

SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

VOL. XXVII]

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PUBLISHED BY AUTHORITY

CORRIGENDUM

THE SALES TAX ACT, 1983

(Act No. 12 of 1983)

The Sales Tax Act, 1983 should be corrected—

- (a) in the arrangement of sections—
 - (i) by replacing the heading “PARRT III – SALES Tax” with the heading “PART III – SALES TAX.”;
 - (ii) in section 19 after the word “interest” by replacing the word “of” with the word “on”;
- (b) in section 26—
 - (i) in paragraph (b) after the words “of persons” by replacing the word “in” with the word “is”;
 - (iii) in the proviso after the words “all due” by replacing the word deligence” with the word “diligence”.

CORRIGENDUM

THE INCOME TAX (AMENDMENT) ACT, 1988

(Act No. 9 of 1988)

The Income Tax (Amendment) Act, 1988 (Act No. 9) should be corrected as follows—

- (a) in the short title in the brackets after the word “Amendment” by adding the figure “(2)”.
- (b) in section 2—
 - (i) by deleting the words—
“(a) inserting between paragraphs “c” and “d” the following new paragraph “(ca)”.
 - (ii) in the Third Schedule, Part I by replacing the words “first day of July, 1985” with the words “1st July, 1988”.
- (c) in section 6 by replacing paragraph (a) with the following—
“(a) after the words “(other than repairs)” by deleting the colon and adding the words “and other than buildings provided for in section 16(4)(a)”.

THE INDUSTRIAL AND VOCATIONAL TRAINING ACT, 1982

(Act No. 16 of 1982)

THE TRADE TESTING REGULATIONS, 1989

(Under Section 34)

In exercise of the powers conferred on him by section 34 of the Industrial and Vocational Training Act, 1982 the Minister for Labour and Public Service hereby makes the following Regulations:

Title.

1. These Regulations may be cited as the Trade Testing Regulations, 1989.

Interpretation.

2. In these Regulations, unless the context otherwise requires:

"Act" means the Industrial and Vocational Training Act, 1982;
"Apprenticeship" means an apprenticeship approved under the Act;
"Board" means the Industrial and Vocational Training Board;
"Director" means the Director of Industrial and Vocational Training;
"Designated trade or occupation" means any trade or occupation designated under section 16(4) of the Act;
"Minister" means the Minister responsible for Labour;
"Trade Standards" means inventories of specific skills and related knowledge which artisans in the designated trades or occupations are expected to have mastered at different trade test grade levels;
"Trade test" means a test approved under regulation 6 of these Regulations;
"Trade Testing Committee" means a committee of the Industrial and Vocational Training Board appointed under regulation 3 of these Regulations;
"Trade Testing Panels" means panels of trade advisers appointed under regulation 5 of these Regulations.

Trade Testing Committee.

3. (1) The Board shall appoint a Trade Testing Committee for the purposes of:
 - (a) implementing these regulations;
 - (b) advising the Board on present and future trades testing policies;
 - (c) appointing Trade Testing Panels;
 - (d) dealing with any other matters affecting trade testing which may, from time to time, be referred to it by the Board.

- (2) The Committee shall consist of the following:
 - (a) four persons nominated by the Minister from the Government industrial sector;
 - (b) two persons representing employers organisations, and
 - (c) two persons representing employees' organisations.
- (3) The members of the Committee shall hold office for a period not exceeding three years and shall be eligible for re-appointment.

Secretary to the Trade Testing Committee.

4. The Officer responsible for Trade Testing under section 5(1) of the Act, shall:
 - (a) act as Secretary to the Trade Testing Committee;
 - (b) be responsible for the day to day administrative and organisational duties connected with trade testing; and
 - (c) carry out such other duties in relation to trade testing as the Board may, from time to time, determine.

Trade Testing Panels and Trade Standards.

5. (1) The Trade Testing Committee shall appoint Trade Testing Panels which shall set Trade Standards, formulate and conduct trade tests to determine the levels of skills of workers in designated trades or occupations or any other trades or occupations which the Board may, from time to time deem necessary.
- (2) Without prejudice to sub-regulation (1) a Trade Testing Panel shall be responsible for:
 - (a) establishing the appropriate Trade Standard based on a national trade content and skill analysis of the occupation for approval by the Trade Testing Committee;
 - (b) formulating test questions from the Trade Standard to be for inclusion as it deems appropriate in a trade test;
 - (c) preparing marking schemes in respect of trade tests;
 - (d) grading the results of the test applicants and submitting the results to the Director.
- (3) A Trade Testing Panel shall consist of not less than three members, all of whom shall be qualified in the relevant trade or occupation and nominated to represent each of the following:
 - (a) the Swaziland College of Technology, or the Vocational and Commercial Training Institute, Matsapha or both;
 - (b) the Government or parastatal sector;
 - (c) the private industrial sector;
- (4) The members of a Trade Testing Panel shall hold office for a period not exceeding three years and shall be eligible for re-appointment.
- (5) The members of a Trade Testing Panel be paid such fees and allowances as may be determined from time to time by the Board.
- (6) Each Trade Testing Panel shall periodically evaluate the results of the trade test conducted by it and, in the light of such evaluation, determine whether or not it is necessary to recommend to the Committee revisions of its tests or the applicable Trade Standards or both.

