



# SWAZILAND GOVERNMENT GAZETTE

---

VOL. XXXIX]

MBABANE, Friday, SEPTEMBER 21st., 2001

[No. 752

---

## CONTENTS

No.	Page
<b>ADVERTISEMENTS</b> .....	
	694
<b>CONTENTS OF SUPPLEMENT</b>	
<b>PART B - ACTS</b>	
7. Criminal Matters (Mutual Assistance) Act, 2001 .....	S1
8. Serious Offences (Confiscation of Proceeds) Act, 2001 .....	S12
<b>PART C - LEGAL NOTICES</b>	
140. Declaration of Mathendele Township (Extension No. 7) Regulations, 2001 .....	S25

694

**NOTICE**

Notice is hereby given that I, Nicholas Thabo Shakoane of Shiselweni Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Mabuza after the fourth publication of this notice in each of the four consecutive weeks in the Times of Swaziland / The Swazi Observer being the newspapers circulating in the Region where I reside and designated for this purpose by the Regional Secretary for the Shiselweni Region and in the Government Gazette.

The reason I want to assume the surname is because Mabuza is my natural surname.

Any person or persons likely to object to my assuming the surname Mabuza should lodge their objections in writing with me at the address given below and with the Regional Secretary for Shiselweni Region.

P. O. Box 460  
Mbabane

C1382 4x28-09-2001

---

**NOTICE**

Notice is hereby given that we intend applying for a certified copy of Title Deed No. 586/1996 dated the 18th November, 1996 made in favour of **SMITH FAMILY TRUST** over:

1. CERTAIN : Portion 4 (a portion of Portion 1) of Farm No. 1186 situate in the District of Manzini, Swaziland;
- MEASURING : 50,4900 (Five Zero Comma Four Nine Zero Zero) hectares;
2. CERTAIN : Remaining Extent of Portion 1 of Farm No. 1186 situate in the District of Manzini, Swaziland;
- MEASURING : as such 50,5007 (Five Zero Comma Five Zero Zero Seven) hectares.

Any person having an objection to the issue of such copy by the Registrar is hereby requested to lodge such objection in writing in duplicate with the Registrar of Deeds within three (3) weeks of the last publication of this notice.

DATED AT MBABANE ON THIS 5<sup>TH</sup> DAY OF SEPTEMBER, 2001.

SIGWANE, MANZINI AND PARTNERS  
Attorneys for Applicant  
P.O. Box A204  
Swazi Plaza  
Mbabane

C1423 2x21-09-2001

---

**NOTICE**

**ESTATE LATE: CALAKALITSEFWA HLONGWANE ESTATE NO. EM422/1999**

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

HLWETA HLONGWANE  
P. O. Box 31  
Luve

C1428 21-09-2001

**NOTICE**

Notice is hereby given that I, Almon Mantenene Mkhabela of Hhohho Region intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname Hlophe after the fourth publication of this notice in each of the four consecutive weeks in the Times of Swaziland / The Swazi Observer being the newspapers circulating in the Region where I reside and designated for this purpose by the Regional Secretary for the Hhohho Region and in the Government Gazette.

The reason I want to assume the surname is because Hlophe is my natural surname.

Any person or persons likely to object to my assuming the surname Hlophe should lodge their objections in writing with me at the address given below and with the Regional Secretary for Hhohho Region.

P. O. Box 1  
Mbabane

C1431 4x12-10-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: ROBERT DOUGLAS MAGAGULA ESTATE NO. EM217/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 0900 hours at the Manzini Regional Offices on the 27<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1461 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: IVIS NTOMBI SHABANGU ESTATE NO. EH36/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 0930 hours at the Manzini Regional Offices on the 27<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1462 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: NZABALENYE SIPHO MATSE ESTATE NO. EM203/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1000 hours at the Manzini Regional Offices on the 27<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1463 21-09-2001

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: ERNEST SWANKI FAKUDZE ESTATE NO. EM205/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1030 hours at the Manzini Regional Offices on the 27<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1464 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: MFANASIBILI MBANGENI NDZINISA ESTATE NO. EM207/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1100 hours at the Manzini Regional Offices on the 27<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1465 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: ELPHAS MSONGELWA HLATSWAYO ESTATE NO. EM205/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1130 hours at the Manzini Regional Offices on the 27<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1466 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: NELSON SGWILI MKHABELA ESTATE NO. EL53/2000**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1200 hours at the Manzini Regional Offices on the 27<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1467 21-09-2001

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: SONTU EUNICE MASEKO ESTATE NO. EM60/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1230 hours at the Manzini Regional Offices on the 27<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1468 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: BOY BOY MASEKO ESTATE NO. EM210/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1245 hours at the Manzini Regional Offices on the 27<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1469 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: GLADYS NONO DLAMINI ESTATE NO. EM211/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1300 hours at the Manzini Regional Offices on the 27<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1470 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: GUMLANI MFANAWEMATFOLE DLAMINI ESTATE NO. EM220/2000**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1315 hours at the Manzini Regional Offices on the 27<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1471 21-09-2001

698

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: ANGEL MATILDAH DLAMINI ESTATE NO. EP28/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 0900 hours at the Master of the High Court Offices on the 21<sup>st</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1472 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: LUCKY ALLEN KHUMALO ESTATE NO. EH139/2000**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 0930 hours at the Master of the High Court Offices on the 21<sup>st</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1473 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: HEZEKIEL NDABAZEZWE DLAMINI ESTATE NO. EH163/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1000 hours at the Master of the High Court Offices on the 24<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1474 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: GUGU PHUMZILE NGEBASE ESTATE NO. ES157/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 0830 hours at the Master of the High Court Offices on the 3<sup>rd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1475 21-09-2001

699

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: SIMON MUSA DLAMINI ESTATE NO. EM320/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 0900 hours at the Master of the High Court Offices on the 3<sup>rd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1476 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: PETER MFANZILE MOTSA ESTATE NO. EH141/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 0930 hours at the Master of the High Court Offices on the 3<sup>rd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1477 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: JOHN MFANZILE GUMEDZE ESTATE NO. EM269/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1000 hours at the Master of the High Court Offices on the 3<sup>rd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1478 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: NKOSINI ALPHEOUS MAMBA ESTATE NO. EL155/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1030 hours at the Master of the High Court Offices on the 3<sup>rd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1479 21-09-2001

700

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: THIMOTHY MAPHUZUKUVELA MASILELA ESTATE NO. E442/95**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1100 hours at the Master of the High Court Offices on the 3<sup>rd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1480 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: PAUL VUSI NGWENYA ESTATE NO. EH159/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1130 hours at the Master of the High Court Offices on the 3<sup>rd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1481 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: XOLILE TREASURE MDLULI ESTATE NO. EM270/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1200 hours at the Master of the High Court Offices on the 3<sup>rd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1482 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: TIMOTHY SKUNN HLOPHE ESTATE NO. ES161/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1230 hours at the Master of the High Court Offices on the 3<sup>rd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1483 21-09-2001

701

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: ABSALOM ZAZI MABUZA ESTATE NO. EH212/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1245 hours at the Master of the High Court Offices on the 3<sup>rd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1484 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: AARON KUHUZA J. MASEKO ESTATE NO. EH213/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1300 hours at the Master of the High Court Offices on the 3<sup>rd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1485 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: PETER C. MABUZA ESTATE NO. EH176/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1315 hours at the Master of the High Court Offices on the 3<sup>rd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1486 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: THEMBA JOHANNES DLAMINI ESTATE NO. EL172/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 0900 hours at the Lubombo Regional Offices on the 25<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1487 21-09-2001

702

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: MAFINDI AARON MAVIMBELA ESTATE NO. EL169/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 0930 hours at the Lubombo Regional Offices on the 25<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1488 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: ALBERT HEZEKIEL NKAMBULE ESTATE NO. EL136/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1000 hours at the Lubombo Regional Offices on the 25<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1489 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: JOBE MAGANGADZA GWEBU ESTATE NO. EL137/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1030 hours at the Lubombo Regional Offices on the 25<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1490 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: PATRICK MBOKWA NDZIMANDZE ESTATE NO. EL146/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1100 hours at the Lubombo Regional Offices on the 25<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1491 21-09-2001

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: WILLIAM MAFIKIZOLO MAMBA ESTATE NO. ES135/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1130 hours at the Lubombo Regional Offices on the 25<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1492 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: EMANUEL NYAMBOSE ESTATE NO. EM104/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1200 hours at the Lubombo Regional Offices on the 25<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1493 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: SAM M. NTSHANGASE ESTATE NO. EL148/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1230 hours at the Lubombo Regional Offices on the 25<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1494 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: JAMES MAJALIMANE MHLANGA ESTATE NO. EL151/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1245 hours at the Lubombo Regional Offices on the 25<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1495 21-09-2001

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: DUMSANI SITHOLE ESTATE NO. EL19/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1300 hours at the Lubombo Regional Offices on the 25<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1496 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: MBHEKWA WISEMAN GAMEDZE ESTATE NO. EL152/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1315 hours at the Lubombo Regional Offices on the 25<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1497 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: STANLEY FANA DLAMINI ESTATE NO. EM237/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 0900 hours at the Master of the High Court Offices on the 26<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1498 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: THEMBI SHABANGU ESTATE NO. EM238/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 0930 hours at the Master of the High Court Offices on the 26<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1499 21-09-2001

705

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: ISIAH HLUNGE DLAMINI ESTATE NO. EH197/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1000 hours at the Master of the High Court Offices on the 26<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1500 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: AARON JACK MASEKO ESTATE NO. EH198/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1030 hours at the Master of the High Court Offices on the 26<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1501 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: MLONDI CAUTION TSABEDZE ESTATE NO. EM17/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1100 hours at the Master of the High Court Offices on the 26<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1502 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: OLGA GEZEPHI DLAMINI ESTATE NO. EH199/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1130 hours at the Master of the High Court Offices on the 26<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1503 21-09-2001

