



SWAZILAND

GOVERNMENT GAZETTE

VOL. XLV]

MBABANE, Friday, DECEMBER 7th 2007

[No. 125

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PUBLISHED BY AUTHORITY

GENERAL NOTICE NO. 72 OF 2007

HIGH COURT AND SUPREME COURT CALENDAR
FOR THE YEAR 2008

THE HIGH COURT ACT, 1954
(Under Section 7)

It is notified for general information that in accordance with section 7 of the high Court Act of 1954 and rule 3 of the High Court (Amended Rules, 1990, His Lordship The Honourable Chief Justice has determined the following dates to be the commencement and termination of the Sessions of the High Court of Swaziland for the year 2008.

1st Session: 21st January 2008 - 2nd May, 2008
2nd Session: 26th May 2008 - 22nd August, 2008
3rd Session: 8th September, 2008 - 12th December, 2008

Be pleased to take notice that dates for the first Session of the Supreme Court have been determined by the Honourable Chief Justice as the 7th May, 2008 to 23rd May, 2008. Legal practitioners are notified accordingly.

LORRAINE L. HLOPHE
REGISTRAR OF THE HIGH COURT

1041

NOTICE

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

The reason I want to assume the surname **Sackey** is because it is my natural surname.

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

P. O. Box 884
Mbabane

I2273 4x07-12-2007

NOTICE

Notice is hereby given that **I, Nonhlanhla Precious Lukhele of Hhohho Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Magagula** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and 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 **Magagula** is because it is my natural surname.

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

P. O. Box 372
Lobamba

I2235 4x07-12-2007

NOTICE

**ESTATE LATE: NTFOMBI MHLANGA NEE DLAMINI
ESTATE NO. EH227/2007**

Debtors and Creditors in the above mentioned 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.

MKHUMBI DLAMINI
P. O. Box 336
Mbabane

I2292 07-12-2007

1042

NOTICE

Notice is hereby given that I, **Macondza Paul Dlamini** of **Hhohho Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Msibi** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and 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 **Msibi** is because it is my natural surname.

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

P. O. Box 511
Mbabane

12182 4x14-12-2007

NOTICE

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

The reason I want to assume the surname **Barbosa** is because it is my natural surname.

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

P. O. Box 2138
Matsapha

12208 4x14-12-2007

NOTICE

ESTATE LATE: FOKISI MLASHIYA DLAMINI ESTATE NO. EH205/2007

Debtors and Creditors in the above mentioned 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.

SIBONGILE PINKY SHOBA
P. O. Box 4996
Mbabane

12293 07-12-2007

1043

NOTICE

Notice is hereby given that **I, Njabuliso Muzie Dlamini of Hhohho Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Zikalala** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and 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 **Zikalala** is because it is my natural surname.

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

P. O. Box 41
Piggs Peak

I2241 4x21-12-2007

NOTICE

Notice is hereby given that **I, Samson Mbongwa LaNgwenya of Manzini Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Msane** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and The Swazi Observer being the newspapers circulating in the region where I reside and designated for this purpose by the Regional Secretary for the **Manzini Region** and in the Government Gazette.

The reason I want to assume the surname **Msane** is because it is my natural surname.

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

P. O. Box 415
Bhunya

I2181 4x21-12-2007

NOTICE

ESTATE LATE: MUSA MCINISELI KHUMALO ESTATE NO. EM10/2005

Debtors and Creditors in the above mentioned 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.

JABULANI KHUMALO
P. O. Box 1506
Manzini

I2294 07-12-2007

1044

NOTICE

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 318/1968 made in favour of **MABILI (PROPRIETARY) LIMITED** in respect of:-

CERTAIN : Portion 165 of Farm No. 2 situate in the Hhohho District, Swaziland;

MEASURING : 1982 (One Nine Eight Two) square metres;

ANY person having objection to issue such copy is hereby requested to lodge in writing with the Registrar of Deeds within two (2) weeks of last publication of this Notice.

