prescribed manner, apply to the Registrar for the transfer of the registration of such identification mark to the applicant's own name.

(2) The provisions of sections 10 or 17, as the case may be, shall *mutatis mutandis* apply in respect of any such application or acquisition of ownership.

(3) If the Registrar is satisfied that the owner of a registered identification mark is deceased and the Master of the High Court or authorized traditional authority consents and that no other application in terms of sub-section (1) has been made for the transfer of such identification mark within the prescribed period after the death of such owner, the Registrar shall cancel the registration of such an identification mark and transfer the registration of the identification mark to the new owner .

*Surrender of identification marks.*

19. (1) Where a registered identification mark is no longer required by the owner for whatever reason, the owner of such an identification mark shall accordingly notify the Registrar in writing of the intention to de-register the identification mark.

(2) The Registrar shall, on receipt of such notice and on surrender of the certificate of registration by the owner of the identification mark or any other thing which may be required by the Registrar, cancel the registration of such an identification mark.

*Cancellation of identification marks.*

20. (1) If the Registrar, on information supplied by any person or information available to the Registrar, is of the opinion that an identification mark is not being used, the Registrar may cause notice to be given in writing to the owner and to that owners last-known address calling upon the owner to show cause why the identification mark should not be cancelled.

(2) In default of a reply by the owner or a reply not to the satisfaction of the Registrar, the Registrar shall after the lapse of three months after the first notice cancel such registration.

(3) The Registrar shall publish the notice mentioned in subsection (1) in three instances, each separated by a period of not less than fourteen calendar days, in a newspaper of general circulation and in a Government Gazette at the owner's expense.

(4) Where the Registrar, in response to the notice published in terms of this section, receives any objections, the Registrar shall hear and decide on the objections.

(5) Any person dissatisfied with the Registrar's decision or action in terms of this section, may appeal to the Minister against the decision or action of the Registrar within 14 days of the decision or action as may be the case or such time stipulated in the Regulations.

*Notification of change of address.*

21. Where the owner of a registered identification mark changes that owner's postal or residential address, that owner shall forthwith in writing notify the Registrar of the owner's new address.

*Inspection of registers.*

22. (1) The register kept in terms of this Act and the lists and descriptions of identification marks shall be open to inspection by the public at convenient times subject to the payment of a prescribed fee.

(2) The Auditor General and the Director of Veterinary and livestock Services shall each at least once a year inspect all registers kept in terms of this Act.

*Butchers and Dealers Register*

23. (1) Every speculator, operator of a slaughter facility, poundmaster or auctioneer shall keep a register in the prescribed manner recording the transactions and the identification marks of every livestock slaughtered, dealt in, impounded, sold or bought by any such person.

(2) Further such a register shall reflect particulars of such speculator, operator of a slaughter facility, poundmaster or auctioneer and shall be subject to public inspection.

(3) Where applicable, the sellers and purchasers of any livestock and their addresses shall also be recorded in such register.

*Stray Livestock.*

24. (1) For purposes of this section "stray livestock" includes livestock found loitering on or near a public road and not being herded by any person or being herded but not in a manner conducive to the safety of other users of that road and which is likely to cause or contribute to a road or traffic accident.

(2) Any person who finds stray livestock in any place shall confine under custody such livestock and thereafter report such find and confinement –

- (a) first and where applicable, to at least two of that person's neighbours or nearest homesteads or to such authorised traditional authorities and in default of which, to two nearest homesteads or authorised traditional authorities in the vicinity of where the stray livestock is found, as soon as may be practicable and in any event within twelve hours of such find or confinement; and
- (b) secondly, to the nearest veterinary office or officer, police post or officer or poundmaster as soon as may be practicable and in any event within seventy-two hours of such find or confinement.

(3) On receipt of the report referred to in subsection (2) –

- (a) in the case of -
  - (i) a veterinary officer or official;
  - (ii) police officer; or
  - (iii) authorised traditional authority,

such officer or authorised traditional authority shall immediately take all reasonable action to inform the owner of the stray livestock or identification mark as marked on the stray livestock of the find and confinement; and

- (b) in the case of a poundmaster, the poundmaster shall immediately impound such livestock and thereafter take all reasonable action to inform the owner of the stray livestock or identification mark as marked on the stray livestock of the impoundment and of any other action the poundmaster may have taken or intends to take subsequent to the notification.

(4) Any person claiming the return or ownership of the stray livestock from any person mentioned in this section shall first prove lawful justification for the return or ownership of the stray livestock to the satisfaction of the holder or the person in whose custody the stray livestock is, by producing-

- (a) proper and lawful personal identification documents of that claimant: and
- (b) the certificate of registration referred to under section 12, or in appropriate circumstances-
  - (i) the deed of transfer, referred to under section 13 (2)(b); or
  - (ii) other document also referred to under section 13 (2)(b).