706

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: JOSEPH MDLULI ESTATE NO. ES148/2000**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1200 hours at the Master of the High Court Offices on the 26<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1504 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: SIMON NDUKUZEMPI DLAMINI ESTATE NO. EH201/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1230 hours at the Master of the High Court Offices on the 26<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1505 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: JEREMIAH MGCIBELO GAMA ESTATE NO. EH123/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1245 hours at the Master of the High Court Offices on the 26<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1506 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: HELEMISI N. MAVUSO ESTATE NO. EH202/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1300 hours at the Master of the High Court Offices on the 26<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1507 21-09-2001

707

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: GABHA LANGALIBALELE MAGAGULA ESTATE NO. EH203/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1315 hours at the Master of the High Court Offices on the 26<sup>th</sup> September 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1508 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: MACALENI ALPHEUS MAVIMBELA ESTATE NO. ES157/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 0900 hours at the Nhlngano Regional Offices on the 2<sup>nd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1509 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: NKONKA ZEPHANIA SITHOLE ESTATE NO. ES147/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 0930 hours at the Nhlngano Regional Offices on the 2<sup>nd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1510 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: MUHLE NAPOLEON SIBANDZE ESTATE NO. ES148/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1000 hours at the Nhlngano Regional Offices on the 2<sup>nd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1511 21-09-2001

708

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: DUDU MARIA VILAKATI ESTATE NO. ES139/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1030 hours at the Nhlngano Regional Offices on the 2<sup>nd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1512 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: AARON VIKINDUKU MATSENJWA ESTATE NO. ES140/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1100 hours at the Nhlngano Regional Offices on the 2<sup>nd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1513 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: ALBERT SICALEKISO KHUMALO ESTATE NO. ES141/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1130 hours at the Nhlngano Regional Offices on the 2<sup>nd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1514 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: PETER MONA SIBIYA ESTATE NO. ES142/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1200 hours at the Nhlngano Regional Offices on the 2<sup>nd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1515 21-09-2001

709

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: FANA NDZINISA ESTATE NO. ES79/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1230 hours at the Nhlangano Regional Offices on the 2<sup>nd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1516 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: S'DUMO FOTRESS DLAMINI ESTATE NO. ES143/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1245 hours at the Nhlangano Regional Offices on the 2<sup>nd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1517 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: JACOB KHIZA M. DLAMINI ESTATE NO. ES224/99**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1300 hours at the Nhlangano Regional Offices on the 2<sup>nd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1518 21-09-2001

---

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: TIMOTHY MALINGA ESTATE NO. ES153/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1315 hours at the Nhlangano Regional Offices on the 2<sup>nd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1519 21-09-2001

710

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

**ESTATE LATE: NKENKEZA JEREMIAH LUTSANGO ESTATE NO. EH205/2001**

A meeting of next of kin and all others concerned shall be held before the Master of the High Court of Swaziland for the nomination of an executor/executrix dative at 1330 hours at the Nhlangano Regional Offices on the 2<sup>nd</sup> October 2001.

ISAAC M. F. DLAMINI  
*Deputy Master of the High Court*

C1520 21-09-2001

---

**NOTICE**

**ESTATE LATE: LINAH M. T. DLAMINI ESTATE NO. EM400/2000**

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation Account will lie open at the office of the Master of the High Court of Swaziland Mbabane for a period of twenty one (21) days from the date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

JABULANI TFWALA  
P.O. Box 1950  
Manzini

C1433 21-09-2001

---

**NOTICE**

**ESTATE LATE: MADOMANE PHINDUMSHAYE DLAMINI ESTATE NO. EH42/2001**

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation Account will lie open at the office of the Master of the High Court of Swaziland Mbabane for a period of twenty one (21) days from the date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

ZAKHELE N. DLAMINI  
P.O. Box 22  
Ntfontjeni

C1434 21-09-2001

---

**NOTICE**

**ESTATE LATE: MAJAWONKE LUKHELE ESTATE NO. EL140/2001**

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MRS MELLINAH LUKHELE  
P. O. Box 156  
St. Paul's Primary - Siteki

C1429 21-09-2001

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

HELD AT MBABANE

CASE NO. 853/2001

In the matter between:

SWAZILAND BUILDING SOCIETY

Plaintiff

and

POLYCARP MACDONALD CHIRWA

Defendant

---

**NOTICE OF SALE**

---

NOTICE is hereby given that pursuant to a Writ of Execution issued in the above matter, the undermentioned property will be sold by Public Auction by the Deputy Sheriff for the District of Manzini, outside the Regional Administrator's Office, Manzini, at 2.30 p.m. on **FRIDAY** the 19th day of **OCTOBER, 2001**.

- CERTAIN : Lot No. 1640 situate in Manzini Extension No. 17 (Helemisi Township), urban area of Manzini, District of Manzini Swaziland;
- MEASURING : 642 (Six Four Two) Square Metres;
- RESERVE PRICE : E155,000-00
- IMPROVEMENTS : A detached house consisting 3 bedrooms, kitchen, lounge, diner and 2 bathrooms.

Conditions of Sale are available for inspection at the office of the Sheriff in the High Court building in Mbabane and at the offices of the Regional Administrator, Manzini.

The Society may in its sole discretion lend 90% (Ninety per centum) to suitable borrowers and interested parties are advised to seek advice from the Society in this regard prior to the date of the sale.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE ON THIS THE 17<sup>TH</sup> DAY OF SEPTEMBER 2001.

MRS T. S. MAZIYA  
Sheriff of Swaziland  
c/o The Registrar of the High Court  
Mbabane

C1521 21-09-2001

---

**NOTICE**

**ESTATE LATE: BONGINKOSI VULUMANGO DLAMINI ESTATE NO. EH256/2000**

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MRS ALBERTINAH ZODWA DLAMINI  
P. O. Box 18  
Ntfontjeni

C1430 21-09-2001

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

HELD AT MBABANE

CASE NO. 1594/2001

In the matter between:

SWAZILAND BUILDING SOCIETY

Plaintiff

and

THERESA PEGGY SHIBA

Defendant

---

**NOTICE OF SALE**

---

NOTICE is hereby given that pursuant to a Writ of Execution issued in the above matter, the undermentioned property will be sold by Public Auction by the Deputy Sheriff for the District of Hhohho, outside the High Court Building, Hospital Hill, Mbabane, at 11.30 a.m. on **FRIDAY** the 19<sup>th</sup> day of **OCTOBER 2001**.

CERTAIN : Lot No. 2336 Mbabane Extension No. 21 (Embangweni Township) situate in the District of Hhohho, Swaziland;

MEASURING : 400 (Four Zero Zero) Square Metres;

RESERVE PRICE : E135,000-00

IMPROVEMENTS : A detached house consisting of 2 Bedrooms, lounge, kitchen, Bathroom & Corridor.

Conditions of Sale are available for inspection at the office of the Sheriff in the High Court building in Mbabane and at the offices of the Regional Administrator, Hhohho.

The Society may in its sole discretion lend 90% (Ninety per centum) to suitable borrowers and interested parties are advised to seek advice from the Society in this regard prior to the date of the sale.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE ON THIS THE 13<sup>TH</sup> DAY OF SEPTEMBER 2001.

MRS T. S. MAZIYA  
Sheriff of Swaziland  
c/o The Registrar of the High Court  
Mbabane

C1524 21-09-2001

---

**NOTICE**

**ESTATE LATE: MFANA MANDLA NXUMALO ESTATE NO. ES263/2000**

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MRS FIKELEPHI NXUMALO  
P. O. Box 38  
Hlutsi

C1431 21-09-2001

**NOTICE**

**IN THE HIGH COURT OF SWAZILAND**

HELD AT MBABANE

CASE NO. 3726/2000

In the matter between:

SWAZILAND BUILDING SOCIETY

Plaintiff

and

LEMUEL N. KOTA

Defendant

---

**NOTICE OF SALE**

---

NOTICE is hereby given that pursuant to a Writ of Execution issued in the above matter, the undermentioned property will be sold by Public Auction by the Deputy Sheriff for the District of Shiselweni, outside the Nhlngano Magistrate's Court, Nhlngano, at 3.00 p.m. on **FRIDAY** the **19<sup>th</sup>** day of **OCTOBER, 2001**.

**CERTAIN** : Erf No. 14 situate in the Township of Hlatikulu, District of Shiselweni, Swaziland;

**MEASURING** : 2855 (Two Eight Five Five) Square Metres;

**RESERVE PRICE** : E20,000-00

**IMPROVEMENTS** : Vacant piece of land;

Conditions of Sale are available for inspection at the office of the Sheriff in the High Court building in Mbabane and at the offices of the Nhlngano Magistrate's Court, Nhlngano.

The Society may in its sole discretion lend 90% (Ninety per centum) to suitable borrowers and interested parties are advised to seek advice from the Society in this regard prior to the date of the sale.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE ON THIS THE 13<sup>TH</sup> DAY OF SEPTEMBER 2001.

