

GENERAL NOTICE NO. 58 OF 1993

THE MARRIAGE ACT 1964

(Act No. 47 of 1964)

APPOINTMENT OF MARRIAGE OFFICER

(Under Section 16)

In exercise of the powers conferred by Section 16 of the Marriage Act, No. 47 of 1964, the Minister for Home Affairs hereby appoints

ROXANNE JONES
P.O. Box 899
MBABANE

to be Marriage Officer for Swaziland with effect from the 21st June, 1993.

T.D. Makama
Acting Principal Secretary

S.G.G. NO. 970, FRIDAY, AUGUST 13, 1993

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NOTICE

ESTATE LATE BONIFACE HOPPPY SIBANDZE - E.126/92

Notice is hereby given that Creditors and Debtors in the above estate should submit their claims and pay their debts to the undersigned within 30 (thirty) days from the date of publication hereof.

D. LUKELE & COMPANY
Executors Attorneys
P.O. Box 336
MANZINI

E886 20.8.93

NOTICE

ESTATE LATE THOKO BETTY MASUKU

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

DLAMINI, MAVUSO & COMPANY
Attorneys for the Executor
Offices No. s: 1 & 11
Gilfillan Street
L.M. Building
P.O. Box 663
MBABANE

E864 13. 8. 93

NOTICE

ESTATE LATE SIMON MAGWILIKANE DLAMINI

Notice is hereby given in terms of Section 51 bis of the administration of Estates Act No. 140 of 1989 that the First and Final Liquidation and Distribution Account will lie open for inspection at the office of the Master of the High Court of Swaziland at Mbabane and at the Office of the Regional Administrator Manzini for a period of twenty one (21) days from the date of appearance of this notice.

Any objection to the account should be lodged in writing in duplicate with the Master of the High Court at any time before the expiry of the said period and a copy thereof should be sent to Masina, Mazibuko and Company, Executrix Attorneys, P.O. Box 592, Manzini.

E845 13. 8. 93

NOTICE

ESTATE LATE HELEN MARY ELEANOR MAY BLOSSOM WALLIS

ESTATE NO.: E. 68/92

Notice is hereby given in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902 that the first and final Liquidation and distribution account will lie open for inspection at the office of the Master of the High Court of Swaziland at Mbabane and at the office of the District Commissioner Hhohho District for a period of Twenty One (21) days from the date of appearance of this Notice.

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

ROBINSON BERTRAM & CO.
Attorneys for the Executor
P.O. Box 24
MBABANE

E849 13. 8. 93

NOTICE

Notice is hereby given that an application by Jason John Holloway of P.O. Box 371 Manzini for a grant of a Pawn Broker's (Money Lending) Licence for Industrial and Commercial Brokers (Pty) Limited in respect of the premises situate at Banga Centre Martin, Street Manzini, will be heard at the Regional Administrator's Conference Rooms at Manzini on Tuesday the 24th August 1993.

Objections thereto must be lodged in writing with the undersigned as well as the applicant on or before Friday the 20th August 1993.

THE LICENSING OFFICER
P.O. Box 13
MANZINI

Jason John Holloway
c/o P.O. Box 371
MANZINI

E852 13. 8. 93

NOTICE

Notice is hereby given that an application by John Mallinson of P.O. Box 371 Manzini for a grant of a Motor Garage Licence for Matsapha Car & Truck Spares (Pty) Limited in respect of the premises situate at 1B De Villiers Street, Hub, Manzini, will be heard at the Regional Administrator's Conference Rooms at Manzini on Tuesday the 10th August 1993.

Objections thereto must be lodged in writing with the undersigned as well as the applicant on or before Friday the 6th August 1993.

THE LICENSING OFFICER
P.O. Box 13
Manzini

John Mallinson
c/of P.O. Box 371
MANZINI

E850 13. 8. 93

S.G.G. NO. 970, FRIDAY, AUGUST 13, 1993

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NOTICE

ESTATE LATE LYDIA LOMHLABA SIKHOSANA - E129/91

Notice is hereby given in terms of Section 51 bis of the Administration of Estates Act No. 140 of 1989 that the First and Final Liquidation and Distribution account will lie open for inspection at the office of the Master of the High Court of Swaziland at Mbabane and at the office of the District Commissioner Manzini for a period of Twenty One (21) days from the date of appearance of this notice.

Any objection to the account should be lodged in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

MASINA, MAZIBUKO AND CO.
Executrix Attorneys
P.O. Box 592
MANZINI

E855 13. 8. 93

NOTICE

Notice is hereby given that an application by Lawrence Hermansson of P.O. Box 371 Manzini for a grant of a Managerial Consultants Licence for Laurie's Management Services (Pty) Limited in respect of the premises situate at 21 Eagle Road Coates Valley Manzini, will be heard at the Regional Administrator's Conference Rooms at Manzini on Tuesday the 31st August 1993.

Objections thereto must be lodged in writing with the undersigned as well as the applicant on or before Friday the 27th August 1993.