(5) The owner of the stray livestock or of the identification mark as marked on the stray livestock, shall be responsible for the payment of all direct or indirect charges, fees and any other expenses connected with or arising from the operation of this section.

(6) For the purposes of this section, no person shall -

(a) release or cause to be released to another person or place; or

(b) receive or cause to be received or take or cause to be taken from another person or place,

any stray livestock without full or complete compliance with the provisions of subsection (4).

*Notification of impounded livestock.*

25. (1) On receipt of any livestock to be impounded, the poundmaster shall establish the identity of the owner and shall notify such owner of the identification mark or livestock and the regional veterinary officer to which the dip tank marks relate within 14 days through expeditious means including the mail, radio and printed media.

(2) The costs incurred in notifying such owner shall be additional to costs and fees the poundmaster is permitted to charge by any law and shall be recovered from the owner on presentation or when the livestock is claimed or from the sale of such livestock if not claimed within the period specified in subsection (3).

(3) Any livestock remaining unclaimed thirty days after the notification in subsection (1) shall be liable to sale by public auction subject to subsection (4).

(4) Before a public auction is conducted under this section, the pound master shall advertise the public auction in three instances each separated by a period of not less than five calendar days in a newspaper of general circulation and in a Government Gazette.

(5) The first advertisement under subsection (4) shall only be caused by the poundmaster to be published after the expiration of the thirty day period mentioned in subsection (3).

(6) The poundmaster shall, after compliance with the provisions of this section and any other lawful directive as may be prescribed, cause to be sold by public auction any impounded livestock which is subject to subsections (1), (3) and (4).

(7) For purposes of notification, a registered letter to the address entered in the register as the address of the owner and copied to the veterinary official controlling the owner's diptank, shall be deemed to be sufficient notice.

*Pound marks.*

26. The Minister may, if the Minister deems necessary, allocate a special identification mark to every pound in Swaziland and the poundmaster shall so mark all livestock sold by that poundmaster in the prescribed manner.

*Special Marks.*

27. The Minister shall, upon the recommendation of the Director of Veterinary and Livestock Services, allocate special identification marks for the purpose of disease control and to facilitate international trade.

*Registration of livestock markers.*

28. (1) Any person who intends to be a livestock marker shall, register with the Registrar in the prescribed form.

(2) Each livestock marker, referred to in subsection (1), shall keep a register in the prescribed form for purposes of this Act and for other requirements which may be specified in the Regulations.

(3) A registered livestock marker shall, before assuming the duties of a livestock marker, be a holder of a valid licence issued by the Registrar upon application and payment of a licence fee.

*Powers of entry, investigation and seizure*

29. (1) An officer, inspector, or police officer on reasonable suspicion and upon production of identification, may enter on or into any place where livestock is kept or any other place and inspect any livestock, hides, skins and marking instruments and compare the same with the identification mark certificate which shall be produced, on demand, to such officer, inspector or police officer.

(2) An officer, inspector or police officer may investigate any person for anything in connection with the purposes or objectives of this Act and whilst carrying out such duties, do anything which may be lawfully done to ensure compliance with this Act or the prevention of its abuse or contravention.

(3) Every such officer, inspector or police officer may seize and impound any livestock, hides and skins, marking instrument, equipment and certificate in respect of which the possessor fails to produce proof or right to possess or to ownership to the satisfaction of such officer, inspector or police officer and may, where necessary, employ any person or persons to assist in carrying out the provisions of this section.

(4) Every such officer, inspector or police officer may seize and impound anything which the officer, inspector or police officer reasonably believes could be of evidential value in a trial or subsequent trial or prosecution of an offender, or for anything which is a purpose or object of this Act.

(5) Every such officer, inspector or police officer shall accordingly keep a proper record under this section and shall notify the nearest police post, the Registrar and the Director of Veterinary and Livestock Services of any contravention to this act.

(6) Any property seized and impounded under this section shall be dealt with and disposed of in terms of the applicable law.

*Identification mark to be prima facie evidence of ownership.*

30. On the trial of any person for the theft of any hide, skin or livestock or for receiving without a deed of transfer any such hide, skin or livestock or any part thereof knowing the same to have been stolen, the prosecution shall give evidence that the mark upon the hide or livestock alleged to have been stolen is the identification mark of the person alleged to have been the owner of such hide, skin or livestock or of some person through or from whom such owner derived the right to such livestock and a certificate purporting to be under the hand of the Registrar of a certified copy of such owners identification mark issued by the Registrar shall constitute prima facie proof of the facts therein.