MRS T. S. MAZIYA  
Sheriff of Swaziland  
c/o The Registrar of the High Court  
Mbabane

C1525 21-09-2001

---

**NOTICE**

**ESTATE LATE: THEMBSILE VIRGINIA MAVUSO ESTATE NO. EH179/2001**

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

LEONARD MAVUSO  
P. O. Box 2857  
Mbabane

C1432 21-09-2001

714

**NOTICE**

**ESTATE LATE: SIMON N. KUNENE ESTATE NO. EH86/96**

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation Account will lie open at the office of the Master of the High Court of Swaziland Mbabane for a period of twenty one (21) days from the date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

PHUMAPHI KUNENE  
P.O. Box 2120  
Mbabane

C1436 21-09-2001

---

**NOTICE**

**ESTATE LATE: THANDI CHARLOTTE NXUMALO ESTATE NO. EM264/2000**

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation Account will lie open at the office of the Master of the High Court of Swaziland Mbabane for a period of twenty one (21) days from the date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

NOMPUMELELO NXUMALO  
P.O. Box 35  
Nsoko

C1441 21-09-2001

---

**NOTICE**

**ESTATE LATE: CHRISTINE B. DLAMINI ESTATE NO. EL2/99**

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation Account will lie open at the office of the Master of the High Court of Swaziland Mbabane for a period of twenty one (21) days from the date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

JOHN DLAMINI  
P.O. Box 12  
Manzini

C1443 21-09-2001

**NOTICE**

**ESTATE LATE: GUNTHER WINKLER ESTATE NO. EH125/1996**

Notice is hereby given in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902 that the First and Final Liquidation and Distribution Account will lie open for inspection at the offices of the Master of the High Court of Swaziland at Mbabane and at the office of the Regional Administrator for the District of Hhohho for a period of Twenty One (21) days from the date of appearance of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

ROBINSON BERTRAM  
Attorneys for Executor/Executrix  
P.O. Box 24  
Mbabane

C1444 21-09-2001

---

**NOTICE**

**ESTATE LATE: DOROTHEA REGINA DU TOIT ESTATE NO. EH27/2001**

Notice is hereby given in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902 that the First and Final Liquidation and Distribution Account will lie open for inspection at the offices of the Master of the High Court of Swaziland at Mbabane and at the office of the Regional Administrator for the District of Hhohho for a period of Twenty One (21) days from the date of appearance of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

ROBINSON BERTRAM  
Attorneys for Executor/Executrix  
P.O. Box 24  
Mbabane

C1445 21-09-2001

---

**NOTICE**

**ESTATE LATE: SIYABONGA ABBIE NXUMALO ESTATE NO. EM222/2000**

Notice is hereby given in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902 that the Liquidation and Distribution Account will lie open at the offices of the Master of the High Court of Swaziland, Mbabane for a period of 21 (Twenty One) days from date of publication of this notice.

Any person objecting to the Account may lodge his/her objection in writing in duplicate to the Master of the High Court at any time before the expiry of the said period.

Q. M. MABUZA  
Attorneys for the Executrix Dative  
Amalgam House  
Ngwane Street  
MANZINI

C1446 21-09-2001

716

**NOTICE**

**ESTATE LATE: ARTHUR ANDRADE ESTATE NO. EM297/2000**

Notice is hereby given in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902 that the First and Final Liquidation and Distribution Account will lie open for inspection at the offices of the Master of the High Court of Swaziland at Mbabane and at the office of the Regional Administrator for the District of Hhohho for a period of Twenty One (21) days from the date of appearance of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

ROBINSON BERTRAM  
Attorneys for Executor/Executrix  
P.O. Box 24  
Mbabane

C1448 21-09-2001

---

**NOTICE**

**ESTATE LATE: JOSEPH CHARLES VICKERY ESTATE NO. EM408/98**

Notice is hereby given in terms of Section 51 bis of the Administration of Estates Act No. 28 of 1902 that the First and Final Liquidation and Distribution Account will lie open for inspection at the offices of the Master of the High Court of Swaziland at Mbabane and at the office of the Regional Administrator for the District of Hhohho for a period of Twenty One (21) days from the date of appearance of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

ROBINSON BERTRAM  
Attorneys for Executor/Executrix  
P.O. Box 24  
Mbabane

C1449 21-09-2001

---

**NOTICE**

**ESTATE LATE: NORMAN VUSI MASILELA ESTATE NO. EL116/2000**

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation Account will lie open at the office of the Master of the High Court of Swaziland Mbabane for a period of twenty one (21) days from the date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

GIRLY MASILELA  
P.O. Box 20  
Lomahasha

C1451 21-09-2001

717

**NOTICE**

**ESTATE LATE: HLOBANE NHLEKO ESTATE NO. EH34/2000**

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation Account will lie open at the office of the Master of the High Court of Swaziland Mbabane for a period of twenty one (21) days from the date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

SIMOYI NHLEKO  
P.O. Box 76  
Khubuta

C1452 21-09-2001

---

**NOTICE**

**ESTATE LATE: PETROS F. MHLANGA ESTATE NO. EH9/2001**

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation Account will lie open at the office of the Master of the High Court of Swaziland Mbabane for a period of twenty one (21) days from the date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

ALFRED MHLANGA  
P.O. Box 724  
Mbabane

C1453 21-09-2001

---

**NOTICE**

**ESTATE LATE: ROBERT KHENANI KHUMALO ESTATE NO. EM4/99**

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation Account will lie open at the office of the Master of the High Court of Swaziland Mbabane for a period of twenty one (21) days from the date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

AGNES KHUMALO  
P.O. Box 4303  
Mbabane

C1454 21-09-2001

718

**NOTICE**

**ESTATE LATE: MABLE BELSIE GAMA ESTATE NO. EH105/2001**

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation Account will lie open at the office of the Master of the High Court of Swaziland Mbabane for a period of twenty one (21) days from the date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

LINDIWE GAMA  
P.O. Box 293  
Lobamba

C1455 21-09-2001

---

**NOTICE**

**ESTATE LATE: ENOCK MAGALELA ZIKALALA ESTATE NO. EH140/2001**

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation Account will lie open at the office of the Master of the High Court of Swaziland Mbabane for a period of twenty one (21) days from the date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

NOMPUMELELO ZIKALALA  
P.O. Box 2052  
Manzini

C1457 21-09-2001

---

**NOTICE**

**ESTATE LATE: ABEDNIGO LUSHABA ESTATE NO. EL91/2001**

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

JENNETH LUSHABA NEE DLAMINI  
P. O. Box 663  
Siteki

C1435 21-09-2001

719

**NOTICE**

**ESTATE LATE: LUCKY BHEKI LANGWENYA ESTATE NO. EH162/2001**

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

PHEPHILE LANGWENYA  
P. O. Box 1680  
Mbabane

C1437 21-09-2001

---

**NOTICE**

**ESTATE LATE: ANSON MAJOBHA GAMEDZE ESTATE NO. EM18/2001**

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MR DOVOLOLO ELPHAS GAMEDZE  
P. O. Box 3296  
Manzini

C1438 21-09-2001

---

**NOTICE**

**ESTATE LATE: FRANCE THEMBINKOSI NKAMBULE ESTATE NO. EL142/2001**

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MRS ZODWA NKAMBULE  
P. O. Box 763  
Siteki

C1440 21-09-2001

---

**NOTICE**

**ESTATE LATE: JAN HARM FOURIE ESTATE NO. ES81/2001**

Debtors and Creditors in the above estate are hereby required to lodge their claims with and pay their debts to the undersigned within 30 (thirty) days from date of publication hereof.

FELICITY FOURIE  
P. O. Box 8  
Mhlosheni

C1442 21-09-2001

720

**NOTICE**

**ESTATE LATE: GLADYS SIJABULILE KUNENE ESTATE NO. EL57/2000**

Debtors and Creditors for the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

Q. M. MABUZA (ATTORNEYS)  
Executrix Dative  
Amalgam House  
Ngwane Street  
P. O. Box 202  
Manzini

C1447 21-09-2001

---

**NOTICE**

**ESTATE LATE: THOKO NANANE SIMELANE ESTATE NO. EH183/2001**

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

WINILE DLAMINI  
P. O. Box 49  
%o Police Stores  
Mbabane

C1450 21-09-2001

---

**NOTICE**

**ESTATE LATE: BOY MFANA SHABANGU ESTATE NO. EM73/2001**

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MR JABULANI SHABANGU  
P. O. Box 19  
Siteki

C1456 21-09-2001

---

**NOTICE**

**ESTATE LATE: RAYMOND SIBUSISO MLOTSHWA ESTATE NO. EH165/2001**

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

THEMBI MLOTSHWA  
P. O. Box 188  
Mbabane

C1458 21-09-2001

**RATES NOTICE**

**NHLANGANO TOWN COUNCIL**

In terms of Section 27 of the Rating Act 1995 all property owners within the Nhlangano Urban Area are hereby notified as follows:

- a) Rates have been made for the past year.  
All rate payers are requested to contact the Town Council Offices for the amount.
- b) The Rates are payable on or before 31<sup>st</sup> October 2001.
- c) A penalty at the rate of 15% will be levied in respect of any rate remaining unpaid after the expiry of two months from 31<sup>st</sup> October 2001.

E. M. MOTSA  
*Town Clerk*

C1528 21-09-2001

---

**NOTICE**

**ESTATE LATE: MANDLA M. FAKUDZE ESTATE NO. ES77/2001**

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

RICHARD T. FAKUDZE  
P. O. Box 120  
Nhlangano

C1527 21-09-2001

---

**NOTICE**

**ESTATE LATE: MAHEBEDLA DLAMINI ESTATE NO. E297/97**

Debtors and Creditors in the above estate are hereby required to lodge their claims with and pay their debts to the undersigned within 21 (twenty-one) days from date of publication hereof.

DATED AT MANZINI ON THIS 12<sup>TH</sup> DAY OF SEPTEMBER 2001.

BEN J. SIMELANE AND ASSOCIATES  
Executor Dative  
2nd Floor Makabongwe House  
Nkoseluhlaza Street  
Manzini  
P. O. Box 1444  
Matsapha

C1523 21-09-2001

722

**NOTICE**

**ESTATE LATE: MUSA ABEL MANANA ESTATE NO. EL131/2001**

Debtors and Creditors in the abovementioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this notice.

MRS PHINDILE MANANA  
P. O. Box 1104  
Manzini

C1460 21-09-2001

---

**NOTICE**

**ESTATE LATE: NCWALALENCANE NKAMBULE ESTATE NO. ES111/98**

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28 of 1902 that the First and Final Liquidation and Distribution account will lie open for inspection at the office of the Master of the Regional Administrator for a period of twenty one (21) days from the date of appearance of this notice.