THE LICENSING OFFICER
P.O. Box 13
MANZINI

Lawrence Hermansson
c/o P.O. Box 371,
MANZINI

E851 13. 8. 93

NOTICE

CHANGE OF NAME ACT NO. 67 OF 1962 (IN TERMS OF SECTION 5)

Notice is hereby given that I Josiah Mkhweli, follower of Chief Songelwako Gwebu, Induna Ndbazezwe Gamedze of Bulunga Area of Manzini Region would like to assume the surname Dlamini after the fourth publication of this Notice in the Swazi Observer, and the Swaziland Government Gazette for the reason that the surname Dlamini is my natural surname.

Any objection should be lodged in writing to me through my Attorneys Maphalala and Company, P.O. Box 1631, Matsapha and the Regional Secretary, P.O.Box 13, Manzini.

E848 4 x 3. 9. 93

S.G.G. NO. 970, FRIDAY, AUGUST 13, 1993

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NOTICE

Notice is hereby given that we intend applying for a Certified Copy of: Deed of Transfer No. 213/1986 dated 6th June 1986 in favour of " Busisiwe Corah Nkumane (born on the 3rd October 1958) Major Spinster and Zanele Fortunate Nkumane (born on the 4th February 1965) Major Spinster in respect of:

CERTAIN: Lot No. 129 situate in Gule Street Msunduza Township Extension No. 3 Mbabane urban area District of Hhohho Swaziland;

MEASURING: 449 (Four Four Nine) Square Metres.

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

DATED at MBABANE this 5th day of AUGUST 1993.

ROBINSON, BERTRAM & CO.,
Attorneys for/Applicant
P.O. Box 24
MBABANE

E853 2x20. 8. 93

NOTICE

Notice is hereby given that we intend applying for the cancellation of an entry in the Deeds Office register relating to:

- (a) Mortgage Bond No. 770/1990 dated the 4th day of December 1990 for an amount of E10,000.00. passed by Busisiwe Corah Nkumane (born on the 3rd day of October 1958) Major Spinster and Zanele Fortunate Nkumane (born on the 4th February 1965) Major Spinster in favour of Swaziland Building Society.

Any person having an objection to the cancellation of such entries in the Deeds Office 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 5TH DAY OF AUGUST 1993.

ROBINSON BERTRAM & CO
Attorneys for Applicant
P.O. Box 24
MBABANE

E854 2x20. 8. 93

S.G.G. NO. 970, FRIDAY, AUGUST 13, 1993

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NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO: 1339/92

In the matter between:

SWAKI INVESTMENTS CORPORATION LTD

Plaintiff

and

INDALDA MARILDA ANTONIO-HERPERS

First Defendant

IMA SECRETARIAL SERVICES (PTY) LTD

Second Defendant

NOTICE OF SALE IN EXECUTION

Notice is hereby given that pursuant to a judgment of the above Honourable Court dated 20 November 1992 and a Warrant of Execution issued out thereon, the following movable property of the Judgment Debtors will be sold by public auction at the premises of Tracar, Manzini on Friday the 20th day of August 1993 at 10.00 a.m.

1988 model BMW. 325i motor vehicle, bearing registration number SD 295 UM

THE DEPUTY SHERIFF

E857 13. 8. 93

NOTICE

Notice is hereby given that we intend to apply for a certified copy of Deed of Transfer No. 264/1990 dated 16th May, 1990, passed by Estate Late Livingstone Zini in favour of Millicent Fikiswa Zini ((born Mchukana) widow in respect of Certain Lot No. 430 situate in the Nhlanguano Township Extension No. 3 in the Shiselweni District, Swaziland.

Measuring 1350 (One Thousand Three Hundred & Fifty) Square Metres.

Any person having objection to the issue of such copy is hereby requested to it in writing with the Registrar of Deeds for Swaziland, Mbabane and undersigned within 21 (Twenty One) days after the date of the last publication hereof.

DATED at Mbabane on this 27th day of July, 1993.

VAN HEERDEN & Co.
Attorneys for the Applicant
P.O. Box 94
MBABANE

E856 2x20. 8. 93

S.G.G. NO. 970, FRIDAY, AUGUST 13, 1993

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NOTICE

IN THE HIGH COURT OF SWAZILAND

HOLDEN AT MBABANE ON THE 6TH DAY OF AUGUST 1993 BEFORE THE HONOURABLE THE
CHIEF JUSTICE DAVID HULL

CIV. T. NO. 1109/1993

In the application of:

HASSEN MANSOOR

Petitioner

and

GMH MANUFACTURING (PTY) LIMITED

Respondent

ORDER

Upon hearing Counsel for the Petitioner; It is ordered:

1. That this Honourable Court dispense with the usual time limits, forms and service as required by the Rules of Court and that this application be heard as a matter of urgency.
2. That a provisional order do issue winding up the Respondent in the hands of the Master of the High Court.
3. That Peter Ronald Cooper, an accountant of Messrs Coopers and Lybrand be and is hereby appointed as Provisional Liquidator of the Respondent with all such powers as may be prescribed in Section 127 (1) a, b, c, e, f, g and i of the Companies Act of 1912.
4. That a rule nisi do issue calling upon all interested parties to show cause before this Honourable Court on the 3rd day of September 1993 at 9.30 a.m. or so soon thereafter as the matter may be heard why the orders referred to in 2 and 3 above should not be made final and why the Provisional Liquidator should not be granted all powers in terms of Section 127 (1) of the Companies Act of 1912.
5. That this order be published once in a newspaper circulating in Swaziland and once in the Swaziland Government Gazette.
6. That this order be posted by pre-paid registered post to all known creditors of the Respondent.
7. That this order be served on the Respondent at its registered office.
8. That the costs of this application be costs in the liquidation, alternatively, be paid by any person opposing this application.

