

eSwatini

Law Officers Act, 1966

Act 8 of 1966

Legislation as at 1 December 1998

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Law Officers Act, 1966

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Law Officers Act, 1966

Act 8 of 1966

Commenced on 3 June 1966

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

An Act to provide that the Crown Law Officers be entitled *ex officio* to perform the work of advocates and attorneys and to provide for matters incidental thereto.

1. Short title

This Act may be cited as the Law Officers Act, 1966.

2. Interpretation

In this Act—

“**Crown Counsel**” means a public officer appointed as Pupil Crown Counsel or holding such other legal professional office higher than Pupil Crown Counsel.

[Amended K.O-I-C. 40/1975; A.13/1988]

3. Attorney-General and Crown Counsel to be *ex officio* advocates and attorneys

Notwithstanding anything to the contrary contained in any other law, every person appointed Attorney-General or Crown Counsel shall, so long as he continues to hold office, be entitled, and every person who shall have been appointed Attorney-General or Crown Counsel shall be deemed to have been entitled, *ex officio*, to perform any work of an advocate and attorney, and shall be entitled, and shall be deemed to have been entitled, to appear as counsel in all courts in Swaziland in which counsel may appear.

4. Court may award costs

- (1) Where the Government or any other party to a civil action is represented by the Attorney-General or Crown Counsel, the court may, in its discretion, award costs for or against the Government or that party in the same manner as if the Government or that party were represented by an advocate in the High Court or by an attorney in a magistrates court established under the Magistrate’s Court Act [No. 66 of 1938](#):

Provided that if any party to the action is represented by an advocate in a magistrate’s court the court may, in its discretion, award costs as if the party represented by the Attorney-General or Crown Counsel were also represented by an advocate.

- (2) Costs awarded under subsection (1) shall be charged, taxed and recovered in the same manner as costs awarded in a civil action to a plaintiff or defendant or to a petitioner or respondent, as the case may be, not represented by the Attorney-General or Crown Counsel.
- (3) In this section, “costs” means costs, fees and expenses, and includes counsel’s and attorneys fees, witnesses’ expenses and, where costs are awarded to the Government, any court fee that would have been payable if the Government had not been a party to the action.