*Mutilation, defacing etc.*

31. (1) No person shall deface, erase, alter, obliterate or mutilate any hide, skin or identification mark except in terms of this Act.

(2) Subsections (1) and (4) shall not apply to a skin or hide from livestock which was lawfully killed by a person who had a lawful right to kill such livestock or which the livestock's death is not caused by any unlawful act and provided that the mutilation, defacing, erasing or obliterating is lawful.

(3) On the trial of any person for theft of any livestock, hide or skin where there is reasonable suspicion that the livestock is stolen and the hide or skin has been mutilated in such a way that any identification mark is removed or rendered illegible, the onus of proving ownership or lawful possession of such livestock, hide or skin shall rest on the accused person.

(4) It shall be an offence for any person to deface, erase, alter, obliterate, or mutilate any hide, skin or identification mark contrary to the purpose or provisions of this Act or where the result would or likely to conceal the lawful owner or identification of the lawful owner of the livestock.

*Prohibited marking of livestock.*

32. (1) No person shall-

- (a) subject to the provisions of subsection (2), mark any livestock with an identification mark which is not registered;
- (b) mark any livestock with a registered identification mark without the authority of the owner of such an identification mark or in terms of this Act;
- (c) mark any livestock with a registered identification mark other than in the prescribed manner;
- (d) mark any livestock with an identification mark which is registered in the name of a person who is not the owner of such livestock without the written consent of that person;
- (e) use more than one registered identification mark in respect of the same group of livestock, unless the registration of all such identification marks were lawfully obtained and still permitted by this Act.

(2) The Subsections (1)(a) and (c) shall not apply in respect of stud book registered livestock.

*Offences and Penalties*

33. (1) A person who contravenes any provision of this Act where punishment is not specified shall, on conviction, be liable to a fine not exceeding E10 000 or imprisonment for a period not exceeding 5 years or both, provided that theft of livestock shall be treated as a separate offence for purposes of punishment.

(2) Without prejudice to subsection (1), any person who -

- (a) fails to register as a livestock marker while operating as one;
- (b) has in that person's possession or has possessed any marking instrument other than that person's own registered identification mark and who fails to give acceptable excuse or reason, in law, for such possession;
- (c) fails to keep a proper record when so required by this Act;



- (d) contravenes any provision of section 31 ;
- (e) has in that person's possession any livestock identified otherwise than in accordance with or in a manner allowed by the provisions of this Act;
- (f) alters, obliterates, mutilates or cancels any identification mark contrary to the purposes or provisions of this Act;
- (g) without lawful reason has in that person's possession or sells, or otherwise disposes of, or offers for sale or disposal in any manner, to any person any livestock on which an identification mark has been altered, mutilated or cancelled contrary to the purposes or provisions of this Act;
- (h) without lawful reason has in that person's possession, or sells, or otherwise disposes of, or offers for sale or disposal in any manner to any person, livestock of which any ear or portion thereof has been cut off contrary to the purposes or provisions of this Act;
- (i) hinders or obstructs an officer, inspector or any other person or a police officer in the execution of any duties or requirements under the Act;
- (j) fails or refuses to produce, when required in terms of this Act by the Registrar, an officer or a police officer to do so, any livestock or other thing in that person's possession or control;
- (k) with intent to evade or defeat the provisions of this Act, alters any certificate or document issued in terms of this Act;
- (l) in terms of section 9 obtains for that person's benefit or use, except in the prescribed manner, the registration of more than one identification mark in respect of the same group of livestock;
- (m) fails to comply with any provision of section 13;
- (n) in any application made in terms of this Act, makes or causes to be made a statement which is false in a material respect;
- (o) falsely holds oneself out to be the Registrar or an authorized person;
- (p) marks livestock that are not, that person's property and is not registered in terms of section 28;
- (q) does any act whose import is to defeat the purposes, objects or provisions of this Act;
- (r) whilst being or not being the Registrar, unlawfully or contrary to the provisions of this Act, registers a livestock identification mark, livestock or issues a certificate contemplated or required for the purposes of this Act;
- (s) whilst being or not being an officer, inspector or police officer does any act or thing contrary to the purposes or provisions of this Act;
- (t) operates as a livestock marker without a valid licence,

commits an offence and shall, on conviction be liable to a fine not exceeding E5 000 or imprisonment for a period not exceeding 36 months or both.

(3) Notwithstanding the penalty imposed under this section, a court may in addition, order compensation and return of the stolen property to the owner.