BY ORDER OF THE COURT

GIVEN UNDER MY HAND AT MBABANE

THIS 10TH DAY OF AUGUST 1993

B.B. MKHWANAZI
Registrar of the High Court

E861 13. 8. 93

NOTICE OF SALE OF BUSINESS

Notice is hereby given in terms of Section 30 of the Insolvency Act, 1955 that Saraphinah Malambe intends selling and transferring her hair dressing business at Shop No. 5B Estel House Plot No. 79, Manzini to Portia Ziyane who will carry on the business at the same address for her sole use and account as from 31st August, 1993.

DATED AT MBABANE THIS 11 DAY OF AUGUST 1993.

P.M. SHILUBANE & ASSOCIATES
Attorneys for the parties
P.O. Box A93
Swazi Plaza
MBABANE

E863 13. 8. 93

NOTICE

IN THE ESTATE OF THE LATE KHUSHULWAKO BHEMBE - E24/91

Notice is hereby given that in terms of Section 51 bis of the Administration of Estates Act, No. 28 of 1902 that the First and Final Liquidation and Distribution Account in the above Estate will be open for inspection at the office of the Master of the High Court of Swaziland or the District Commissioner, Mbabane for a period of 21 days from the date of publication of this Notice.

Any person wishing to object thereto may lodge with the Master such objection in writing and in duplicate with the Master of the High Court at any time before the expiry of the said period.

SAMUEL S. EARNSHAW AND CO.
Attorney's for the Executrix/Executor
6th Floor Dhlam'ubeka House
Walker Street
P.O. Box 1134
MBABANE

E862 13. 8. 93

NOTICE

Notice is hereby given that I, Bhekie Zacharia Maduma of Shiselweni Region intends to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Khaba after the fourth publication of this Notice in each of four consecutive weeks in the Times of Swaziland and Swazi Observer Newspapers, being two 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 Khaba is because Maduma is my mother's surname.

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

Nhlangano Sun Hotel
P/B Nhlangano
Swaziland.

E846 4x3. 9. 93

NOTICE

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

The reason I want to assume the surname Makharima is because it is my natural surname and there is no objection upon it.

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

St. Georges Barracks
P/B Matsapha
Kwaluseni

E772 4 x 20. 8. 93

SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE

VOL. XXXI]

MBABANE, Friday, August, 13th, 1993

[No. 970

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THE PUBLIC SERVICE PENSIONS ORDER, 1993

(King's Order in Council No. 13 of 1993)



I ASSENT
 MSWATI III
 KING OF SWAZILAND
 28th July 1993

A KING'S ORDER-IN-COUNCIL

entitled

The Public Service Pensions Order, 1993

ENACTED by the King in collaboration with the Council.

ARRANGEMENT OF SECTIONS

Section

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Short Title and Commencement.

1. This Order may be cited as the Public Service Pensions Order, 1993 and shall come into force on such date as the Minister may by notice in the Gazette, appoint.

Interpretation.

2. In this Order, unless the context otherwise requires:

"Board" means the Public Service Pensions Board established under Section 4 of this Order;

"Fund" means the public Service Pensions Fund established under Section 3 of this Order;

"Government" means the government of Swaziland;

"Minister" means the Minister responsible for the Public Service;

"non-pensionable office" means an office in the public service that is not pensionable;

"pensionable office" means an office in the public service which the holder of that office is employed on a permanent basis and includes any probation period thereof;

"public service" means

- (a) service in a civil capacity in the government notwithstanding that such service is permanent or probational;
- (b) service as a member of the teaching service;
- (c) service as a member of the Police Force, Fire Service, Prison Service or Defence Force;
- (d) any other service which the Minister, in consultation with the Public Service Pensions Fund Board, may determine to be public service for the purpose of this Order;

"public officer" means a person who holds or is appointed to a pensionable office, and includes a person whose terms and conditions of service are governed by a contract between himself and the Government

"Regulations" means the Public Service Pensions Fund Regulations, 1993 and any other regulations which the Minister may, in consultation with the Public Service Pensions Fund Board, make from time to time to fulfil the objects and purpose of this Order;

"Secretary" means the Secretary to the Board appointed in terms of Section 5 of this Order.

Establishment of the Public Service Pensions Fund.

3. (1) There is hereby established a Fund to be known as the Public Service Pensions Fund with perpetual succession and common seal which may sue and be sued in its corporate name.

(2) The Fund shall, as from the commencement date of this Order, be responsible for the payment of all benefits arising under this Order and Regulations and pension benefits to individuals who are entitled to receive such benefits under the provisions of the Pensions Act, 1968, The Umbutfo Swaziland Defence Force (Gratuities) Regulations, 1979 and CUSADA Pension Scheme on that date.