Take Notice further that any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

BEN J. SIMELANE & ASSOCIATES  
Attorney for the Executor Dative  
2<sup>nd</sup> Floor Makabongwe House  
P.O. Box 1444  
Matsapha

C1526 21-09-2001

---

**NOTICE**

**ESTATE LATE: FRANCIS MATHELISA SHIBA ESTATE NO. EH157/2001**

Debtors and Creditors in the abovenamed Estate are hereby called upon to lodge their claims with and pay their debts to the undersigned within thirty (30) days from the date of publication of this Notice.

ROBINSON BERTRAM  
Attorneys for Executor/Executrix  
P. O. Box 24  
Mbabane

C1522 21-09-2001

**NOTICE**

**ESTATE LATE: CHARLES SAMKETI DLAMINI ESTATE NO. EM153/2001**

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation Account will lie open at the office of the Master of the High Court of Swaziland Mbabane for a period of twenty one (21) days from the date of publication of this Notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

NTOKOZO DLAMINI  
P.O. Box 3446  
Manzini

C1459 21-09-2001

---

**NOTICE**

**ESTATE LATE: THEMBEKA RUTH TSELA ESTATE NO. EM340/98**

Notice is hereby given in terms of Section 52 bis of the Administration of Estates Act No. 28 of 1902 that the First and Final Liquidation and Distribution account will lie open for inspection at the office of the Master of the Regional Administrator for a period of twenty one (21) days from the date of appearance of this notice.

Take Notice further that any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before expiry of the said period.

BEN J. SIMELANE & ASSOCIATES  
Attorney for the Executor Dative  
2<sup>nd</sup> Floor Makabongwe House  
P.O. Box 1444  
Matsapha

C1529 21-09-2001

**SUPPLEMENT TO**  
**THE**  
**SWAZILAND GOVERNMENT**  
**GAZETTE**

---

VOL. XXXIX]

MBABANE, Friday, SEPTEMBER 21st., 2001

[No. 752

---

**CONTENTS**

<b>No.</b>		<b>Page</b>
<b>PART B - ACTS</b>		
7.	Criminal Matters (Mutual Assistance) Act, 2001 .....	S1
8.	Serious Offences (Confiscation of Proceeds) Act, 2001 .....	S12
<b>PART C - LEGAL NOTICES</b>		
140.	Declaration of Mathendele Township (Extension No. 7) Regulations, 2001 .....	S25

## CRIMINAL MATTERS (MUTUAL ASSISTANCE) ACT, 2001

(Act No. 7 of 2001)



I ASSENT

MSWATI III  
King of Swaziland

21<sup>ST</sup> AUGUST 2001

---

### AN ACT Entitled

An Act to provide for international assistance in criminal matters and for other matters incidental thereto.

ENACTED by the King and the Parliament of Swaziland

#### ARRANGEMENTS OF SECTIONS

1. Short title and commencement
2. Interpretation
3. Application of Act to designated countries
4. Act not to preclude other forms of assistance
5. Form of requests for assistance
6. Assistance in obtaining evidence
7. Assistance in identifying and locating persons
8. Assistance in obtaining articles or things by search and seizure
9. Assistance in arranging attendance of witnesses
10. Assistance in securing transfer of prisoners
11. Restriction on use of evidence
12. Immunities and privileges
13. Assistance in serving documents
14. Assistance in tracing proceeds of serious offences
15. Assistance in relation to forfeiture and pecuniary penalty orders
16. Assistance in obtaining restraining orders
17. Request for assistance generally
18. Refusal of request for assistance
19. Assistance in locating or identifying persons in Swaziland
20. Assistance in examination of witnesses in Swaziland
21. Assistance in arranging personal attendance of witnesses in a designated country
22. Assistance in obtaining evidence by other means
23. Assistance in the production of judicial and official records
24. Assistance for service of document in Swaziland
25. Assistance in tracing the proceeds of serious offences
26. Seizure and confiscation of proceeds of serious offences
27. Effect of registration of forfeiture order, pecuniary penalty order or restraining order

28. Cancellation of forfeiture order, pecuniary penalty order or restraining order
29. Disposal of or release of property
30. Confidentiality
31. Authentication of documents
32. Limitation of use of information
33. Regulations
34. Rules of Court
35. Act not applicable to extradition
36. Application of existing legislation

## **PART 1: PRELIMINARY**

### *Short title and commencement*

1. This Act may be cited as the Criminal Matters (Mutual Assistance) Act, 2001 and shall come into force on such date as the Minister may by Notice in the Gazette, appoint.

### *Interpretation*

2. In this Act, unless the context otherwise requires -
  - “appropriate authority” means in relation to a designated country, the person or authority appointed for the purpose of transmitting and receiving requests for assistance under this Act;
  - “authorised officer” means an officer authorised by the Minister for the purposes of transmitting and receiving requests for assistance under this Act;
  - “Court” means a court of competent jurisdiction in Swaziland or in a designated country;
  - “criminal proceedings” means proceedings which have been or could be instituted in Swaziland or as the case may be in a designated country in respect of an offence committed or suspected on reasonable grounds to have been committed in Swaziland or as the case may be in a designated country;
  - “designated country” means a foreign country designated under section 3;
  - “forfeiture order” means an order made by a Court in terms of section 4 of the Serious Offences (confiscation of Proceeds) Act, 2001.
  - “Minister” means the Minister for Justice;
  - “offence” means an offence against the laws of Swaziland or against the law of a designated country by which a request is made for assistance under this Act;
  - “pecuniary penalty order” means an order made by a court imposing a pecuniary penalty determined by reference to the value of any property derived or obtained, whether directly or indirectly from, or used in or in connection with, the commission of a serious offence;
  - “proceeds” means proceeds of serious offence as defined in section 2 of the Serious offences (Confiscation of Proceeds) Act 2001;
  - “property” means real or personal property of every description wherever situated, whether tangible or intangible and it also means any interest in any such real or personal property;

“restraining order” means an order made by a court restraining dealings with any property in respect of which there is reasonable cause to believe that it has been derived or obtained, whether directly from, or used in, or in connection with, the commission of a serious offence.

“serious offence” means an offence specified in the Serious Offences (Confiscation of Proceeds) Act, 2001 or an offence of a similar kind against the law of a designated country.

*Application of Act to designated Countries*

3. This Act shall apply to such foreign country as the Minister may designate from time to time by Notice in the Gazette and referred to in this Act as the “designated country”.

*Act not to preclude other forms of assistance*

4. Nothing in this Act shall prevent the provision or obtaining of international assistance in criminal matters otherwise than in accordance with this Act.

**PART II: REQUESTS BY SWAZILAND FOR ASSISTANCE**

*Form of requests for assistance*

5. All requests for assistance under this Part shall be made in writing by the Minister or an authorised officer and transmitted to the appropriate authority in the designated country.

*Assistance in obtaining evidence*

6. Where there are reasonable grounds to believe that evidence for the purposes of any criminal proceedings may be obtained if in a designated country -

- (a) evidence is taken from any person;
- (b) judicial, official or other records or documents are produced;
- (c) samples of any matter or things are taken or examined; or
- (d) any site or thing is viewed or photographed

a request may be transmitted to the appropriate authority in the designated country requesting that the evidence be so obtained for the purpose of such proceedings.

*Assistance in identifying and locating persons*

7. Where there are reasonable grounds to believe that a person who -

- (a) is or might be concerned in or affected by; or
- (b) could give evidence for the purpose of

any criminal proceedings is in a designated country, a request may be transmitted to the appropriate authority in the designated country requesting that assistance be given in locating that person or if his identity is unknown, in identifying and locating him.

*Assistance in obtaining articles or things by search and seizure*

8. Where there are reasonable grounds to believe that an article or thing is in a designated country and would, if produced, constitute evidence for the purpose of any criminal proceedings, a request may be transmitted to the appropriate authority in the designated country requesting that the article or thing be obtained by search and seizure in accordance with the law of that country for the purposes of such proceedings.

*Assistance in arranging attendance of witnesses*

9. Where there are reasonable grounds to believe that a person in a designated country could give evidence for the purpose of any criminal proceedings, a request may be transmitted to the appropriate authority in the designated country requesting that assistance be given in arranging the attendance of that person in Swaziland to give evidence.

*Assistance in securing transfer of prisoners*

10. (1) Where there are reasonable grounds to believe that a prisoner in a designated country could give evidence for the purpose of any criminal proceedings, a request may be transmitted to the appropriate authority in the designated country requesting that the prisoner be transferred to Swaziland to give evidence for the purposes of such proceedings.

(2) The appropriate authority in the designated country shall notify the Ministry of any conditions under which the prisoner may be transferred, and the Minister shall, except where he is unable to do so or that the appropriate authority waives the observance of such conditions, ensure that those conditions are observed.

(3) Subject to any conditions as may be prescribed by the designated country in any particular case, the provisions of the Correctional Services Act, 1964 with respect -

- (a) to the conditions of imprisonment;
- (b) to the treatment; and
- (c) to the transfer from prison to prison;

of a prisoner shall apply in so far as they are capable of application in relation to the prisoner who is in Swaziland pursuant to a request made under subsection (1)

(4) Nothing in this section shall be construed as conferring any rights on the prisoner.

(5) In this section "prisoner" in relation to a designated country means a person who is being held in custody or sentenced for or under a sentence of imprisonment for an offence against the law of that country.

*Restriction on use of evidence*

11. No evidence obtained under section 6 or given by any person or prisoner under section 9 or 10, or any article or thing seized pursuant to a request under section 8 shall be admitted or otherwise used for the purpose of any proceedings other than the criminal proceedings for which the evidence, article or thing was obtained, seized or given without the consent in writing of the appropriate authority in the designated country to which the request was made.