C. J. LITTLE & CO.
Applicant's Attorneys
Ground Floor, Embassy House
Dzeliwe Street
Mbabane

12224 2x07-12-2007

NOTICE

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 239/1987 dated the 15th April 1987 in favour of **ELEANOR MTHEMBU** (born Nkambule in the year 1923) Widow, **BHEKANI JABULANI MTHEMBU** (born on the 6th September 1948), **MAKHOSAZANA NOREEN GUMEDZE** (born Mthembu on the 20th December 1951) married to gershon Gumedze according to Swazi Law and Custom, **NOKUTHULA ENGELINAH DLUDLU** (born Mthembu on the 16th March) married to george Madoda Dlodlu according to Swazi Law and Custom and **NOKUTHULA THABITA DLAMINI** (born Mthembu on the 18th March 1957) married to kenneth Dlamini according to Swazi Law and Custom in respect of:

CERTAIN : Ert No. 53 situate in the Township of Hlathikhulu, Shiselweni District, Swaziland;

MEASURING : 2855 (Two Eight Five Five) square metres;

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

DATED AT MBABANE THIS 27TH DAY OF NOVEMBER, 2007.

ROBINSON BERTRAM
Applicant's Attorneys
P. O. Box 24
Mbabane

12285 2x07-12-2007

1045

NOTICE

ESTATE LATE: MOSES SIPHO MAYISELA ESTATE NO. ES204/2007

Debtors and Creditors in the above mentioned 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.

NOMSA ZOBUYA ZELDA MAYISELA
P. O. Box 48
Mahamba

12295 07-12-2007

NOTICE

ESTATE LATE: NTINGI ANGELINE DLAMINI ESTATE NO. EH248/2004

Debtors and Creditors in the above mentioned 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.

VICTOR DLAMINI
P. O. Box A737
Swazi Plaza

12299 07-12-2007

NOTICE

ESTATE LATE: GUGU VIRGINIA SHONGWE ESTATE NO. EL36/2007

Debtors and Creditors in the above mentioned 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.

CATHERINE MAY ZWANE
P. O. Box 2829
Mbabane

12300 07-12-2007

NOTICE

ESTATE LATE: MSHANGANE MYENGWA MLANGENI ESTATE NO. ES56/2007

Debtors and Creditors in the above mentioned 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.

ELIZABETH LOZIPHO MLANGENI
P. O. Box 38
Hlathikhulu

12302 07-12-2007

1046

NOTICE

ESTATE LATE: DAVID BOY BUTHELEZI ESTATE NO. EL108/2007

Debtors and Creditors in the above mentioned 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.

ZAKHELE ISRAEL BUTHELEZI
P. O. Box 53
Nsoko

12303 07-12-2007

NOTICE

ESTATE LATE: SIZWE NIMROD NCONGWANE ESTATE NO. EH202/2007

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

DUMSILE C. VILAKATI
P. O. Box 1364
Matsapha

12290 07-12-2007

NOTICE

ESTATE LATE: NELSON P. LUSHABA ESTATE NO. ES129/2007

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

KHETSIWE C. LUSHABA
P. O. Box 150
Hluthi

12291 07-12-2007

1047

NOTICE

ESTATE LATE: FUTHENI MONGI GININDZA ESTATE NO. EM166/2007

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

SAKHILE HAPPINESS MNCINA
P. O. Box 11
Hlathikhulu

12296 07-12-2007

NOTICE

ESTATE LATE: ABRAHAM MENGAMELI KUNENE ESTATE NO. ES44/96

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

SARAH KUNENE
P. O. Box 7
Gege

12298 07-12-2007

NOTICE

ESTATE LATE: NCOMEKILE NOBUHLE MNCINA ESTATE NO. ES155/2007

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

THANDIWE NOMSA ZIKALALA
P. O. Box 6104
Mbabane

12301 07-12-2007

1048

NOTICE

ESTATE LATE: WALTER BOY FAKUDZE ESTATE NO. EL213/2004

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

VELAPHI FAKUDZE
P. O. Box 225
Big Bend

12304 07-12-2007

NOTICE

ESTATE LATE: GILBERT KAYONI ESTATE NO. EP82/2005

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

EDWARD KAYONI
P. O. Box 285
Piggs Peak

12305 07-12-2007

NOTICE

Notice is hereby given that I, **Abel Mciniseli Ndwandwa** of **Lubombo Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Mbingo** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and The Swazi Observer being the newspapers circulating in the region where I reside and designated for this purpose by the Regional Secretary for the **Lubombo Region** and in the Government Gazette.