(3) The Fund may acquire, hold and dispose of any movable or immovable property or enter into such contract as may be necessary for the purposes of the Fund.

(4) The assets of the Fund shall consist of

- (a) the contributions made by the members of the Fund;
- (b) the contributions by the Government;
- (c) the yield from the investments of the Fund;
- (d) lump sum payments by the Government;
- (e) the assets of the Commercial Unions Pension Scheme for teachers (CUSADA); and
- (f) receipts from any other source.

(5) The assets shall be the property of the Fund and shall be acquired, deposited and held in the name of the Public Service Pensions Fund and such assets shall not form part of Government assets.

(6) The monies of the Fund shall be exempt from Income Tax.

(7) The Fund shall keep proper records of all its assets and liabilities.

(8) Detailed accounts of all investments and other transactions relating to the Fund shall be maintained and an annual report on the operations of the Fund including a balance sheet and a statement of income and expenditure for that year, shall be prepared by an Auditor appointed by the Board on such terms and conditions as the Board may determine.

(9) After each audit under sub-section (8), the Board shall as soon as possible, but not later than three months, submit to the Minister the audited balance sheet and report of the Auditor in respect of such audit and such balance sheet and report shall be presented to Parliament by the Minister.

(10) An actuarial evaluation of the Fund shall be carried out at least once in every three years by a qualified actuary appointed by the Board in consultation with the Minister on such terms and conditions as the Board may determine.

(11) In each actuarial evaluation, the actuary shall determine whether changes need to be made in the benefit rates, contribution rates or any other matter relating to the Fund so as to keep the Fund actuarially solvent.

(12) After each actuarial evaluation, the Board shall, as soon as possible, but not later than three months, submit to the Minister a report in respect of that actuarial evaluation.

Establishment of the Public Service Pensions Board.

4. (1) There shall be a Public Service Pensions Board to perform the following functions

- (a) to supervise the operations and management of the Fund;
- (b) to decide on the financing and financial position of the Fund;
- (c) to decide upon the investments of the assets of the Fund and in making such decision, it shall act on the advice of the Investment Committee consisting of the Chairman of the Board and four other persons appointed by the Minister in consultation with the Board for their expertise in investment matters; and
- (d) to decide on any matter from time to time referred to it by the Minister.

(2) The Board shall consist of a Chairman and not more than nine members as the Minister shall appoint in the following manner

- (a) four members representing employees;
- (b) four members representing the Government, two of these members being the Principal Secretary in the Ministry of Labour and Public Service and the Principal Secretary in the Ministry of Finance; and
- (c) one member appointed for his expertise in a field the Minister may consider desirable for the policing of the Fund.

(3) The Chairman and the member referred to in sub-section (2) (c) shall each hold office for a period of five years on such terms and conditions as the Minister may determine and shall be eligible for re-appointment.

(4) The Chairman and members may be removed from office by the Minister for misbehaviour, incompetence, or physical or mental incapacity.

(5) The Chairman shall preside at the meeting of the Board and in his absence, the members present may elect one of their members to act as Chairman at that meeting.

(6) Seven members present shall constitute a quorum.

(7) In the event that equal votes are cast by the Board members, the Chairman shall have a casting vote in addition to his normal vote.

(8) All expenses incurred in the administration and management of the Fund shall be charged from the Fund.

Chief Executive Officer and other Staff Members.

5. (1) Subject to Section 8 of The Public Enterprises (Control and Monitoring) Act, 1989, the Minister may, on the advice of the Board, appoint the Chief Executive Officer who shall also be the Secretary to the Board, on such terms and conditions as he may determine.

(2) The Chief Executive Officer may be removed by the Minister, on the advice of the Board.

(3) The Chief Executive Officer shall perform his duties under the direction of the Board.

(4) The Board shall appoint such other staff members as may be necessary from time to time for the effective operation of the Fund.

(5) The Board shall determine the terms and conditions of the staff members referred to in subsection (4).

Application.

6. This Order shall apply to every public officer who

- (a) holds a pensionable office in the public service of the Government before the commencement of this Order;
- (b) is appointed to a pensionable office in the public service of the Government on or after the commencement of this Order;
- (c) is transferred to the public service of the Government on or after the commencement of this Order, and in computing pensionable service in respect of that officer, service rendered on or after the date of transfer shall be taken into account; and
- (d) before the commencement of this Order, held a non-pensionable office which has been changed to a pensionable office on or after the commencement of this Order.

Saving.

7. Nothing in this Order shall diminish the pensions granted to any persons who have retired before the commencement of this Order under the Pensions Proclamation (Cap. 57), the Pension Act, 1968, The Umbutfo Swaziland Defence Force (Gratuities) Regulations, 1979 or the Commercial Union Pension Scheme for teachers (CUSADA), except that such pensions shall, from that date, be paid out of the Fund.

Transition.

8. An Officer whose office is not considered a pensionable office under this Order shall make contributions to the Swaziland National Provident Fund.

Pensions Regulations (Schedule).