Tests.

6. (1) The Minister may approve such test or tests as he deems necessary for the purposes of determining the ability, skill or competence of persons engaged in any trade or occupation;

(2) Any such tests shall be in accordance with the Trade Standards prescribed under these Regulations and in the form and subject to the conditions prescribed by the Board;

(3) Unless otherwise prescribed, there shall be three levels of trade tests in respect of each trade or occupation, namely, Grade one, Grade two and Grade Three, and these shall correspond to highly-skilled, skilled and semi-skilled workers respectively.

Applications for Tests.

7. (1) Any person who wishes to take a trade test shall apply in writing on the form prescribed in the First Schedule to these Regulations.

(2) No application shall be accepted from any person who fails to prove to the satisfaction of the Director that he would have attained the age of eighteen years at the date appointed for the test and:

- (a) in the case of an applicant for a Grade Three test, that he has completed at least three years employment in the trade or occupation in which he is to be tested, and any period spent at a technical training institution approved by the Board for training in such trade or occupation shall be deemed to be employment for the purpose of this regulation;
- (b) in the case of an applicant for a Grade Two test, that he has obtained a Grade Three certificate in the trade or occupation in which he is to be tested, and has also completed a further 18 months' employment in that trade or occupation after the date of obtaining a Grade Three certificate;
- (c) in the case of an applicant for a Grade One test, that he has obtained a Grade Two certificate in the trade or occupation in which he is to be tested, and has also completed a further two and a half years' employment in that trade or occupation after the date of obtaining a Grade Two certificate.

(3) The Committee may, in respect of certain trades or occupations, require periods of employment or work experience longer than those specified in subsection (1) and such longer periods of employment or work experience shall be specified in the relevant Trade Standards.

(4) Notwithstanding the provisions of this section, any person who proves to the satisfaction of the Director that he has satisfactorily completed an apprenticeship approved by the Board may, at the Board's discretion and on application and on payment of the fee prescribed in the Third Schedule be entitled to a Grade Two trade test certificate in the trade or occupation in which he served his apprenticeship.

(5) The Board acting on the advice of the Committee may, if it deems fit, recognise any foreign certificate of technical competence awarded to a Swazi citizen as being equivalent to a specific grade of trade test certificate awarded by the Swaziland Government and without requiring such person to take a test the Director shall issue to him the equivalent trade test certificate in the appropriate grade on payment of the fee prescribed in the Third Schedule.

(6) Notwithstanding the provisions of subsection (1) of this section, no person shall be allowed to sit for a test unless he proves to the satisfaction of the Director his proficiency in either English or si-Swati.

Testing Periods and Places of tests.

8. (1) The trade tests shall be held annually on a group basis at the periods specified in the Second Schedule to these Regulations and at such places as may be notified to the applicants.

(2) Notwithstanding the provisions of subsection (1) of this section, the Committee may, if it deems necessary, arrange additional testing periods annually.

Duration of Tests.

9. Unless otherwise determined by the Committee, the duration of each test shall be as follows:

Grade One	—	24 working hours
Grade Two	—	16 working hours
Grade Three	—	8 working hours

Format of Tests.

10. Unless otherwise determined by the Committee, the format of each test shall be as follows:

Grade One:

- (a) *Related trade knowledge*- written paper in English of two-hours' duration with objective-type questions, including blueprint reading or trade sketching or both and trade calculations.
- (b) *Practical work*- one or more complete jobs to be accomplished within specified time limits.

Grade Two:

- (a) *Related trade knowledge*- written paper in English of one to one and a half hour's duration with objective-type questions, including blueprint reading or trade sketching or both and trade calculations.
- (b) *Practical work*- one or more complete jobs to be accomplished within specified time limits.

Grade Three:

- (a) *Related trade knowledge*- oral questions given in conjunction with the practical work and the questions are to be directly related to the practical work and, where necessary, presented in si-Swati.
- (b) *Practical work*- on or more complete jobs to be accomplished within specified time limits.

Fees for Tests.

11. (1) There shall be paid in respect of each trade test the fee prescribed in relation thereto in the Third Schedule to these Regulations.