The reason I want to assume the surname **Mbingo** is because it is my natural surname.

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

A. M. MBINGO
P. O. Box 32
Siteki

12297 4x28-12-2007

1049

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 3672/07

In the matter between:

SWAZILAND DEVELOPMENT FINANCE CORPORATION
(FINCORP)

Plaintiff

and

PRINCE MMELELI FAMILY TRUST (NO. 20/2000)
PRINCE MMELELI DLAMINI N. O.

1st Defendant
2nd 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, outside the New High Court Building, Hospital Hill, Mbabane at **11:30a.m. on Friday the 7th of December 2007.**

CERTAIN : Portion 31 (a portion of Portion 10) of Farm No. 1214, situate in the District of Hhohho, Swaziland;

MEASURING : 18,3431 (One Eight Comma Three Four Three One) Hectares;

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 Regional Administrator, Hhohho.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE THIS DAY OF 2007.

**REGISTRAR OF THE HIGH COURT
MBABANE**

12288 07-12-2007

NOTICE

**ESTATE LATE: AARON ZONDWALIZWE NDLANGAMANDLA
ESTATE NO. EM223/2005**

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

ROBINSON BERTRAM
Attorneys for Executor
Ingcongwane Building
Gwamile Street
P. O. Box 24
Mbabane

12287 07-12-2007

1050

NOTICE

Notice is hereby given that we intend applying for the cancellation of an entry in the Deeds Office register relating to: Mortgage Bond No. 181/1981 dated the 6th May, 1981 for an amount of E8 000.00 (Eight Thousand Emalangeni) passed by **ICO ENGINEERING (PROPRIETARY) LIMITED** in favour of **STANDARD BANK SWAZILAND LIMITED**.

Any person having an objection to the cancellation of such entries in the Deeds Office Register is hereby requested to lodge such objection in writing with the Registrar of Deeds within three (3) weeks of the last publication of this notice.

DATED AT MBABANE ON THIS 30TH DAY OF NOVEMBER, 2007.

ROBINSON BERTRAM
Attorneys for Applicant
Ingcongwane Building
Gwamile Street
P. O. Box 24
Mbabane

12289 2x14-2007

NOTICE

ESTATE LATE: MGANGA MAKHOSINI MASILELA ESTATE NO. EP91/2007

Debtors and Creditors in the above mentioned 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.

JABULILE DELISILE MASILELA
P. O. Box A31
Buhleni

12307 07-12-2007

NOTICE

ESTATE LATE: PHASI ISABEL DLAMINI ESTATE NO. EP88/2007

Debtors and Creditors in the above mentioned 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.

JUSTICE THEMBA DLAMINI
P. O. Box 2906
Mbabane

12308 07-12-2007

1051

NOTICE

**ESTATE LATE: SIMPHIWE CONCILIA DVUBA NEE TSABEDZE
ESTATE NO. EP81/2007**

Debtors and Creditors in the above mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within twenty one (21) days after the date of publication of this Notice.

THOKO E. TSABEDZE / MAKHANYA
P. O. Box 1552
Mbabane

12307 07-12-2007

NOTICE

ESTATE LATE: SINDI PRUDENCE MOTSA ESTATE NO. EM258/2007

Debtors and Creditors in the above mentioned 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.

PETROS MOTSA
P. O. Box 486
Malkerns

12311 07-12-2007

NOTICE

ESTATE LATE: MANDLA THULANI PHUNGWAKO ESTATE NO. EM397/2007

Debtors and Creditors in the above mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within twenty one (21) days after the date of publication of this Notice.

PHILEMON MUSA MTHETHWA
P. O. Box 816
Manzini

12312 07-12-2007

NOTICE

ESTATE LATE: MICHAEL SOKUBONGA DLAMINI ESTATE NO. EP84/2007

Debtors and Creditors in the above mentioned 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.

LINDELANI VICTOR DLAMINI
P. O. Box 327
Piggs Peak

12315 07-12-2007

1052

NOTICE

ESTATE LATE: BHEKI MCOSHWA DLAMINI ESTATE NO. ES284/2005

Debtors and Creditors in the above mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within twenty one (30) days after the date of publication of this Notice.