9. (1) Pensions, gratuities and other allowances may be granted by the Fund to members in accordance with the Regulations in the Schedule to this Order.

(2) The Minister may make regulations amending, adding to or revoking the regulations and all regulations so made shall be published in the Gazette.

(3) All regulations made under this section shall have the same force and effect as if they were contained in the Schedule

Repeal.

10. The Pensions Act, 1968 and The umbutfo Swaziland Defence Force (Gratuities) Regulations,

1979 are hereby repealed.

Effect of Order on existing laws.

11. Subject to the Public enterprises (Control and Monitoring) Act, 1989 any law in force before or after the commencement of this Order, shall, to the extent that it is inconsistent with any of the provisions of this Order and the Pensions Regulations, be deemed to have been amended.

SCHEDULE
THE PUBLIC SERVICE PENSIONS FUND REGULATIONS, 1993
PART 1
PRELIMINARY

Interpretation.

1. (1) In these Regulations, unless the context otherwise requires -

"Child" in relation to a member means an unmarried child of the member existing or in utero at the time of separation or death who is under the age of twenty one years (or twenty five years if in full time attendance at an institution of learning) and includes an illegitimate child and a step child:

Provided that if the child is incapacitated the restrictions referred to in this definition shall not apply.

"Commute" means cause to be converted and paid in a lump sum part of a benefit otherwise payable at periodic intervals;

"contributions" with respect to a member means the sum of the contributions he has made in accordance with Regulation 3, together with interest on such contributions.

"final pensionable salary" means a member's annual rate of pensionable salary on his last working day, except that, if he has received one or more promotions within the thirty six-month period immediately preceding that day, his final pensionable salary shall be determined by averaging the total pensionable salary he received during that period, provided that such result is not less than the rate of pensionable salary currently applicable for the salary grade he held at the beginning of the thirty-six-month period;

"interest" means interest compounded annually at the rate specified by the Board, which may be changed by the Board from time to time;

"member" means an individual who meets the membership requirements outlined in Regulation 2 and who is contributing to the Fund in accordance with Regulation 3;

"pensionable salary" means a member's basic salary and excludes any allowance which has not been specifically designated as pensionable;

"pensionable service" means service which may be taken into account in computing pension under these Regulations;

"private" includes a member who holds the rank of Lance Corporal, Corporal and Sergeant in the Defence Force;

"Senior Sergeant" includes a member who holds the rank of Warrant Officer I and II, Lieutenant Captain and Major in the Defence Force;

"separation" with respect to a member means his ceasing to be employed in a pensionable office.

S6
PART II
MEMBERSHIP

Membership to the Fund.

2. (1) Every public officer serving in a pensionable office on the commencement date of these Regulations shall become a member:

provided that the period a member has served in a pensionable office prior to the commencement date of these Regulations shall be included in the computation of his pensionable service;

provided further that if an officer held a non-pensionable office prior to the commencement date of these Regulations and was then appointed to a pensionable office, his pensionable service shall include the period he served in the non-pensionable office excluding any period for which he received a gratuity payment in lieu of a pension.

(2) Every public officer appointed to a pensionable office after the commencement date of these Regulations shall become a member as from the date of appointment

(3) Membership to the Fund shall cease upon the member's separation or death.

Members' required contributions.

3. (1) As from the date of commencement of these Regulations, each member shall contribute to the Fund five percent of his pensionable salary:

provided that a member who holds the rank of Private shall contribute ten (10) percent of his pensionable salary

provided further that a member who holds the rank of Senior Sergeant shall contribute eight (8) percent of his pensionable salary.

(2) If a member referred to in the proviso in paragraph (1) is promoted or demoted to a rank with a different contribution rate, his contribution shall, as from the date of promotion or demotion, be adjusted to accommodate such promotion or demotion.

(3) The provisions of paragraph (2), shall apply with equal force to a member of the Defence Force who holds a rank above those mentioned in that paragraph.

(4) A member's contributions shall be recorded in the member's account which shall be credited with interest every year at a rate fixed by the Board.

(5) The provisions of the Income Tax Act shall apply to the contribution referred to in this Regulation.

Government's contributions.

4. (1) The Government shall contribute to the Fund every month an amount equal to fifteen (15) percent of each member's pensionable salary.

(2) The Government's contributions shall not be credited to any member's account but shall be accumulated in an unallocated fund and used to meet the cost of benefits which exceeds the value of the member's own contributions.

Secondment to a non-pensionable office.

5. (1) A member who has been confirmed in a pensionable office and who is temporarily seconded to a non-pensionable office without a break in service, may, with the consent of the Board, continue to be a member, provided he makes the required member's and Government contributions under Regulation 3 and 4.

(2) If the member in the circumstances contemplated in paragraph (1) elects not to continue his membership in the Fund or is not permitted to do so, he shall be treated as having separated from the Fund and shall be entitled to the appropriate benefit, depending upon his age and his years of service at that time.

Leave without pay.

6. (1) A member who is absent from duty on leave without pay shall not be treated as having separated from the Fund but shall, during his leave, not be required to contribute to the Fund.