*Immunities and privileges*

12. (1) Subject to subsection (2), a person who is in Swaziland pursuant to a request under section 9 or 10 -

- (a) is not liable to be detained, prosecuted or punished for any offence that is alleged to have been committed or that was committed before the person's departure from the designated country to which the request was made;
- (b) shall not be compelled to give evidence in relation to any -
  - (i) proceedings other than the proceedings in the criminal matter to which the request relates; or
  - (ii) matter, if he would not be compelled to do so in Swaziland or in the designated country to which the request was made.

(2) The provisions of subsection (1) shall not apply in relation to a person who -

- (a) leaves Swaziland and returns otherwise than pursuant to the same or another request; or
- (b) has had an opportunity of leaving Swaziland but has remained in Swaziland after the expiration of period of 15 days from the date when he was notified by the minister that his presence in Swaziland was no longer required for the purpose of the request.

*Assistance in serving documents*

13. Where for the purposes of any criminal proceedings, it is necessary or desirable to serve a document on a person or authority in a designated country, a request may be transmitted to the appropriate authority in the designated country requesting that the service be so effected.

*Assistance in tracing proceeds of serious offences*

14. Where -

- (a) in Swaziland a person has been convicted of a serious offence or has been or is about to be charged with a serious offence; and
- (b) there are reasonable grounds to believe that proceeds were gained from the commission of the offence by that person and any of those proceeds are in a designated country

a request may be transmitted to the appropriate authority in that country requesting that assistance be given in that country in identifying, locating or assessing the value of such proceeds.

*Assistance in relation to forfeiture and pecuniary penalty orders*

15. Where under the Serious Offences (Confiscation of Proceeds) Act 2001 -

- (a) a forfeiture order or a pecuniary penalty order or a restraining order has been made against any person in respect of a serious offence; and
- (b) there are reasonable grounds to believe that there is in a designated country -
  - (i) property available for the satisfaction of the pecuniary penalty order; or
  - (ii) property to which the forfeiture order relates

a request may be transmitted to the appropriate authority in the designated country requesting that the order be enforced in the designated country in accordance with the terms of the request and subject to the law of that country.

*Assistance in obtaining restraining orders*

16. Where -

- (a) in Swaziland a person has been or is about to be charged with a serious offence; and
- (b) there are reasonable grounds to believe that proceeds were gained from the commission of the offence by the person and any of those proceeds are in a designated country.

a request may be transmitted to the appropriate authority in the designated country requesting that an order similar in nature to a restraining order under the Serious Offences (Confiscation of Proceeds) Act, 2001 be made in that country against that person in respect of the offence.

**PART III: REQUEST BY DESIGNATED COUNTRY**

*Request for assistance generally*

17. (1) All requests by a designated country for assistance under this Part shall be transmitted to the Minister or an authorised officer.

(2) A request shall normally be made in writing except in the case of emergency when it shall be made orally and confirmed in writing forthwith.

(3) A request shall -

- (a) specify the nature of the assistance requested;
- (b) contain information appropriate to the assistance sought as specified in this part;
- (c) state any time-limit within which compliance with the request is desired and reasons therefore;
- (d) contain the following information -
  - (i) the identity of the agency or authority initiating the request;
  - (ii) the identity of the accused person; and
  - (iii) whether or not criminal proceedings have been instituted;
- (e) where criminal proceedings have been instituted, it shall contain the following information-
  - (i) the court exercising jurisdiction in the proceedings;
  - (ii) the identity of the accused person;
  - (iii) the offence of which that person stands accused, and a summary of the facts;

- (iv) the stage reached in the proceedings;
- (v) any date fixed for further stages in the proceedings;
- (f) where criminal proceedings have not been instituted, state the offence which the designated country has reasonable grounds to believe have been committed, with a summary of the known facts; and
- (g) any other information that may assist in giving effect to the request.

*Refusal of request for assistance*

18. (1) The Minister may refuse a request by a designated country for assistance under this Part if in the opinion of the Minister the criminal matter concerns -

- (a) conduct which would not constitute an offence under the law of Swaziland;
- (b) an offence or proceedings of a political character; or
- (c) conduct in relation to which the person accused or suspected of having committed an offence has been acquitted or convicted by a court in the designated country.

(2) Without prejudice to subsection (1), the Minister may refuse to comply in whole or in part with a request under this Part -

- (a) if it appears to the Minister that granting of the request would be contrary to the laws of Swaziland or would prejudice the security, international relations or other essential public interest of Swaziland;
- (b) if the Minister has reasonable grounds to believe that granting the request would facilitate the prosecution or punishment of a person on account of that person's race, religion, nationality or political opinions or would cause prejudice for any of these reasons to any person affected by the request;
- (c) if the Minister is satisfied that the steps required to be taken in order to comply with the request cannot under the laws of Swaziland be taken in respect of the criminal matter to which the request relates if it has arisen in Swaziland.

(3) For the purposes of sub-section (1), an offence shall be of a political character if it is an offence within the scope of any international convention to which both Swaziland and the designated country are parties and which imposes on the parties thereto an obligation either to extradite or prosecute the person accused of the commission of that offence.

*Assistance in locating or identifying persons in Swaziland*

19. (1) A request may be transmitted by a designated country for assistance in identifying or locating any person believed to be in Swaziland who could give evidence for the purposes of, or who is or might be concerned in, or affected by, any criminal proceedings in the designated country.

(2) Any such request shall -

- (a) state the purpose for which the information about that person is requested; and
- (b) contain such information as is available to the designated country as to the whereabouts of that person and such other information as may facilitate the identification of that person in Swaziland.

*Assistance in examination of witnesses in Swaziland*

20. (1) A request may be transmitted by a designated country for assistance in the examination of witnesses in Swaziland for the purposes of any criminal proceedings in the designated country.

(2) Any such request shall specify as appropriate and so far as the circumstances of the case permit -

- (a) the names and addresses or official designations of the witnesses to be examined;
- (b) the questions to be put to the witnesses or the subject matter about which they are to be examined;
- (c) whether the witnesses should be examined orally or in writing;
- (d) whether the witnesses should be examined on oath or solemn affirmation;
- (e) any provisions of the laws of the designated country as to the manner of taking evidence relevant to its admissibility in that country.

(3) Subject to the provisions of the Criminal Procedure and Evidence Act, 1938, the accused person or his legal representative may attend the examination of witnesses and may examine such witnesses.

*Assistance in arranging personal attendance of witnesses in designated country*

21. (1) A request may be transmitted by a designated country for assistance in facilitating the personal attendance of witnesses before a Court in the designated country.

(2) Any such request shall specify -

- (a) the subject matter upon which the witnesses is to be examined;
- (b) the reason for which the personal appearance of the witness is required; and
- (c) details of the travelling, subsistence and other expenses payable by the designated country in respect of the personal appearance of the witness.

(3) The Minister shall refuse to comply with a request made under sub-section (1) if the person concerned does not on reasonable grounds consent to the transfer.

(4) Where a person in custody is being transferred pursuant to a request under subsection (1), the Minister shall notify the designated country of the date when that person shall be released from custody and the date when he should be returned to Swaziland.

(5) The competent authority in the designated country shall keep the person so transferred in custody for as long as his presence as a witness is required and shall return him to Swaziland when his presence is no longer required.

(6) The period during which the person so transferred is kept in custody in the designated country shall be deemed for all purposes to be the period served in custody in Swaziland.

*Assistance in obtaining evidence by other means*

22. When a request for assistance in obtaining evidence in Swaziland by any of the means stated in section 6 for the purposes of any criminal proceedings in a designated country, the request shall specify as appropriate and as far as the circumstances of the case may permit -

- (a) the documents, records or property to be inspected, produced, photographed, copied or transmitted;
- (b) the samples of any property to be taken, examined or transmitted; or
- (c) the site to be viewed or photographed.

*Assistance in production of judicial and official records*

23. (1) Where compliance with a request under this Part involves the transmission to the designated country of any document, record or property, the Minister may -

- (a) postpone the transmission of such document, record or property if it is required in connection with proceedings in a court or commission of inquiry in Swaziland in which case certified copies of the document or record may be provided pending the transmission of the original.
- (b) refuse to effect the transmission of such document, record or property unless the designated country agrees to protect the interests of third parties in the document, record or property.

(2) A document, record or property transmitted to a designated country pursuant to a request under subsection (1) shall be returned to the Minister when it is no longer required in connection with the criminal matter in respect of which the request was made, or unless the Minister has indicated that he does not require the return of such document, record or property.

*Assistance for service of documents in Swaziland*

24. (1) A request for assistance in the service of documents in Swaziland for the purposes of any criminal proceedings in a designated country shall be accompanied by the documents to be served.

(2) The Minister shall use his best endeavours to have the document served in accordance with the request unless such service is contrary to any other law for the time being force.

(3) If the document is served, the Minister shall transmit to the appropriate authority in the designated country a certificate of service of the document or if it has not been served, the reasons which have prevented the service of the document.

*Assistance in tracing the proceeds of serious offences*

25. (1) The appropriate authority in a designated country may request for assistance in identifying, locating and assessing the value of any property believed to have been derived or obtained either directly or indirectly from, or to have been used in, or in connection with the commission of a serious offence and believed to be within Swaziland.

(2) Any such request shall contain information concerning the nature and location of the property and any person in whose possession or control the property is believed to be held in Swaziland.

*Seizure and confiscation of proceeds of serious offence*

26. (1) Where -

- (a) the appropriate authority in a designated country requests the Minister to make arrangements for the enforcement of:
  - (i) a forfeiture order made in respect of a serious offence against property that is believed to be located in Swaziland; or
  - (ii) a pecuniary penalty order made in respect of a serious offence where some or all of the property available to satisfy the order is believed to be located in Swaziland; and
- (b) the Minister is satisfied that:
  - (i) the person has been convicted of the offence; and
  - (ii) conviction and the order are not subject to further appeal in the designated country.

the Minister may authorise the Director of Public Prosecutions in writing to apply for the registration of the order in the High Court.