(4) The Minister may for a good reason, amend the amount payable as fines by notice or regulations published in the Government Gazette.

(5) A magistrate's court shall, notwithstanding any provision in any other law, have jurisdiction to impose any penalty provided for in terms of this Act.

#### *Regulations*

34. (1) The Minister may, by notice published in the Gazette, make such regulations as the Minister deems necessary, to control, regulate, restrict, or prohibit for the purpose of carrying out and giving effect to this Act, or to prevent evasion or contravention of its provisions.

(2) Without prejudice to the generality of sub-section (1), the regulations may provide for -

- (a) the prescription of anything which is required or permitted under this Act;
- (b) the size, shape, pattern and composition of prescribed identification marks;
- (c) the size, shape and construction of marking instruments;
- (d) the persons by whom, and the conditions under which marking instruments may be made, altered, repaired and supplied;
- (e) the age which livestock shall have attained before they may be marked;
- (f) the manner in which, the parts on which and the material with which livestock shall or may not be marked;
- (g) the conditions on which an owner of livestock may obtain more than one identification mark in respect of the same group of animals;
- (h) the fees which may be payable under this Act; and
- (i) the allocation of special identification marks including microchips and bar codes. (3)

(3) The Minister may make different regulations in respect of different kinds of identification marks, and different groups or species of livestock and different areas.

#### *Repeal of Act No 64 of 1937.*

35. (1) The Great Stock Brands Act, 1937 (Act No 64 of 1937), is repealed.

## LEGAL NOTICE NO. 185 OF 2001

ANIMAL DISEASE ACT, 1965  
(Act No. 7 of 1965)THE STOCK DISEASES (RABIES NO. 10) REGULATIONS 2001  
(Under Section 3)

In exercise of the powers conferred by Section 3 of the Animal Diseases Act, 1965 the Minister for Agriculture and Cooperatives hereby makes the following Regulations:

*Citation and Commencement:*

1. These Regulations may be cited as the Stock Disease (Rabies No.10) Regulations, 2001 and shall be deemed to have come into force on 19<sup>th</sup> November, 2001.

*Declaration of Rabies Guard Areas:*

2. The areas specified in the First Schedule are declared to be Rabies Guard Areas.

*Isolation and Confinement of Dogs:*

3. Every owner of a dog or cat in a guard area shall isolate and confine his dog or cat so as to prevent it from escaping from such guard areas and such confinement and isolation shall remain in force until further notice.

*Presentation of Dogs and Cats for Vaccination:*

4. A person who owns a dog or cat and lives within the area specified in the schedule to this Notice shall present his pets for inoculation at the designated vaccination centre and on the time specified in the Second Schedule.

*Offence and Penalty:*

5. An owner of a dog or cat who fails to comply with regulation 3 and 4 commits an offence and is liable on conviction, to a fine not exceeding E300-00 and in default of payment, to imprisonment for a period not exceeding 3 months.

*Destruction of Dogs and Cats in Rabies Guard Areas:*

6. (1) A government Veterinary Officer may destroy a dog or cat in any of the Rabies guard areas if in his opinion, the dog or cat has not been confined so as to prevent it from escaping from such guard areas.

(2) In pursuance of sub-regulation (1) a Government Veterinary Officer may ask for the assistance of the Royal Swaziland Police in carrying out the provision of that sub-regulation.

**FIRST SCHEDULE**

MAPHIVENI

LOMAHASHA

NDUMA

SIMUNYE

THABANKULU

VUVULANE

MAFUCULA

MHLUME

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**SECOND SCHEDULE**

NAME OF TANK AREA	VACCINATION CENTRE	TIME	DATE
Mkhangala 378	Lomahasha Vet. Office	7am - 1pm	19/11/2001
Mbokojweni 819	Mbokojweni Dip	7am - 1pm	20/11/2001
Nduma 206	Esineyini	7am - 1pm	21/11/2001
Mpumalanga 396	Maphiveni Junction	7am - 1pm	22/11/2001
Simunye 213	Simunye Kennels	7am - 1pm	26/11/2001
Hlofu 357	Hlofu Dip	7am - 1pm	27/11/2001
Tabankulu 360	Main Office	7am - 1pm	28/11/2001
Lomahasha 204	Lomahasha Diptank	7am - 1pm	29/11/2001
Vuvulane 211	Emseleni	7am - 12pm	03/12/2001
Vuvulane Primary	Vuvulane Pr. Sch.	1pm - 2pm	03/12/2001
Mhlume 794	Mhlume Security	7am - 1pm	04/12/2001

E. J. VILAKAZI  
Acting Principal Secretary

The Government Printer, Mbabane