JOHANE B. DLAMINI
P. O. Box 176
Nhlangano

12316 07-12-2007

NOTICE

ESTATE LATE: MAXWELL M. DLAMINI ESTATE NO. EM226/2007

Debtors and Creditors in the above mentioned 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.

PHINDILE NENEKATI DLAMINI
P. O. Box 2589
Manzini

12317 07-12-2007

NOTICE

ESTATE LATE: QHAKAZILE IRWIN LUKHELE ESTATE NO. EM527/2006

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the Second and Final Liquidation and Distribution Account will lie open for inspection 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 the expiry of the said period.

ASTER MATOKO LUKHELE
Executrix Testamentary
P. O. Box 119
Mbabane

12306 07-12-2007

1053

NOTICE

ESTATE LATE: ALVINAH KHATHAZILE SIMELANE ESTATE NO. ES250/2006

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

NOMCEBO MAGONGO
P. O. Box 168
Nhlangano

I2310 07-12-2007

NOTICE

ESTATE LATE: AGRIPA MBONGENI MFUMA ESTATE NO. EL236/2004

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

THOLAKELE HAPPINESS MFUMA
P. O. Box 96
Mpaka

I2313 07-12-2007

NOTICE

ESTATE LATE: BONGANI ISRAEL ZWANE ESTATE NO. EH261/2007

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

SIMPHIWE KWAZI ZWANE
P. O. Box 139
Tshaneni

I2314 07-12-2007

1054

NOTICE

**ESTATE LATE: ABSALOM CHASHAZA EPHRAEM MOTSA
ESTATE NO. EM353/2007**

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

SIMON MANTSHONTSO MOTSA
P. O. Box 6591
Manzini

12318 07-12-2007

NOTICE

ESTATE LATE: ANNAH HLEZIPHI DLAMINI ESTATE NO. EM291/2007

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

SIBONGILE ZAMEKILE METHULA
P. O. Box 2874
Manzini

12318 07-12-2007

NOTICE

ESTATE LATE: NELSON LORT SHONGWE ESTATE NO. EM99/2007

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

ZANELE B. SHONGWE
P. O. Box 14
Mahlangatsha

12319 07-12-2007

1055

NOTICE

ESTATE LATE: SIPHO ALVIT DLAMINI ESTATE NO. EM292/2007

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

NTOMBIFUTHI J. DLAMINI
P. O. Box 669
Siteki

I2320 07-12-2007

NOTICE

ESTATE LATE: DAISY LOMGCIBELO DLAMINI ESTATE NO. EP94/2007

Debtors and Creditors in the above mentioned 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.

THAMMY MUZI DLAMINI
P. O. Box 7522
Manzini

I2322 07-12-2007

NOTICE

**ESTATE LATE: BUHLEBUYENGETWA ALFRED MAGAGULA
ESTATE NO. EP89/2007**

Debtors and Creditors in the above mentioned 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.

JABULILE PHUMAPHI MAGAGULA
NEE DLAMINI
P. O. Box 195
Buhleni

I2323 07-12-2007

1056

NOTICE

ESTATE LATE: BHUTANA HOPEDALE TSABEDZE ESTATE NO. EL141/2005

Debtors and Creditors in the above mentioned 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.

NXUMALO EDWIN
P. O. Box 2929
Mbabane

I2424 07-12-2007

NOTICE

**ESTATE LATE: MANDLENDLOVU CHARLES KUNENE
ESTATE NO. EH224/2007**

Debtors and Creditors in the above mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within twenty one (21) days after the date of publication of this Notice.

GLADYS SIPHIWE KUNENE
P. O. Box 1133
Mbabane

I2325 07-12-2007

NOTICE

Notice is hereby given that we intend applying for a certified copies of: Deed of Transfer No. 306/1982 dated the 14th December 1982 in favour of **ELPHAS GOEDGEGUN TSABEDZE**.

CERTAIN : Lot No. 139 situate in the Siteki Township District of Lubombo Swaziland;

MEASURING : 506 (Five Zero Six) square metres;

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

DATED AT MBABANE THIS 3RD DAY OF DECEMBER, 2008.