(2) Upon his return to duty in a pensionable office, he shall resume contributing to the Fund, but the period during which he was on leave shall not be included in his pensionable service.

(3) Notwithstanding paragraph (1) and (2), a member may, with the consent of the Board, continue to contribute to the Fund provided he makes the member's and Government's contributions in terms of Regulation 3 and 4.

PART III

RETIREMENT BENEFITS

Service requirements.

7. (1) Subject to these Regulations, no member shall qualify for any benefit under this Part, unless he has ten (10) or more years of service to his credit

(2) A member who retires or resigns from the public service, for reasons other than disability as defined in Part IV, before having ten or more years of service to his credit, shall be entitled to a refund of his contributions.

Compulsory retirement.

8. (1) A member shall retire from the public service of the Government of Swaziland on attaining the age sixty (60) years, and such retirement shall be referred to as compulsory retirement:

provided further that a member who holds the office of a judge, shall retire on attaining the age of sixty-five (65) years;

Provided further that a member who holds the rank of Private, shall retire on attaining the age of forty-five (45) years.

provided that a member who holds the rank of Senior Sergeant, shall retire on attaining the age of fifty (50) years.

(2) If a member referred to in the second and third proviso to paragraph (1) is promoted or demoted to a rank that has an effect on his compulsory retirement age, such promotion or demotion shall, as from the date of promotion or demotion, be taken into account in determining the compulsory retirement age of that member.

(3) The provisions of paragraph (2) shall apply with equal force to a member of the Defence Force who holds a rank above those mentioned in that paragraph.

(4) A member who retires on attaining the compulsory retirement age shall be entitled to a pension equal to two (2) percent of his final pensionable salary for each year or any portion of a year thereof, multiplied by the number of years of service to his credit at the time of such retirement

(5) Payment of the pension under this Regulation shall commence on the last day of the month following retirement and shall thereafter be paid to the member until his death.

(6) Notwithstanding paragraph (4), a member may commute a portion, not exceeding one-fourth of the pension referred to in paragraph (4), in which case he shall be entitled to the following benefits:

- (a) a lump-sum gratuity equal to fifteen times the amount of pension which is being commuted; and

- (b) a reduced pension equal to the amount which has not been commuted, payable in accordance with paragraph (5).

Early retirement.

9. (1) A member may retire from the Public Service of the Government of Swaziland if he has ten (10) years of service to his credit and has at least attained the age of forty five (45) years and such retirement shall be referred to as early retirement:

provided that a member who holds the rank of Private may retire on attaining the age of forty (40) years.

(2) If a member referred to in the proviso to paragraph (1) is promoted or demoted to a rank that has an effect on his retirement age such promotion or demotion shall as from the date of promotion or demotion be taken into account in determining the early retirement age of that member.

(3) The provisions of paragraph (2) shall apply with equal force to a member who holds the rank of Senior Sergeant or above.

(4) The early retirement pension shall be computed in accordance with Regulation 8 (4), but reduced by one-third of one percent for each month by which the commencement date of the member's pension precedes his commencement date of the member's pension precedes his

- (a) sixty-fifth birthday, in the case of a Judge;
- (b) sixtieth birthday, in the case of a member other than the one mentioned in (a), (c) and (d) of this sub-paragraph;
- (c) fiftieth birthday, in the case of a member who holds the rank of Senior Sergeant; and
- (d) forty-fifth birthday, in the case of a member who holds the rank of Private.

(5) Notwithstanding paragraph (4), a member may have his early retirement pension commence on the last day of any month between the month of his retirement and the month of his sixty-fifth, sixtieth, fiftieth or forty-fifth birthday as the case may be .

(6) Notwithstanding paragraph (4), a member may, before the commencement date of the pension, commute a portion not exceeding one-fourth of that pension, in which case he shall be entitled to the following benefits:

- (a) a lump sum gratuity equal to fifteen times the amount of pension which is being commuted; and
- (b) a reduced pension equal to the amount which has not been commuted, payable in accordance with Regulation 8 (5).

Deferred retirement.

10. (1) A deferred retirement benefit shall be payable to a member who has 10 years of service to his credit and is on separation, less than forty-five years of age.

(2) The deferred retirement benefit shall be computed in the manner stipulated in Regulation 8 (4) except that its commencement shall be deferred until the last day following the members'

- (a) sixty-fifth birthday, in the case of a Judge;
- (b) sixtieth birthday, in the case of a member other than the one mentioned in (a), (c) and (d);
- (c) fiftieth birthday, in the case of a member who holds the rank of Senior Sergeant; and
- (d) forty-fifth birthday, in the case of a members who holds the rank of Private.

(3) Notwithstanding paragraph (2), a member entitled to deferred retirement may at any time have his pension commence on the last day of any month between his

- (a) forty-fifth and sixty-fifth birthday, in the case of a member referred to in sub-paragraph (2) (a);
- (b) forty-fifth and sixtieth birthday, in the case of a member referred to in sub-paragraph (2) (a);
- (c) forth-fifth and fiftieth birthday, in the case of a member referred to in sub-paragraph (2) (c); and
- (d) fortieth and forty-fifth birthday, in the case of a member referred to in sub-paragraph (2) (d)

in which case his pension shall be computed in accordance with Regulation 9 (4).

