

# SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

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MBABANE, Friday, November 17th., 1995

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**LEGAL NOTICE NO. 158 OF 1995**

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**JUDICIAL SERVICE COMMISSION ACT 1982**  
**(Act No. 13 of 1982)****APPOINTMENT OF MEMBERS OF THE JUDICIAL SERVICE COMMISSION**  
**(Under Section 3)**

In exercise of the powers conferred upon me by Section 3 of the Judicial Service Commission Act, as amended, I MSWATI III, King of Swaziland, hereby appoint -

**JOSIAH MAKHOYI MATSEBULA**

and

**JAMESON GUDU VILAKATI**

to be members of the Judicial Service Commission for a period of two years with effect from the 1st day of November 1995.

**THUS DONE AT LOZITHEHLEZI THIS 31ST DAY OF OCTOBER, 1995.**

**MSWATI III**  
**KING OF SWAZILAND**

## LEGAL NOTICE NO. 159 OF 1995

## THE COTTON ACT, 1967

(Act No. 26 of 1967)

## THE SEED COTTON BUYERS REGULATIONS, 1995

(Under Section 17)

In exercise of the powers conferred upon him by section 17 of the Cotton Act, 1967, the Minister for Agriculture and Co-operatives, after consultation with the Cotton Board, makes the following Regulations:-

*Citation, Commencement and Application.*

1. (1) These Regulations may be cited as the Seed Cotton Buyers Regulations, 1995 and shall come into force on the 1st November, 1995.

(2) These Regulations shall be binding upon all licenced seed cotton buyers.

*Interpretation.*

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

"Board" means the Swaziland Cotton Board established by the Cotton Act, 1967.

"Executive Officer" means the Chief Officer of the Swaziland Cotton Board.

"relevant authority" means the department of weights and measures.

"Grading standards" means samples of grades prepared by the Board to be used as a reference point by graders.

*Buying Licence.*

3. (1) Subject to these regulations, no person shall purchase seed cotton grown in Swaziland without a buying licence issued by the Swaziland Cotton Board.

(2) A licence issued under regulation 3 (6) shall be valid for One year reckoned from 1st October in One year to 30th September in the following year and the fee thereof shall be E4000.00.

(3) An application for a buying licence shall be in accordance with Form A in the schedule.

(4) A licence shall be in accordance with Form D in the schedule.

(5) Only Cotton ginneries registered with the Board and Cotton Co-operatives or producer organisations may apply for a cotton buying licence.

(6) If the Board is satisfied that a person:-

- (a) has the necessary staff, facilities and financial structure; and
- (b) will function in the interest of the cotton industry, it shall issue him with a buying licence.

(7) A licenced buyer may establish a buying depot only at a site approved by the Board and upon establishment shall register the depot with the Board.

(8) The Board may revoke a cotton buying licence issued under sub-regulation (6) if there is proof that the holder has failed to comply with a provision of regulation 5 or that the holder obtained the licence by fraud or misrepresentation.

*Issue of Seed Cotton Buying Permits.*

4. (1) Subject to these regulations, no employee of a licenced buyer shall buy cotton anywhere without a seed cotton buying permit issued by the Swaziland Cotton Board.

(2) The Board may issue a seed cotton buying permit (in Form C in the schedule) to an employee of a licenced buyer, on the licenced buyer's recommendation (in Form B in the schedule) provided that employee has passed a seed cotton grading course and is in possession of a certificate issued by the Board.

(3) The Executive Officer or his authorised representative may require an employee of a licenced buyer to produce a permit issued under sub-regulation (2) when he finds him on duty.

*Duties of Licenced Cotton Buyer.*

5. A licenced cotton buyer shall:-

- (a) register his buying depots with the Board;
- (b) employ qualified graders in the buying operation;
- (c) have on display grading standards boxes at all buying depots;
- (d) use serviceable and accurate scales in weighing cotton, such scale should be certified so by the relevant authority at intervals of Six months;
- (e) require the grower to produce his registration document issued under "The Registration of Cotton Growers Regulations, 1982 before accepting the growers cotton at a sale;
- (f) record and certify the details of the sale on the registration document of the grower during the sale and notify the Board of the sale within Thirty days thereafter;
- (g) withhold payment and certify this on the registration document of the grower on delivery of the seed cotton for sale if the registration document shows that the grower has not fully repaid his production loan; and

- (h) notify the Board of the withholding under paragraph (g) and with the approval of the Board remit the payment to the financing organisation.