MABUZA ATTORNEYS
Attorneys for Applicant
P. O. Box 1134
Mbabane

I2321 2x14-12-2007

1057

NOTICE

ESTATE LATE: MASWAZI ENOS NSIBANDZE ESTATE NO. ES196/2007

Debtors and Creditors in the above mentioned 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 DAISY NSIBANDZE
P. O. Box 709
Mbabane

I2326 07-12-2007

NOTICE

**ESTATE LATE: WISEMAN BISHOP MPENDULO DLAMINI
ESTATE NO. EH263/2007**

Debtors and Creditors in the above mentioned 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.

WINSTON BOY DLAMINI
P. O. Box 3181
Manzini

I2330 07-12-2007

NOTICE

ESTATE LATE: ELIZABETH SAKHILE DLAMINI ESTATE NO. ES207/2004

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

SIBONGILE DLAMINI
P. O. Box 24
Gege

I2335 07-12-2007

1058

NOTICE

ESTATE LATE: SHADRACK JABULANI DLAMINI ESTATE NO. ES287/2006

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

WILLIAM & JETHRO DLAMINI
P. O. Box 773
Mbabane

12336 07-12-2007

NOTICE

ESTATE LATE: LAURA LINDIWE NDZIMANDZE ESTATE NO. EM112/2007

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

JAPHTER SIPHO NDZIMANDZE
P. O. Box 4297
Manzini

12328 07-12-2007

NOTICE

ESTATE LATE: DOCTOR HYND MNCINA ESTATE NO. EH95/2003

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

GUGU KHETSIWE MNCINA
P. O. Box 470
Piggs Peak

12327 07-12-2007

1059

NOTICE

ESTATE LATE: LINAH MATANA MSIBI ESTATE NO. EM2/2005

Notice is hereby given in terms of Section 52 bis (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will lie open for inspection at the Office of the Master of the High Court of Swaziland, Mbabane Miller's Mansion, 1st Floor 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 the expiry of the said period.

JOHANNES MSIBI
P. O. Box 341
Bhunya

12329 07-12-2007

NOTICE

ESTATE LATE: JOHANNES LODEBE SHONGWE ESTATE NO. E447/1994

Notice is hereby given in terms of Section 51 bis (2) of the Administration of Estates Act No. 28 of 1902 that the First and Final Liquidation and Distribution Account for the Estate Late Grammar Mavuso will lie open for inspection at the Office of the Master of the High Court of Swaziland at Mbabane for a period of thirty (30) days from the date of appearance of this Notice.

Any person objecting to the account may lodge his objection in writing in duplicate, with the Master of the High Court at any time before the expiry of the said period and a copy with the undersigned.

DATED AT MANZINI ON THIS 30TH DAY OF NOVEMBER, 2007.

CHRISTOPHER SHONGWE
Executor
c/o Masina Mazibuko and Company
Attorneys for the Estate
Office No. 10 Presidents Place
Meintjies Street
P. O. Box 592
Manzini

12332 07-12-2007

NOTICE

**ESTATE LATE: THEMBANI REGINAH DLAMINI NEE NDLANGAMANDLA
ESTATE NO. ES93/2007**

Debtors and Creditors in the above mentioned 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.

MANDLESILO NGOLOKODLELA DLAMINI
P. O. Box 110
Sidvokodvo

12337 07-12-2007

1060

NOTICE

ESTATE LATE : GRAMMAR MAVUSO ESTATE NO. EM504/2005

Notice is hereby given in terms of Section 51 bis (2) of the Administration of Estates Act No. 28 of 1902 that the First and Final Liquidation and Distribution Account for the Estate Late Grammar Mavuso will lie open for inspection at the Office of the Master of the High Court of Swaziland at Mbabane for a period of thirty (30) days from the date of appearance of this Notice.

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

DATED AT MANZINI ON THIS 30TH DAY OF NOVEMBER, 2007.

TIMOTHY THEMBA MAVUSO
Executor
c/o Masina Mazibuko and Company
Attorneys for the Estate
Office No. 10 Presidents Place
Meintjies Street
P. O. Box 592
Manzini

12334 07-12-2007

NOTICE

**ESTATE LATE: KHETSIWE IVY NKAMBULE (BORN MHLANGA)
ESTATE NO. EM428/2006**

Debtors and Creditors in the above mentioned 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.

DATED AT MANZINI ON THIS 30TH DAY OF NOVEMBER, 2007.