Forced Retirement

11. If a member's service is terminated before he attains the compulsory retirement age on the ground that, having regard to the conditions of the public service, the usefulness of the member thereto and all the other circumstances of the case, such termination is desirable in the public interest, the Minister may, in consultation with the Board, grant that member compulsory retirement benefits in accordance with Regulation 8, notwithstanding his age and period of service.

Abolition of Office.

12. (1) Subject to paragraph (2), if an office held by a member is abolished by way of re-organisation or re-structuring of the service and the member is not offered a transfer or appointment to a similar position in the Public Service, the Minister may, in consultation with the Board, grant that member compulsory retirement benefits in accordance with Regulation 8, notwithstanding his age and period of service.

(2) If on the abolition of the post held by the member he is offered a transfer or appointment to a similar position in the Public Service but declines the transfer or appointment, he shall be treated as having separated from the Fund and shall receive retirement benefits in accordance with Regulation 7, 8, 9 or 10 as the case may be.

Retirement or Dismissal from the Service in Consequence of Disciplinary Proceedings

13. If a member is dismissed from the service or forced to retire in consequence of disciplinary procedures taken against him, he shall be entitled to a refund of his contributions.

PART IV

DISABILITY BENEFITS

Officers injured or contracting disease in the discharge of their duties.

14. (1) This Regulation shall apply to an officer who is injured in the actual discharge of his duty by some injury specifically attributed to the nature of his duty or contract a disease to which he is exposed by the nature of his duty:

Provided that such injury or disease is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct.

(2) In this Regulation, unless the contrary intention appears, references to an officer being injured and to the date on which the injury sustained shall respectively be construed as including references to his contracting a disease referred to in paragraph (1) and to date on which such disease is contracted.

(3) If an officer to whom this Regulation applies holds a pensionable office in which he has confirmed he may -

- (a) if his retirement is necessitated or materially accelerated by his injury he shall be entitled to pension under Regulation 8;
- (b) if he was injured while in the public service of the Government of Swaziland, be granted, on retirement, an additional pension, at the annual rate of the proportion of his actual pensionable salary at the date of his injury appropriate in his case as shown in the following table:

When his capacity to contribute to his own support is

Slightly impaired	five-sixtieths;
Impaired	ten-sixtieths;
Materially impaired	fifteen-sixtieths;
Totally destroyed	twenty-sixtieths:

Provided that the amount of the additional pension may be reduced to such an extent as the Board in consultation with the Minister, thinks reasonable where the injury is not the cause or the sole cause of his retirement.

(4) An officer to whom this regulation applies who is injured while in the public service of the Government of Swaziland and who holds a non-pensionable office, or who holds a pensionable office in which he has not been confirmed, may be granted, on retirement, a pension of the same amount as the additional pension which may be granted to him under paragraph (3) if his office were a pensionable office and he has been confirmed therein.

(5) If, for the purpose of assessing the amount of any additional pension or pensions to be granted under paragraph (3) (b) or under paragraph (4) to any officer to whom this Regulation applies, the degree of permanent impairment of his capacity to contribute to his support is in doubt, he may be granted a provisional award to have effect until such time as his degree of impairment can be determined.

(6) An officer who is injured while travelling by air in pursuance of official instructions, and whose injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, shall be deemed, for the purpose of this Regulation, to have been injured in the circumstances described in paragraph (1):

Provided that in such a case the rates of pension prescribed in paragraph (3) (b) shall be seven-and-a-half-sixtieths, fifteen-sixtieths, twenty-two-and-a-half-sixtieths, thirty-sixtieths, respectively.

(7) If compensation in consequence of the injury is payable under any law in force in Swaziland which provides for the payment of workmen's compensation, in consequence of the injury, the Board in consultation with the Minister, may reduce or withhold any additional pension or pension payable under either paragraph (3) or paragraph (4) in such a manner as it may consider reasonable.

(8) If the Board in consultation with the Minister, is satisfied that the damages have been or will be recovered by an officer in respect of an injury for which an additional pension or pension may be granted under paragraph (3) or under paragraph (4), it may take these damages into account against such additional pension or pension in such a manner and to such an extent as it may think fit and may withhold or reduce the additional pension accordingly.

(9) For the purpose of paragraph (10), an officer shall be deemed to recover damages whether they are paid in pursuance of a judgement or order of the court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce the claim.

PART V

DEATH BENEFITS

Requirements for benefits.

5. A member who is entitled to, or receiving, a pension from the Fund shall be covered for one or more of the following benefits in the event of his death:

- (a) a death benefit,
- (b) a surviving spouse's pension
- (c) children's pensions, and
- (d) a residual settlement.

Death Benefit.

16. A Member who dies before his separation from the Fund shall be entitled to a death benefit equal to one year's salary based upon his pay scale as at the day of his death, and such benefit shall be paid to the member's estate.

Surviving spouse pension.

17. (1) If the member dies before his separation from the Fund and was married at the time of his death, his surviving spouse shall be entitled to a pension equal to one-half the pension referred to in Regulation 8(4).