(2) The Committee may, from time to time, revise the fees as it thinks fit.

Previous Tests.

12. An applicant for a trade test shall state in his application any previous test or tests passed by him, including the date or dates of passing, and shall furnish proof thereof to the Director.

Failure to reach the required standard.

13. (1) No application for a trade test shall be accepted from any person who failed to attain the required standard in a previous test, unless he has gained at least a further twelve months experience in the trade or occupation in which he is to be tested from the date on which he failed to reach the required standard.

(2) An applicant for a trade test who has previously failed to attain the required standard, shall, on re-application, be required to pay the fee prescribed in relation to that grade of trade test in the Third Schedule to these Regulations.

Certificates.

14. (1) An applicant who has attained the required standard in a trade test shall be issued with a certificate of the appropriate grade on payment by him of the relevant fee prescribed in the Third Schedule to these Regulations.

(2) The certificate shall be in the form prescribed in the Fourth Schedule to these Regulations.

(3) Any certificate issued under this regulation shall be signed by the Director and embossed with the official stamp.

(4) Where a certificate issued under this regulation has been lost by the holder of the certificate he may apply in writing to the Director for a duplicate certificate; supporting such application with proof of a report of the loss made to the Police.

(5) The Director may, if satisfied with the report of the loss of the certificate, issue to the applicant a duplicate certificate on payment by him of the fee prescribed in the Third Schedule to these Regulations.

(6) Where the holder of a certificate has for the third time lost the certificate he shall be required to apply for a trade test in the relevant trade and grade for which the original certificate has issued.

Appeals.

15. An applicant who fails to attain the required standard in a trade test and who is aggrieved by the decision of the Trade Testing Panel, may within thirty days after he has received notification in writing of his failure, appeal to the Committee whose decision shall be final.

Register of Trade Tested Workers.

16. The certificates issued under Regulation 14 shall be numbered serially and the Director shall cause a register, or registers, to be kept in which shall be entered the numbers of such certificates, the names of the persons to whom they have been issued, the trade, the grade and any other particulars the Director deems necessary.

Annual Returns.

17. The Director shall submit at the end of March each year to the Board an annual return showing in relation to each trade or occupation in respect of the preceding year ending on 31st December the aggregate of:

- (a) the cumulative total of persons previously tested at the beginning of the year;
- (b) the trade tests carried out during the year by trade and grade;
- (c) the trade test certificates awarded during the year by trade and grade;
- (d) the persons who failed to attain the required standard in trade tests during the year by trade and grade.

Offences.

18. Any person who:

- (a) makes any false declaration on his application form;
 - (b) uses any certificate to which he is not entitled under the provisions of these Regulations;
 - (c) alters or defaces a certificate issued under these Regulations, or makes any likeness or facsimile of such certificate with intent to deceive or defraud;
 - (d) being entitled under the provisions of these Regulations to the possession of a certificate, gives possession thereof to a person who is not so entitled with intent to deceive or defraud;
 - (e) without reasonable excuse fails to produce or surrender such such certificate when required to do so by the Director;
- shall be guilty of an offence.

19. Any person who commits an offence under these regulations shall be liable on conviction, to a fine, exceeding five hundred Emalangeni or imprisonment not exceeding six months.

FIRST SCHEDULE

(Under Regulation 7)

(FORM TTA)

TEST NO.

THE INDUSTRIAL AND VOCATIONAL TRAINING ACT 1982

APPLICATION FOR TRADE TEST

(When completed return to the Deputy Director of Industrial and Vocational Training
P.O. Box 1218, Mbabane).

(Use BLOCK LETTERS Only)

Surname.....Other names:.....

(Family Name)

Postal Address:

State Standard/Grade of Education.....(Minimum Education Requirements:
Std 5/Gr. 7)

Marital Status.....Age.....

Trade in which test is required.....Grade.....

Date of last test.....Result of last test.....

Registration Number of last TradeTest Certificate held

Grade and Trade of Certificate held

Have you served an Apprenticeship/Traineeship YES/NO (Delete which is not applicable)

If "YES" what was your Apprenticeship Registration Number

Date of completion of contract of Apprenticeship/Traineeship

DETAILS OF EMPLOYMENT IN/INDUSTRY AND/OR INDUSTRIAL AND TECHNICAL TRAINING

Entry requirements for Gr. III — 3yrs Industrial experience; Gr. II — Gr. III Certificate + 18 mths additional experience; Gr. I — Gr. II Certificate + 2½yrs further experience.
Minimum Age Allowed is 18 yrs.