THE EXECUTOR
Masina Mazibuko and Company
Office No. 10 Presidents Place
Meintjies Street
P. O. Box 592
Manzini

12334 07-12-2007

NOTICE

**ESTATE LATE: LOMABETHA PHILEMON DLAMINI
ESTATE NO. EL127/2007**

Debtors and Creditors in the above mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within twenty one (21) days after the date of publication of this Notice.

BERNARD MAHAMZELA DLAMINI
P. O. Box 47
Big Bend

12339 07-12-2007

1061

NOTICE

Notice is hereby given that we intend applying for a Certified Copy of Deed of Transfer No. 99/1989, dated the 14th day of March, 1989, made in favour of: **MARY NTOMBENHLE DUPONT** (born on the 8th day of January 1945) (**MAJOR SPINSTER**) in respect of the undermentioned property:

CERTAIN : Lot No. 909 situate in the Ngwane Park Extension No. 1 Township, District of Manzini, Swaziland;

MEASURING : 1000 (One Zero Zero Zero) Square Metres;

Any person having an objection to the issue of such copy by the Registrar is hereby requested to lodge such objection in writing with the Registrar of Deeds, Mbabane, within 3 weeks of the last publication of this Notice.

DATED AT MBABANE ON THIS THE 4TH DAY OF DECEMBER, 2007.

M. J. MANZINI & ASSOCIATES
Applicant's Attorneys
3rd Floor, Lilunga House
P.O. Box A204
Swazi Plaza
Mbabane

I2338 07-12-2007

NOTICE

SWAZILAND COMPANIES ACT NO. 7 OF 1912

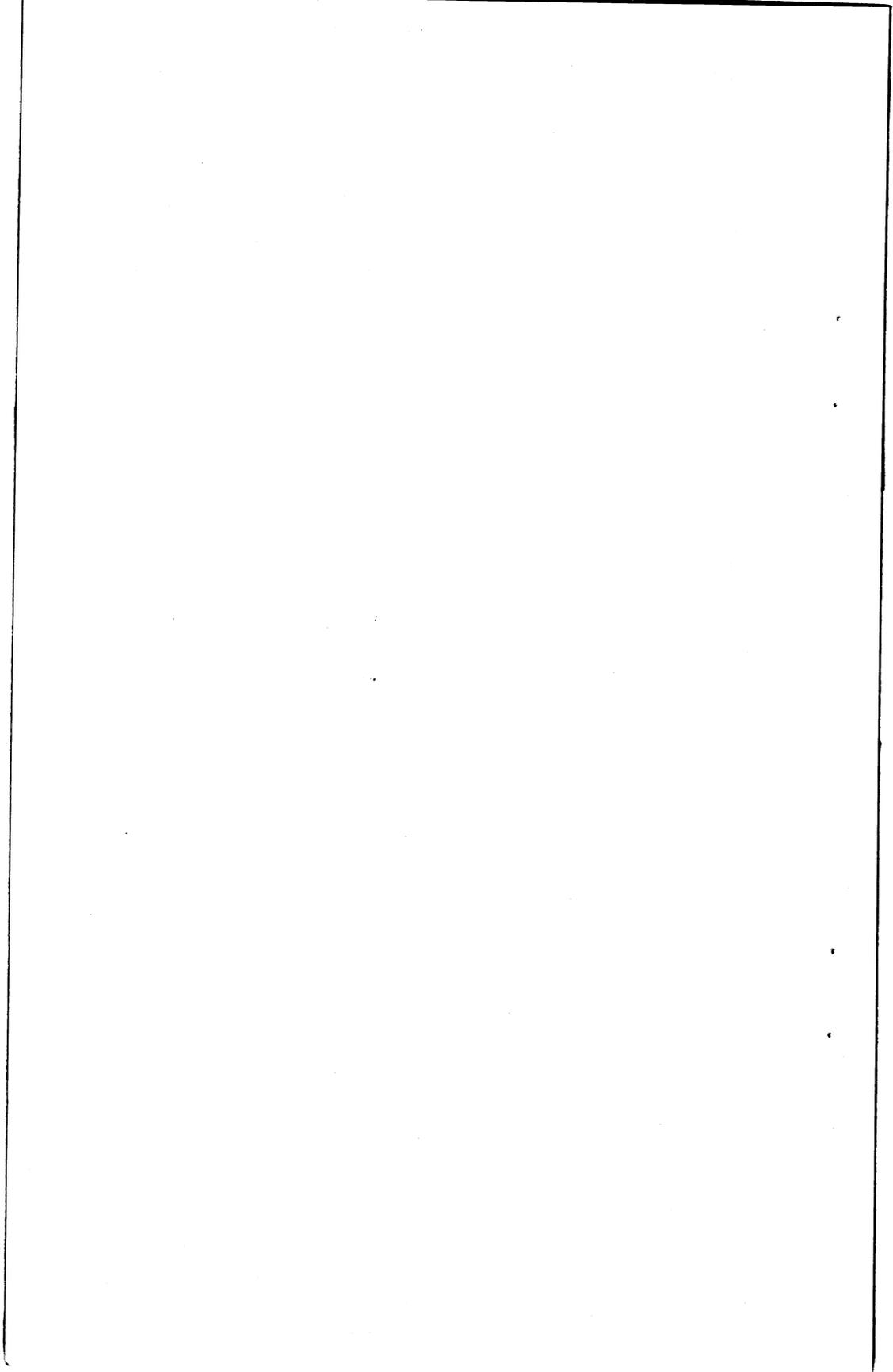
Notice is hereby given that I have reasonable cause to believe that the undermentioned Company: **FPT SWAZILAND (PROPRIETARY) LIMITED.**