(2) Where the appropriate authority in a designated country requests the Minister to make arrangements for the enforcement of a restraining order made in that country in respect of a serious offence against property that is believed to be located within Swaziland, the Minister may authorise the Director of Public Prosecutions in writing to apply for the registration of the order in the High Court.

(3) Where the Director of Public Prosecutions has applied for registration in the High Court or a forfeiture order or a pecuniary penalty order under subsection (1) or a restraining order under subsection (2), the High Court shall register the order accordingly.

*Effect of registration of forfeiture order, pecuniary penalty order or restraining order*

27. A forfeiture order, a pecuniary penalty order or a restraining order registered under section 26 shall have effect and may be enforced as if it were a forfeiture order, a pecuniary penalty order or a restraining order made by the High Court under the Serious Offences (Confiscation of Proceeds) Act, 2000.

*Cancellation of forfeiture order, pecuniary penalty order or restraining order*

28. (1) The Minister may authorise the Director of Public Prosecutions in writing to apply to the High Court for the cancellation of an order or amendment thereto registered under section 26 or 27 if the Minister is satisfied that -

- (a) the order of amendment thereto has ceased to have effect in the designated country in which it was made;
- (b) the cancellation of the order or amendment is necessary having regard to the arrangements entered into between Swaziland and the designated country in relation to the enforcement of orders of that kind.

(2) Where the Director of Public Prosecutions has applied for cancellation of the order or amendment thereto under subsection (1) the High Court shall cancel the order or amendment and accordingly such order or amendment shall cease to have effect.

#### **PART IV: MISCELLANEOUS**

##### *Disposal of release to property*

29. The provisions of the Serious Offences (Confiscation of Proceeds) Act, 2001 shall *mutatis mutandis* apply to the disposal or release of any property forfeited or obtained as a result of the enforcement of a pecuniary order made pursuant under this Act.

##### *Confidentiality*

30. Any request as well as any information or material furnished in compliance with any such request under this Act shall be kept confidential and shall not be disclosed to any person for any purpose other than that for which the request was made.

##### *Authentication of documents*

31. Any document or other material transmitted for the purpose of or in response to, a request under this Act shall be deemed to be duly authenticated if it purports to be-

- (a) signed or certified by a Judge, Magistrate or proper officer of the designated country; or
- (b) authenticated by the oath of witness or any officer of the Government of the designated country or of a Minister of State, or of a Department or Officer of the Government of the designated country.

##### *Limitation of use of information*

32. Unless with the consent of the Minister, no information obtained in response to a request for assistance under this Act shall be used in connection with any matter other than the criminal matter in respect of which the request was made.

##### *Regulations*

33. The Minister may make such Regulations as are necessary for carrying out or giving effect to the provisions of this Act.

##### *Rules of Court*

34. Notwithstanding section 35, the Chief Justice may by Legal Notice published in the Gazette, make rules of Court regulating the procedure for the registration of forfeiture, restraining or pecuniary penalty orders issued in a designated Country.

##### *Act not applicable to extradition*

35. Nothing in this Act shall be construed as authorising the extradition or the arrest or detention of a person with a view to extraditing that person.

##### *Application of existing legislation*

36. Except in so far as provisions are expressly made in this Act, to the contrary, the provisions of the Criminal Procedure and Evidence Act, 1938 shall apply to give effect to the provisions of this Act.

SERIOUS OFFENCES (CONFISCATION OF PROCEEDS) ACT, 2001

(Act No. 8 of 2001)



I ASSENT

MSWATI III  
King of Swaziland

21<sup>ST</sup> AUGUST 2001

---

An Act  
entitled

An Act to provide for the confiscation of proceeds of serious offences and to provide for matters connected therewith.

ENACTED by the King and the Parliament of Swaziland.

**ARRANGEMENT OF SECTIONS**

1. Short title and commencement
2. Interpretation
3. Application for forfeiture or pecuniary penalty order
4. Forfeiture orders
5. Effect of forfeiture order
6. Effect of forfeiture order on third parties
7. Discharge of forfeiture order
8. Effect of discharge of forfeiture order
9. Pecuniary penalty order
10. Discharge of pecuniary penalty order
11. Restraining orders
12. Court may make further orders
13. Contravening of restraining orders
14. Court may revoke restraining orders
15. When restraining order ceases to have effect
16. Search warrant
17. Search and seizure without warrant
18. Seizure of property under search warrant
19. Responsibility for seized property
20. Obstruction of person executing search
21. Return of seized property
22. Production of documents
23. Variation of production order
24. Appeals
25. Amendment of schedule
26. Regulations
27. Operation of other law not affected

*Short title and commencement*

1. This Act may be cited as the Serious Offences (Confiscation of Proceeds) Act, 2001 and shall come into force on such date as the Minister may by Notice in the Gazette, appoint.

**PART I**

*Interpretation*

2. In this Act, unless the context otherwise requires -

“Banker’s books” means any ledger, ledger card, statement of account, day book, cash book, account book or other book or document used in ordinary business of banking and it also means any cheque, voucher, record card, report, letter or other document whatsoever or a copy of any thing referred to in the foregoing which is used in the ordinary business of banking or the activities of a Building Society, Co-operative Society or other similar institution;

“Court” means the High Court or a magistrate’s court, as the case may be;

“document” includes any register, book, record, tape recording, any form of computer input or output and any other material (whether produced mechanically, electrically or manually or by any other means whatsoever) and also a banker’s books;

“Minister” means the Minister for Justice;

“premises” includes vessel, aircraft, vehicle and any place whether built upon or not;

“police officer” means a member of the Royal Swaziland Police Force;

“property” means real or personal property of every description wherever situated, whether tangible or intangible and it also means any interest in any such real or personal property;

“proceeds of serious offence” means any property used in or in connection with the commission of a serious offence or any property that is derived or realized directly or indirectly by any person from the commission of any offence or from any act or omission which had it occurred in Swaziland would have constituted a serious offence;

“serious offence” means any offence specified in the Schedule to this Act.

**PART II: FORFEITURE AND PECUNIARY PENALTY ORDERS**

*Application for forfeiture or pecuniary penalty order*

3. (1) When a person has been convicted of a serious offence, the Director of Public Prosecutions may, subject to subsection (2), apply to the court convicting that person not later than 6 months after that person’s conviction for either or both of the following orders:

- (a) a forfeiture order in respect of particular property;
- (b) a pecuniary penalty.

(2) The Director of Public Prosecutions shall not, except with leave of the court, make an application under subsection (1)-

- (a) if any application has previously been made under that subsection or any other law; and

- (b) the application has been finally determined.

*Forfeiture orders*

4. (1) When an application is made to a court under section 3 the court may, if it considers it appropriate, order that the property be forfeited to the government if it is satisfied that the property was the proceeds of a serious offence.

(2) In considering whether to make an order under subsection (1) in respect of a particular property, the court may have regard to -

- (a) the use that is ordinarily made or had been intended to be made of the property;
- (b) any hardship that may reasonably be likely to be caused to any person by the order; and
- (c) the gravity of the offence committed.

(3) The Director of Public Prosecutions in applying for an order under subsection (1) shall give notice of application in the manner prescribed by the appropriate rules of court -

- (a) to the person in respect of whose conviction the application is made; and
- (b) to any other person whom the applicant has reason to believe has an interest in the property.

(4) The court may, at any time before the final determination of the application, direct the applicant to give or publish notice of the application to such other persons, in such manner and within such time as the court thinks fit.

(5) The court may, at anytime before the final determination of the final application and whether or not the period for making the application has expired, amend the notice of application as it thinks fit, either at the request of the applicant or with the approval of the applicant.

(6) The person in respect of whose conviction the application is made and any other person who claims an interest in the property are entitled to appear and to give evidence at the hearing of the application.

*Effect of forfeiture order*

5. (1) Subject to subsection (2), when the court makes an order in respect of a particular property then immediately on the making of the order the property shall vest absolutely in the Government.

(2) Where immovable property or other property whose ownership passes on by virtue of registration is forfeited to the Government, the Government shall be entitled to be registered as the owner of the property, and the Minister shall do or authorise to be done all that is necessary to effect the registration of the Government as the owner, including the execution of any instrument required to be executed by a person transferring an interest in the property of that kind.

(3) The Court may give all directions that may be necessary to give effect to a forfeiture order made by it.

(4) Except with leave of the court which made the forfeiture order, property vested in the Crown shall not be disposed of or otherwise dealt with by the crown or by any other person authorised by the Crown before the expiration of the appeal period.

(5) If at the expiration of the appeal period the forfeiture order has not been discharged, the property may be disposed of or otherwise dealt with in accordance with any direction of the Minister or the person authorised by the Minister for the purposes of this subsection.

(6) For the purposes of subsection (4) and (5), the appeal period expires when an appeal may no longer be lodged against either the forfeiture order or the conviction in respect of which the order was made or if such appeal has been lodged, when the appeal has lapsed or had been finally determined.

*Effect of forfeiture order on third parties*

6. (1) Any person who claims an interest in any property in respect of which the forfeiture order has been made by a court may, subject to subsection (2), apply to the court for an order under subsection (4).

(2) An application under subsection (1) shall be made within 6 months after the making of the forfeiture order, and notice thereof shall be served on the Director of Public Prosecutions.

(3) Notwithstanding subsection (2), the court may permit a person to apply under subsection (1) after the expiration of the 6 months if it is satisfied that the failure to apply within that period was not due to any delay on the part of that person.

(4) If on an application under subsection (1), the court is satisfied -

- (a) that the applicant was not in any way involved in the commission of the serious offence in respect of which the forfeiture order was made;
- (b) that the applicant acquired the interest in the property in good faith and for value; and
- (c) that the applicant acquired the interest in the property without knowing or in circumstances such as not to arouse a reasonable suspicion that the property -
  - (i) was used in, or in connection with, the commission of a serious offence; or
  - (ii) was derived or realised directly or indirectly by any person as a result of the commission of a serious offence

the court shall make an order declaring the nature, extent and value (as at the time of making the order) of the applicant's interest in the property and for the transfer of the property to the applicant or for the payment to the applicant of the declared value of the applicant's interest in the property.