Employer and/or Trg. Institute	Dates		Trade/Occupation
	From	To	

Name and address of your present employer or principal

DECLARATION BY THE APPLICANT

I, the undersigned, hereby certify that to the best of my knowledge and belief the above mentioned particulars are correct

Signature of Applicant..... Date

DECLARATION BY THE APPLICANTS EMPLOYER OR PRINCIPAL OF A POST- SECONDARY TECHNICAL TRAINING INSTITUTE

I, the undersigned, hereby declare that to the best of my knowledge the applicant has completed the requirements of the attached trade and that the information above is correct:
(N.B. Do not detach Trade Standard)

Signed..... Title..... Date.....

Note: The applicant is required to bring with him to the trade test the tools of his/her trade which are listed in the appropriate trade standard, two passport-size photographs of him/herself and the appropriate trade testing fee.

Fees: Grade I — E85.00; Grade II — E60.00, Grade III — E40.00.

Fee for Duplicate Certificates: (1st instance) Grade I — E30.00; Grade II — E25.00;
Grade III — E20.00.

(2nd instance) Grade I — E60.00; Grade II — E50.00;
Grade III — E40.00.

Certificate for Ex Apprentices E25.00.

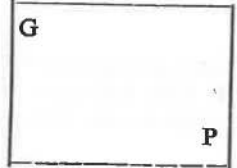
The pass-rate for all grade levels is 60%

Applicants should be proficient in either English or siSwati.

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FOURTH SCHEDULE

(Under Regulation 14)



DO NOT WRITE HERE

FOR OFFICIAL USE ONLY

The applicant named overleaf was tested in the trade of

at Grade, I, II, III level (delete two) on (date)

RESULT OF TEST: PASS/FAIL (delete one)

complete section (1) or (2) as appropriate:

(1) The successful applicant was issued with certificate number

to which his/her photograph was affixed. It was sent by registered post to him/her c/o
his/her employer, on (date).....

A duplicate photograph of the applicant, certified by the undersigned to be a true likeness,
is attached hereto.

(2) The unsuccessful applicant was notified of his/her failure by letter to him/her c/o his/her
employer, on (date)

and his/her two passportsize photographs were returned to him/her.

Result of test entered in the Register of Trade Test Certificated Workers on (date).....

under number.....

Signed Date

(Deputy Director Trade Testing and Certification)

Attach photograph
of successful
applicant here and
emboss with official
trade test stamp.

FEES: Number of General Receipt issued to applicant

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SECOND SCHEDULE

(Under Regulation 8)

TRADE TEST PERIODS

Grade One	—	The month of June/July
Grade Two	—	The month of June/July
Grade Three	—	The month of December/January

THIRD SCHEDULE

(Under Regulations 7 and 11)

FEES PAYABLE FOR TRADE TESTS AND CERTIFICATES

1. Trade Tests and Certificates:

Grade One	—	E85.00
Grade Two	—	E60.00
Grade Three	—	E40.00

2. Duplicate Certificates – Certificate issued under Regulation 7(5)

	First Instance	Second Instance
Grade One	E30.00	E60.00
Grade Two	E25.00	E50.00
Grade Three	E20.00	E40.00

3. Certificates issued on Completion of Apprenticeship E25.00

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FOURTH SCHEDULE

(Under Regulation 14)

TRADE TEST CERTIFICATE

SWAZILAND GOVERNMENT



THE INDUSTRIAL AND VOCATIONAL TRAINING ACT—1982

TRADE TEST CERTIFICATE

GRADE.....

This is to certify that:

Certificate No.:

of:
whose photograph and signature appear
opposite, has passed the GRADE.....test
in the trade/occupation of:

.....
in accordance with the requirements of the
Industrial and Vocational Training Act 1982,
and his/her name has accordingly been entered
in the register of trade tested workers.

Signed: Director of Industrial and Vocational Training.

Date:

Photograph
of
holder

Embossing

Stamp

Signature of holder

This certificate is only valid if the photograph is affixed and embossed with the official stamp.

KENNETH MBULI

Principal Secretary Ministry of Labour and Public Service

MBABANE,
7th February, 1989.

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LEGAL NOTICE NO. 18 OF 1989

COMMISSIONER OF OATHS ACT, 1942

(Act No. 23 of 1942)

APPOINTMENT OF COMMISSIONERS OF OATHS

(Under Section 2)

In exercise of the powers conferred by section 2 of the Commissioner of Oaths Act, 1942, the Minister for Justice hereby appoints—

MR. SAMUEL MPOPOLI MKHOMBE OF SWAZILAND ROYAL
INSURANCE CORPORATION

and

MR. AARON MCOSHWA NTSHALINTSHALI-REGISTRAR OF THE
INDUSTRIAL COURT

to be Commissioners of Oaths for Swaziland.

P.S. MNGOMEZULU
Principal Secretary

MBABANE,
8th February, 1989.