

eSwatini

Emergency Powers Act, 1968

Act 24 of 1968

Legislation as at 1 December 1998

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Emergency Powers Act, 1968

Act 24 of 1968

Assented to on 16 September 1968

Commenced on 6 September 1968

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

An Act to authorize the taking of measures necessary to deal with a state of emergency declared by His Majesty the King in terms of the Constitution and to make provision for incidental and connected matters.

1. Short title

This Act may be cited as the Emergency Powers Act, 1968.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**declaration of emergency**” means a declaration by His Majesty the King, in accordance with the Constitution that state of public emergency exists;

“**magistrate’s court**” means a court constituted under section 4(a) of the Magistrate’s Court Act, [No. 66 of 1938](#);

“**sitting**” in relation to the House of Assembly or the Senate shall have the same meaning as in the Constitution.

(2) Any reference in this Act to the office held by a person shall be construed as including a reference to a person duly authorized by the holder of the office to exercise his functions under this Act.

3. Emergency regulations

(1) For so long as a declaration of emergency is in force, the Prime Minister may make such regulations as are reasonably justifiable for securing the public safety, the defence of Swaziland, the maintenance of public order and the suppression of mutiny, rebellion and riot and for maintaining supplies and services essential to the life of the community and for making adequate provision for terminating the emergency or for dealing with any circumstances which, in his opinion, have arisen or are likely to arise as a result of the emergency.

(2) Without prejudice to the generality of the foregoing, such regulations may provide for the—

- (a) detention of persons;
- (b) deportation and exclusion from Swaziland of persons who are not citizens of Swaziland;
- (c) restriction of the movement or residence of persons within Swaziland, including the imposition of curfews;
- (d) amending of any law, the suspending of the operation of any law and for applying a law with or without modification;
- (e) taking of possession or control, on behalf of the Government, of any property or undertaking;
- (f) acquisition of property, other than land, on behalf of the Government;

- (g) entering and search of any premises;
 - (h) charging of fees in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of any regulation; and
 - (i) payment of compensation and remuneration to a person affected by any regulation.
- (3) Such regulations may provide for the apprehension, trial and punishment of persons committing offences under them, but the maximum punishment which may be imposed for any such offence shall be a fine of two thousand emalangeni or imprisonment for five years, or both.
- (4) This section shall not be construed as authorizing the making of any regulation whereby any law relating to the qualification, nomination, election or tenure of office of members of the Senate or the House of Assembly, or the holding of sessions of Parliament or the powers, privileges or immunities of Parliament or the members or committees thereof, is altered or suspended.
- (5) Regulations may be made so as to apply to a specified area of Swaziland and different regulations may be applied to different areas and to different classes of persons.

4. Jurisdiction of ordinary courts

No person charged with an offence under this Act shall be tried before a court or tribunal other than the High Court or a magistrate's court.

5. Proof of documents

A document purporting to be an instrument made or issued by the Prime Minister or other authority or person in pursuance of this Act and to be signed by or on behalf of the Prime Minister or such other authority or person shall be received in evidence and shall, unless the contrary is proved, be deemed to be an instrument made or issued by the Prime Minister or such authority or person.

6. Presentation of regulations to Parliament

- (1) All regulations made under this Act shall be laid before both Houses of Parliament.
- (2) If a House is sitting when a regulation is made, it shall be laid before that House not later than seven days after it has been made.
- (3) If a House is not sitting when a regulation is made, it shall be laid before that House on the day of the commencement of its next sitting.

7. Duration of regulation

A regulation shall continue to have the force of law for so long as the declaration of emergency has effect in terms of the Constitution, unless a resolution is passed by both Houses of Parliament at a joint sitting that it shall cease to have effect forthwith or at some future stated date, whereupon the regulation shall cease to have effect to the extent stated in the resolution.