(5) If the applicant had been given notice under section 4 (3) of the application for the forfeiture order or had attended the hearing of the application for the forfeiture order, the court shall not make an order under subsection (4) unless it is satisfied that making of the order is justified on these special grounds:

- (a) there is good reason why the applicant did not attend the hearing of the application for the forfeiture order;
- (b) that the evidence now being given by the applicant was not available to the applicant at the time of the hearing of the application for the forfeiture order.

(6) No transfer duty or stamp duty shall be paid under the Transfer Duty Act, 1902 or the Stamp Duties Act, 1970 in respect of the transfer of any property under this section.

*Discharge of forfeiture order*

7. A forfeiture order may be discharged if -

- (a) the conviction in respect of which the order was made is subsequently quashed; or
- (b) it is discharged by the court which hears an appeal against the order under section 24.

*Effect of discharge of forfeiture order*

8. (1) If the forfeiture order is discharged in the manner, referred to in section 7, the person who claims to be the person in whom the property was vested immediately before the making of the forfeiture order may -

- (a) if the property is still vested in the crown by virtue of that forfeiture order, by application in writing to the Minister, request the return of the property; or
- (b) if the property is no longer vested in the Crown, apply to the court which made the forfeiture order for an order declaring the value (as at the time of making the order under this paragraph) of the property.

(2) The Minister shall, upon receipt of an application under subsection (1) (a), arrange for the property to be transferred to the applicant and for this purpose, the Minister may do or authorise to be done of all that is necessary to give effect to the transfer.

(3) Upon the court making an order following an application made under subsection (1)(b) declaring the value (as at the time of making the order) of the property, the applicant for the order may by application in writing to the Minister request the payment of the amount declared by the order.

(4) The Minister shall, upon receipt of an application under subsection (3), direct the person in whom the property is vested to pay to the applicant the amount declared in the order by the court.

(5) No transfer duty or stamp duty shall be paid under the Transfer Duty Act, 1902 or the Stamp Duties Act, 1970 in respect of the transfer of any property under this section.

*Pecuniary penalty order*

9. (1) If an application is made to the court under section 3 (1) (b) for a pecuniary penalty order in respect of the benefits derived by the person in respect of whose conviction the application is made, the court may -

- (a) assess the value of those benefits;
- (b) order the person to pay to the Government a pecuniary penalty equal to the value of such benefits as assessed under paragraph (a) less -
  - (i) the value (as at the time of making the order under this subsection) of any property in respect of which a forfeiture order has been made in relation to the same conviction; and
  - (ii) any amount payable by way of restitution or compensation in relation to the same conviction if the court thinks it desirable to take such assessed benefits into account.

(2) The amount payable by a person to the Government under a pecuniary penalty order shall for all purposes be taken to be a civil debt owed by that person to the Government.

(3) A pecuniary penalty order made by a court may be enforced as if it were an order made by the court in civil proceedings instituted by the Government against the person concerned to cover a debt owed by that person to the Government.

*Discharge of pecuniary penalty order*

10. A pecuniary penalty order may be discharged if -

- (a) the conviction in respect of which the order was made is subsequently quashed; or
- (b) it is discharged by the court which hears an appeal against the order under section 24.

**PART III: RESTRAINING ORDERS**

*Restraining orders*

11. (1) If a person has been, or is about to be charged with a serious offence, the Director of Public Prosecutions may apply to the court for a restraining order under this section in respect of -

- (a) specified property of that person;
- (b) all the property of that person, including property acquired by that person after the making of the order; or
- (c) specified property of any other person which was used in, or in connection with, the commission of the offence or was derived or realised, directly or indirectly, by that other person, as a result of the commission of the offence.

(2) An application under subsection (1) shall be supported by an affidavit stating the following matters and the grounds therefor -

- (a) that the person charged or about to be charged with the serious offence, committed the offence; and
- (b) in the case of an application in respect of specified property -
  - (i) that a forfeiture order may be made in respect of the property, if the person is convicted of the offence;
  - (ii) that the property is the property of the person charged or about to be charged, and that a pecuniary penalty may be made if the person is convicted of the offence; and
- (c) in the case of an application in respect of all the property of the person, that a pecuniary penalty order may be made if the person is convicted of the offence; and
- (d) that there is a risk that before a forfeiture order or pecuniary penalty order is made, the person concerned would, unless restrained from doing so, be likely to be disposed of, or otherwise dealt with, the property to such an extent as to prevent the forfeiture or pecuniary penalty order being effected or complied with.

(3) An applicant for an order under this section shall give notice of the application in the manner prescribed by the appropriate rules of court -

- (a) to any person whose property is the subject of the application; and
- (b) to any other person whom the applicant has reason to believe has an interest in any property that is the subject of the application.

(4) The court may grant a restraining order notwithstanding that no notice of the application has been given under sub-section (3) if the court is satisfied that -

- (a) circumstances of urgency require the granting of the order; or
- (b) it is not in the public interest to give notice of the application.

(5) The court may, at any time before the final determination of the application, direct the applicant to give or publish notice of the application to such other persons, in such manner and within such time as the court thinks fit.

(6) Any person whose property is the subject of the application and any other person who claims an interest in any such property is entitled to appear and to give evidence at the hearing of the application.

(7) On an application under subsection (9), the court may, if it considers that having regard to the matter contained in the affidavit, there are reasonable grounds in support of the application-

- (a) direct that the property specified in the order is not to be disposed of or otherwise dealt with by any person, except in such manner and in such circumstances (if any) as specified in the order; or
- (b) direct a trustee to take control and custody of the property.

(8) If an application is made in anticipation of a charge being laid against the person of the offence in respect of which the application is made, the court shall not issue the restraining order unless it is satisfied that the person will be charged with the offence within 7 days.

(9) A restraining order may provide for meeting the reasonable living and business expenses of the person to whose property the order relates and reasonable costs and expenses of the person defending a criminal charge against that person.

*Court may make further orders*

12. When a court grants a restraining order, it may at the time it makes the order or at any later time, make any ancillary order which it considers just, including -

- (a) an order varying the property to which the restraining orders relates;
- (b) an order varying any condition of the restraining order;
- (c) an order for the examination before a court on oath of the person (in the section referred as the respondent) whose property is the subject of the application;
- (d) where the property is in the custody or under the control of a trustee -
  - (i) an order directing the manner in which the trustee may exercise his powers or perform his duties in relation to the property;

- (ii) an order determining any question relating to the property, including any question relating to the liabilities of the respondent; or
- (iii) any order directing the respondent to furnish the trustee within a specific period with a statement setting out such particulars of the property as the court may think fit.

(2) Any person who has an interest in the property which is the subject of a restraining order may apply to the court for variation of the order to exclude that person's interest from the order and the court shall grant the application if it is satisfied that -

- (a) the application was not in any way involved with the commission of the offence; and
- (b) the interest in the property was acquired in good faith or for sufficient value without knowledge and in circumstances such as not to arouse a reasonable suspicion that the property was derived or realised, directly or indirectly by any person as the result of the commission of a serious offence.

(3) A person who has been convicted of or has been charged or is to be charged with a serious offence and whose property is subject to a restraining order may apply to the court for the exclusion of the property from the order, and the court shall grant the application if it is satisfied that-

- (a) the property was not used in or in connection with the commission of the offence; and
- (b) the property or the interest in the property was lawfully acquired.

(4) If a person is examined before a court by virtue of an order under sub-section (1)(c), that person shall not be excused from answering any question on the ground that the answer might tend to incriminate him or make him liable to a penalty.

(5) A statement or disclosure made by a person in answer to a question put in the course of an examination referred to in sub-section (1)(c) shall be admissible against that person in -

- (a) any civil proceeding;
- (b) a proceeding for giving false testimony in the course of the examination;
- (c) a proceeding for the making of a forfeiture order, for the purpose only of facilitating the identification of the property which is subject to the forfeiture order; or
- (d) a proceeding for the making of a pecuniary penalty order, for the purpose only of assessing the value of the benefits derived by the person as a result of the commission of the offence

but shall not otherwise be admissible in evidence against that person.

(6) A person ordered under subsection (1)(b) to attend an examination before a court who -

- (a) without reasonable excuse fails to attend as required by the order;
- (b) without reasonable excuse refuses or fails to take an oath or make an affirmation for the purpose of the examination;
- (c) refuses or fails to answer a question that the person is directed by the court to answer;  
or

- (d) knowingly makes a statement in the course of the examination that is false or misleading in a material particular.

shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand Emalangeni or imprisonment not exceeding two years or both.

*Contravening of restraining orders*

13. (1) Any person who disposes of or otherwise deals with property which is the subject of a restraining order shall be guilty of an offence and liable-

- (a) in the case of an individual, to a fine not exceeding ten thousand Emalangeni or the value of the property whichever is the greater, or to imprisonment not exceeding five years or both;

- (b) in the case of a body corporate, to a fine not exceeding fifty thousand Emalangeni or three times the value of the property, whichever is the greater.

(2) Any authorised dealing with any property which is the subject of a restraining order may be set aside by the court at the instance of the Director of Public Prosecutions.

*Court may renounce restraining orders*

14. (1) The court may, on application by the person against whom a restraining order has been granted under section 11, revoke the order if that person gives security to the satisfaction of the court for the payment of any pecuniary penalty that the court may impose or gives an undertaking satisfactory to the court concerning that person's property.

(2) Notice of the application under subsection (1) shall be given in the manner prescribed by the appropriate rule of court to the Director of Public Prosecutions and, where the property is in the custody or under the control of a trustee, to the trustee, both of whom are entitled to appear and give evidence at the hearing of the application.

