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PART C - LEGAL NOTICES

77. The Appointment of the Commission of Enquiry into the Operations of Afinta Motor Corporation (AMC) Notice, 2001 S1

PUBLISHED BY AUTHORITY

LEGAL NOTICE NO. 77 OF 2001

THE COMMISSION OF ENQUIRY ACT, 1963 (Act No. 35 of 1963)

THE APPOINTMENT OF THE COMMISSION OF ENQUIRY INTO THE OPERATIONS OF AFINTA MOTOR CORPORATION (AMC) NOTICE, 2001 (Under section 3)

In exercise of the powers conferred by section 3 of the Commissions of Enquiry Act, 1963 the Minister for Enterprise and Employment issues the following notice-

Citation and Commencement

1. This Notice may be cited as the Appointment of the Commission of Enquiry into the Operations of AMC Notice, 2001 and shall be deemed to have come into force on the 7th May 2001.

Interpretation

2. In this Notice unless the contents otherwise requires-

“Minister” means the Minister responsible for Enterprise and Employment;

“Vehicles” means any AMC vehicle that was assembled or manufactured by AMC, Swaziland.

Establishment and Composition

3. There is established a committee to be known as the Commission of Enquiry into the Operations of AMC (hereinafter referred to as the “Commission”) which shall be composed of the following persons-

- | | |
|--------------------------|---------------|
| a) Mr. Vonya Dlamini | - Chairperson |
| b) Mr. Mfanzile Dlamini | - Member |
| c) Mr. Bheka Mabuza | - Member |
| d) Mr. Polycarp Dlamini | - Member |
| e) Mr. Thulani Masina | - Member |
| f) Mr. Moses Shongwe | - Member |
| g) Mr. Henson N. Dlamini | - Secretary |

Terms of Reference of the Commission

4. The Commission shall perform the following functions-

- establish whether the vehicles were really new when sold by AMC to the purchasers;
- investigate the legality of the operation of the financial company of AMC (Afinta Financial Services Ltd);
- establish whether the in-duplum rule was not violated when the buses were purchased;
- investigate the road worthiness of vehicles;

- e) establish conformity of advertised services and prescriptions to real situation;
- f) establish whether AMC sale of vehicles was accompanied by guarantees and warranties and establish adherence to these;
- g) investigate whether the manufacturing and assembling of vehicles were up to standards;
- h) investigate whether fitness certificates were properly issued;
- i) establish the problems that led to the non-operation of AMC vehicles in other countries and whether the vehicles operating in those countries had similar features and specifications to the local ones;
- j) seek information from any organization/person, including the South Africa Bureau of Standards (SABS), as it pertains to the above duties;
- k) investigate any other matter relevant to the operations of AMC that would contribute to the objective of the enquiry.

Enquiry Venue

5. The enquiry shall be held at such places and times, as the Chairman shall determine.

Enquiry in camera

6. Unless the Minister otherwise directs, the enquiry shall be held in camera.

Quorum

7. Four members, including the Chairperson, shall constitute a quorum for the purposes of the enquiry.

Allowances

8. The Commission shall be paid such allowances as are payable to persons appointed to Statutory Bodies or Commissions of Enquiry.

Production and presentation of the report

9. (1) The Commission shall make and present a report to the Minister not later than 7th June, 2001.

(2) The report shall also state recommendations made by the Commission based on the findings of the Commission.

Extension of Time

10. The Minister may extend the time within which the Commission may submit its report.

SENATOR L. E. DLAMINI
Minister for Enterprise and Employment

The Government Printer, Mbabane