*Arbitration of Grading Disputes.*

6. (1) Disputes on grading must be reported to the Board and the Board shall:-
- (a) cause a sample of the cotton in question to be taken;
  - (b) compare such sample to the grading standards and make a ruling; and
  - (c) where One party is not satisfied with the Board's ruling and wishes to pursue the matter further, order the sample to be gined and sent to the Quality Control Manager at the South African Cotton Board in Pretoria for testing on the HVI for a grade to be given on the sample.
- (2) The grading mentioned in paragraph (c) shall be binding to all parties concerned and shall be final.
- (3) All costs incurred for testing and grading in pursuance of paragraph (c) shall be paid in advance by the appellant party.

*Control of Exportation of Seed Cotton.*

7. No person shall export seed cotton from Swaziland to any place outside Swaziland without a permit in writing issued by the Board.

*Penalties.*

8. A person who contravenes a provision of these regulations, commits an offence and is liable on conviction to a fine not exceeding E100.00 or to imprisonment for a period not exceeding 3 months or to both fine and imprisonment.

*Repeal of Seed Cotton Buyers Regulations, 1982.*

9. The Seed Cotton Buyers Regulations, 1982 are repealed.

## SCHEDULE (in quadruplicate)

## APPLICATION AND RECOMMENDATION FORM

FORM A: I/We, Messrs: .....  
 of (address) .....  
 .....  
 Telephone number ..... hereby make an application in terms  
 of Cotton Regulation No. .... of 1995 to buy seed cotton grown  
 and picked in any area of the Kingdom of Swaziland for the period .....  
 .....

FORM B: Messrs: .....  
 of (address) .....  
 .....  
 being an employee of our (name of ginnery) .....  
 .....  
 is hereby recommended to be issued with a Seed Cotton Buying permit in terms of  
 section 4(2) of Seed Cotton Buying Regulations No. .... of 1995.  
 Signed (by a ginnery authority) .....  
 Name of person signing (in full) .....  
 .....  
 For ..... (ginnery)  
 Date signed ..... 19 .....  
 Notes:

- (a) Form A to be submitted on official paper of respective Cotton Ginnery or Co-operative Society at the latter's expense.
- (b) Copies of Form A shall be distributed as follows:-
  - (i) Original to Executive Officer - Swaziland Cotton Board
  - (ii) Duplicate to seed Cotton Buyer
  - (iii) Triplicate to registered cotton ginner or the Swaziland Cotton Co-operative Society Limited
  - (iv) Quadruplicate to Principal Secretary, MOAC.

## PERMIT TO BUY SEED COTTON

FORM C: Messrs/Mr/Mrs/Miss .....  
 being an employee of .....

.....  
 is hereby authorised to buy seed cotton grown and picked in any part of the Kingdom  
 of Swaziland for the purpose of delivering such seed cotton for ginning at the  
 above named ginnery or elsewhere if approved by the cotton buying licence holder.

Signed .....

Name of person signing (in full) .....

Date ..... 19 .....

Notes:

(a) Copies of Form C to be distributed as follows:-

- (i) Original to Seed Cotton Buyer
- (ii) Duplicate to registered Cotton Ginner or Cotton Co-op.
- (iii) Triplicate to Executive Officer Swaziland Cotton Board
- (iv) Quadruplicate to P/S. Ministry of Agric. & Co-operatives

The holder of this Permit being an employee of the above named registered ginnery  
 or Cotton Co-operative is exempted from applying or being issued with the seed  
 cotton buying licence in accordance with Seed Cotton Buyers Regulations, 1995.

## LICENCE ISSUED IN TERMS OF SEED COTTON BUYING REGULATIONS, 1995

FORM D: A licence is hereby issued under Regulation 3 of the Seed Cotton Buying Regulations,  
 1995 to Messrs .....

.....  
 of (address) .....

.....  
 Telephone number: .....

being a registered ginnery or the Swaziland Cotton Co-operatives Society or producer  
 organisation approved by the Board .....

Address of ginnery or the Swaziland Cotton Co-operative Society

.....

Telephone number of ginnery or Co-operative .....

(a) to buy seed cotton grown and picked in the Kingdom of Swaziland for the period

..... to .....