*When restraining order ceases to have effect*

15. (1) A restraining order shall cease to have effect if the charge against the person in respect of whom the order is made is withdrawn or if the person is acquitted of the charge.

(2) If the court makes a forfeiture order or pecuniary penalty order, the restraining order shall cease to have effect if that order is satisfied or otherwise discharged.

**PART IV: POWERS OF SEARCH AND SEIZURE**

*Search warrant*

16. (1) A police officer may apply to a magistrate's court for a search warrant to be issued under this Part in respect of any premises if the officer has reasonable grounds to suspect that there is in or on the premises property that -

- (i) was used in or in connection with the commission of a serious offence; or  
(ii) was derived or realised, directly or indirectly, by any person as a result of the commission of a serious offence.

(2) The Court may, if satisfied that there are reasonable grounds for believing that there is in or on the premises property that -

- (a) was used in or in connection with the commission of a serious offence; or
- (b) was derived or realised, directly or indirectly, by any person as a result of the commission of the serious offence

issue a search warrant authorising the police officer to enter and search the premises for property of the kind referred to in the warrant and to search any person found in or on the premises, and to seize such property.

(3) There shall be stated in the warrant -

- (a) the purpose for which the warrant is issued;
- (b) the nature of the serious offence in respect to which the warrant is issued; and
- (c) a description of the kind of property authorised to be seized.

(4) A warrant issued under subsection (2) shall be in the form prescribed under the Criminal Procedure and Evidence Act, 1938.

*Search and seizure without warrant*

17. Where by reason of circumstances of urgency a police officer after having obtained the approval of the Commissioner may without warrant -

- (a) enter any premises and search for any proceeds of a serious offence;
- (b) search any person in or on the premises for the proceeds of a serious offence

and seize such proceeds if the officer believes on reasonable grounds that it is necessary to do so in order to prevent the disposal, concealment, loss or destruction of the proceeds of the offence.

*Seizure of property under search warrant*

18. (1) A police officer executing a search warrant may seize property of the kind described in the warrant.

(2) A police officer executing a search warrant may also seize property which is not of the kind described in the warrant if -

- (a) the officer believes on reasonable grounds that the property is of a kind which would have been included in a search warrant issued under this Part;
- (b) the officer believes on reasonable grounds that it is necessary to seize that property in order to prevent its disposal, concealment, loss or destruction or its use in the commission or continuing commission of a serious offence.

*Responsibility for seized property*

19. (1) When property is seized under this Part, the Commissioner of Police shall arrange for the property to be kept by making an inventory of all the properties seized and shall ensure that all reasonable steps are taken to preserve it while it is so kept until it is required for the purposes of this Act or disposed of under this Act.

(2) A person whose property has been seized shall be served with a copy of the inventory which copy shall be signed by the police officer effecting the seizure and the person whose property has been seized.

*Obstruction of person executing search warrant*

20. Any person who without reasonable excuse obstructs or hinders any person executing a search warrant under this Part commits an offence and is liable on conviction to a fine not exceeding one thousand Emalangenzi or to imprisonment not exceeding twelve months or both.

*Return of seized property*

21. (1) If the property has been seized under a warrant and -

- (a) it appears that the property was seized otherwise than because it may afford evidence of the commission of a serious offence;
- (b) at the expiration of seven days after the property was seized, no person has been charged with the serious offence in respect of the commission of which the warrant was issued, and an application for forfeiture has not been made in respect of the property; or
- (c) a person has been charged with and convicted of such serious offence but at the expiration of the period of six months after the date of conviction or the expiration of a forfeiture, an order has not been made in respect of the property; or
- (d) a person has been charged of such offence and has been discharged or acquitted.

the Commissioner of Police shall arrange for the property to be returned to the person from whose possession it was seized.

(2) If property has been seized under a search warrant and an application has been made under this Act to a court for a forfeiture order in respect of the property the court has refused to make the forfeiture order, it shall make an order directing that the property be returned to the person from whose possession it was seized.

*Production of documents*

22. (1) Where a person has been convicted of or is reasonably suspected of having committed a serious offence and a police officer has reasonable grounds to suspect that any person has possession, control or custody of any document relating to property in respect of which the offence is committed or is suspected to have been committed he may apply to the court for an order directing that person to produce to the Commissioner any document described in the order and which is in that person's possession, control or custody.

(2) An application under subsection (1) shall be supported by an affidavit stating the grounds for the suspicion.

(3) Where a document is produced to the Commissioner of Police, a police officer may -

- (a) inspect the document;
- (b) take extracts from the document;
- (c) make copies of the document; or

(d) retain the document if the retention of the document is reasonably necessary for purposes of this Act.

(4) A person shall not be excused from producing a document on the ground that the production of the document -

(a) might tend to incriminate or render him liable to a penalty; or

(b) would be in breach of any obligation or privilege not to disclose the existence or contents of the document.

(5) The production of a document under this section or any other information, document or thing obtained as a direct consequence of the production of that document, shall not be admissible against any person other than the person against whom charges have been or are to be laid in any criminal proceedings which are not proceedings relating to -

(a) a contravention of the order of the court; or

(b) the production of a document known to the person to be false or misleading in a material particular.

#### *Variation of production order*

23. If a court makes an order requiring a person to produce to the Commissioner of Police, that a person may apply to the court for a variation of the order and if the court is satisfied that the document it is essential to the business of that person, it may vary the order so as to require that person to make the document available to the Commissioner of Police for inspection only.

### **PART V: MISCELLANEOUS**

#### *Appeals*

24. (1) Without prejudice to any other right of appeal, a person who has an interest in property in respect of which a forfeiture order is made may appeal against that order in the same manner as if the order were part of the sentence imposed on the person convicted of the serious offence in relation to which the order was made.

(2) Without prejudice to any other right of appeal, a person against whom a pecuniary penalty order is made may appeal against the order in the same manner as if it were, or were part of, the sentence imposed in respect of the offence in relation to which the order was made.

(3) On appeal, a forfeiture order or a pecuniary penalty order may be confirmed, discharged or varied.

(4) The Director of Public Prosecutions may appeal against a forfeiture order or a pecuniary order against the refusal of a court to make such order in the same manner as if the order were, or were part of, the sentence imposed in respect of the offence.

#### *Amendment of Schedule*

25. The Minister may by Notice in the Gazette amend the Schedule to this Act.

*Regulations*

26. The Minister may make regulations in respect of any matter necessary to be prescribed to give effect to this Act.

*Operation of other law not affected*

27. Nothing in this Act shall limit the operation of any other law.

---

**SCHEDULE**  
**SERIOUS OFFENCES**

1. Murder;
2. Culpable homicide;
3. Robbery or Extortion;
4. Arson;
5. Breaking and entering any premises with intent to commit an offence either at common law or in contravention of any statute;
6. Theft either at common law or under statute;
7. Receiving stolen property knowing such goods or property to have been stolen;
8. Fraud;  
    Forgery or uttering of forged document knowing it to be forged;
9. Offences against the statute dealing with theft and kindred offences by public officers;
10. Offences against the law for the prevention of illicit dealing in or possession of precious metal or stones;
11. Offences against the law relating to the possession, conveyance or supply of dangerous or poisonous drugs or habit forming drugs;
12. Offences relating to coinage;
13. Illicit dealing in arms and ammunition;
14. Offences against the law relating to the prevention of corruption;
15. Any conspiracy, incitement or attempt to commit any of the above offences.

LEGAL NOTICE NO. 140 OF 2001

THE CROWN LANDS DISPOSAL ACT, 1911  
(Act No. 13 of 1911)

DECLARATION OF MATHENDELE TOWNSHIP (EXTENSION NO. 7)  
REGULATIONS, 2001  
(Under Section 12)

In exercise of the powers conferred by Section 12 of the Crown Lands Disposal Act, 1911, the Minister for Housing and Urban Development hereby makes the following regulations.

## PART I - PRELIMINARY

### *Citation and Commencement*

1) These regulations may be cited as the Mathendele Township (Extension No. 7) and shall come into force on the date of publication in the gazette.

### *Interpretation*

2) In these regulations, unless the context otherwise requires -

“lot” means a lot in the Township;

“the Minister” means the Minister responsible for Housing and Urban Development;

“the Township” means the Mathendele Township Extension No. 7, established by regulation 3.

## PART II: ESTABLISHMENT OF TOWNSHIP

### *Establishment of Township and alteration of the General plan.*

3) The following land is hereby proclaimed and established as a Township:-

- CERTAIN** : Farm No. 1308 (Formerly Portion 27 of Crown Land Lot No. 199) situate in the Shiselweni District, Swaziland.
- MEASURING** : 17,174 (one seven comma one seven four) Hectares.
- HELD** : (a) By the Crown under Certificate of Registered Title No. 25/2001 dated the 9<sup>th</sup> February, 2001, comprising of 38 (thirty eight) Lots Numbered 654 - 691 and road and lanes as will more fully appear from General Plan S.G No. S.18/1996 approved by the Surveyor-General on the 30<sup>th</sup> September, 1996.
- (b) The Surveyor-General shall after the General Plan so as to indicate the name and Lot Numbers assigned by these Regulations of the Township and endorse the General Plan S.G. No. S.18/1996 accordingly.

*Endorsement of Title Deeds and opening of Register.*

- 4) The Registrar of Deeds shall:-
- (a) Make necessary endorsement on the relevant title deeds, and
  - (b) Open the necessary register in connection with the Township.

*Conditions of Sale*

- 5) The Conditions of Sale of lots in the Township shall be those contained in a Government Grant.

*Use of Lots*

- 6) The lots in the Township shall be used only for residential purposes or for such other purposes as the Local Authority may approve.

*Dwelling houses*

- 7) Not more than one dwelling house with the necessary out-building shall be erected on each lot.

*Subdivision*

- 8) No lot shall be subdivided without the express written permission of the Minister.

ALBERT H. N. SHABANGU  
*Minister for Housing and Urban Development*

Mbabane