(2) If the member dies after his separation from the Fund and while he is entitled to, or in receipt of, a pension from the Fund, his surviving spouse, if any, shall be entitled to a pension equal to one-half the amount of pension which the member was receiving, or was entitled to receive.

(3) The surviving spouse's pension shall be payable until the spouse's death or remarriage, whichever comes first.

(4) In the event that the deceased member leaves more than one surviving spouse, the surviving spouses pension shall be divided among them in such proportion as the Master of the High Court may determine.

Child's pension.

18. (1) Subject to paragraph (3), if a member dies before separation from the Fund, a child shall receive ten percent (10%) of the pension referred to in Regulation 8 (4).

(2) Subject to paragraph (3), if the member dies after separation from the Fund and while he is entitled to or in receipt of a pension from the Fund, a child shall receive a pension equal to ten percent (10%) of the pension which the member was receiving, or is entitled to receive, at that time.

(3) If the member has more than five (5) children, the total amount of pension referred to in paragraph (1) and (2), shall be computed as if there were five (5) children, and such total shall be divided among all the member's children.

(4) If there is no surviving spouse's pension payable in terms of Regulation 17, the child's pension shall be twice the amount referred to in paragraph (1) and (2) as the case may be.

PART VI
GRATUITIES

Non-pensionable office.

19. If an officer who holds a non-pensionable office retires or resigns from the Public Service of the Government of Swaziland after serving for not less than five continuous years, the Minister shall grant him a gratuity (of a total amount not exceeding the amount of one year's pay) at the following rate for each completed year of service, that is to say -

- (a) for each of the first five years, one week's pay;
- (b) for each of the next five years, two week's pay; and
- (c) for each additional year, four week's pay.

Contract Officers.

20. A public officer whose terms and conditions of service are governed by a contract between that officer and the government shall only be entitled to the gratuity stipulated in his contract and such gratuity shall be payable from the Fund.

PART VII
GENERAL PROVISIONS

Recipients of pensions under the Pensions Act, 1968 or the Cusada Teachers' Pension Scheme.

21. Individuals who are entitled to and receiving pensions from the Government under the provisions of the Pensions Act, 1968 or the Commercial Union Cusada Pension Scheme for Teachers' in the month immediately preceding the date of entry into force of these Regulations shall receive those pensions from the Fund as from that date and in the event of the individual's death, the provisions of regulation 17 and 18 shall apply.

Review of pensions.

22. All pensions being paid from the Fund, as well as deferred pensions not yet in payment, shall be subject to periodic reviews by the Board, who shall decide, after consultation with the Minister, the timing and the extent of any pension increases, consistent with the rise in the cost of living and with the financial resources of the Fund.

Non-assignability of rights.

23. A pension or gratuity granted under these regulations may not be attached, ceded or transferred except for the purpose of satisfying -

- (a) a debt to the Government of Swaziland; or
- (b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the person to whom the pension or gratuity has been granted.

Additional voluntary contributions by members.

24. (1) A member may make additional voluntary contributions to the Fund in addition to the contributions he is required to make under Regulation 3.

(2) A member's additional voluntary contributions shall be credited to an account in his name and shall earn interest in the same manner as his required contributions.

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(3) Upon his separation from the Fund, the member shall be entitled, in addition to any other entitlement under these Regulations, to receive the balance of his additional voluntary contribution account in a lump sum, unless he requests that it be paid in instalments over a given period and this is acceptable to the Board.

LEGAL NOTICE NO. 126 OF 1993

THE UMBUTFO SWAZILAND DEFENCE FORCE ORDER, 1977

(Order No. 10 of 1977)

APPOINTMENT OF COMMISSIONED OFFICER TO THE UMBUTFO SWAZILAND
DEFENCE FORCE

(Under Section 13)

In exercise of the powers conferred on me by the above-mentioned Order, I, MSWATI III,
KING OF SWAZILAND do hereby appoint:-

WARRANT OFFICER I MUSA MATHUNJWA

as 2nd Lieutenant to the umbutfo Swaziland Defence Force with effect from 1st June, 1993.

SIGNED AT LOZITHA PALACE IN THIS 12TH DAY OF JULY 1993.

MSWATI III
KING OF SWAZILAND

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LEGAL NOTICE NO. 127 OF 1993

THE UMBUTFO SWAZILAND DEFENCE FORCE ORDER, 1977

(Order No. 10 of 1977)

APPOINTMENT OF COMMISSIONED OFFICERS TO THE UMBUTFO SWAZILAND
DEFENCE FORCE

(Under Section 13)

In exercise of the powers conferred on me by the above-mentioned Order, I, MSWATI III,
KING OF SWAZILAND do hereby appoint:-

WARRANT OFFICER II	ANDREAS DLAMINI
WARRANT OFFICER II	TSEMBENI MAGONGO
WARRANT OFFICER II	MANDLA NDLANGAMANDLA

as 2nd Lieutenants to the umbutfo Swaziland Defence Force with effect from 1st June, 1993.

SIGNED AT LOZITHA PALACE ON THIS 12TH DAY OF JULY 1993.

MSWATI III
KING OF SWAZILAND