

eSwatini

Exportation Restriction Act, 1939

Act 46 of 1939

Legislation as at 1 December 1998

FRBR URI: /akn/sz/act/1939/46/eng@1998-12-01

There may have been updates since this file was created.

PDF created on 21 February 2024 at 16:48.

Collection last checked for updates: 1 December 1998.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.laws.africa
info@laws.africa

There is no copyright on the legislative content of this document.
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Exportation Restriction Act, 1939

Contents

1. Short title 1

2. Interpretation 1

3. Powers of Minister 1

4. Power to detain and examine articles 1

5. Penalties 2

6. Burden of proof 2

eSwatini

Exportation Restriction Act, 1939

Act 46 of 1939

Commenced on 13 September 1939

[This is the version of this document at 1 December 1998.]

An Act to make provision for controlling the exportation of articles from Swaziland.

1. Short title

This Act may be cited as the Exportation Restriction Act^{*}, 1939.

2. Interpretation

In this Act unless the context otherwise requires—

"**article**" includes any animal or thing, of any description whatsoever;

"**Minister**" means the Minister for Finance;

"**officer**" means a person appointed as such by the Minister under [section 4](#).

3. Powers of Minister

(1) The Minister may, by notice in the *Gazette* prohibit—

(a) the exportation, either generally or to particular countries or territories, of any articles specified in the notice; or

(b) either generally or from particular countries or territories, of any articles specified in the notice;

save in accordance with permission for such exportation granted under sub-section (2).

(2) The Minister and any officer authorised by him may in writing grant permission to any person to export articles of which the exportation has been prohibited under this section in such quantities and subject to such conditions as may be stated in the permission.

4. Power to detain and examine articles

(1) An officer appointed by the Minister or any police officer may detain any articles the exportation of which is prohibited or restricted under this Act or any package suspected of containing such articles if it appears necessary to do so for the purpose of enforcing such prohibition or restriction and to examine any such package.

(2) Every officer appointed thereto by the Director of Customs shall for the purpose of enforcing such prohibition or restriction be entitled to exercise any power with which he is invested for the protection of the revenue under any law relating to customs in force in Swaziland.

^{*} Amended by the Import Control Order, No. 12 of 1976 by the deletion of the words "and importation" and words referring to importation or importing of articles.

5. Penalties

- (1) A person who contravenes or attempts to contravene any prohibition or restriction imposed under [section 3](#) or who aids or abets any such contravention or attempted contravention, and any person who obstructs any officer or police officer in the exercise of his powers under [section 4](#), shall be guilty of an offence, and be liable, on conviction before a court established under the Magistrate's Court Act [No. 66 of 1938](#), to a fine not exceeding one thousand emalangeni, or in default of payment thereof to imprisonment for a period not exceeding one year, or to such imprisonment without the option of a fine, or to both such fine and imprisonment.
- (2) Any articles which any person may attempt to export in contravention of this Act may by order of the court before which such person is convicted be declared to be so forfeited, but such forfeiture shall not be deemed to affect any other fine or punishment which may be incurred under this or any other law in force at the time of forfeiture.

6. Burden of proof

In any prosecution under this Act the burden of proving that due permission authorising the exportation of the articles charged has been obtained shall be upon the accused.