Incorporated under the laws of Swaziland, is not carrying on business and the Directors and the Shareholders of the same have applied for deregistration. The name of the aforesaid company, will unless cause is shown to the contrary at the end of three months from the date hereof to be struck off the Swaziland Register of Companies, and the company be dissolved.

G. D. NDLOVU
REGISTRAR OF COMPANIES

I2338 07-12-2007

The Government Printer, Mbabane



**SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE**

VOL XLV]

MBABANE, Friday, DECEMBER 7th 2007

[No. 125

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PUBLISHED BY AUTHORITY

THE COMPETITION ACT, 2007

(Act No. 8 of 2007)



I ASSENT

MSWATI III
King of Swaziland15th November, 2007

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AN ACT
entitled

An Act to provide for the encouragement of competition in the economy by controlling anti-competitive trade practices, mergers and acquisitions, protecting consumer welfare and providing for an institutional mechanism for implementing the objectives of the Bill and other matters incidental thereto.

ENACTED by the King and Parliament of Swaziland.

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Competition Act, 2007 and shall come into force on a date to be appointed by the Minister by notice in the Gazette.

Interpretation

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

“agreement” when used in relation to a prohibited practice, includes a contract, arrangement or understanding, whether or not legally enforceable;

“anti-competitive trade practices” means the trade practices enumerated in sections 30, 31, 32 and 34.2.

“Commission” means the Competition Commission established in terms of section 6;

“consumer” includes any person-

- (a) who purchases or offers to purchase goods otherwise than for the purpose of resale but does not include a person who purchases any goods for the purpose of using them in the production and manufacture of any other goods or articles for sale;
- (b) to whom a service is rendered;

“Court” means the High Court of Swaziland;

“dominant position” means a position in a market in which an enterprise as a supplier or an acquirer of goods and services either alone or together with any interconnected body corporate, is in a position to act independently of competitors and consumers over the production, acquisition, supply or price of goods or services in that market;

“enterprise” includes firms, associations irrespective of whether they are controlled by a private person or by the Government;

“goods or services” when used with respect to particular goods or services, includes any other goods or services that are reasonably capable of being substituted for them, taking into account ordinary commercial practice and geographical, technical and temporal constraints;

“horizontal relationship” means a relationship between competitors;

“vertical relationship” means the relationship between a firm and its suppliers, its customers or to both;

“person” includes a local authority, and any association of persons whether incorporated or not;

“merger” means the acquisition of a controlling interest in -

- (i) any trade involved in the production or distribution of any goods or services; or
- (ii) an asset which is or may be utilised for or in connection with the production or distribution of any commodity;

“Minister” means the Minister responsible for enterprise;

“monopoly” means a situation where a single person exercises, or two or more persons with a substantial economic connection, exercise substantial control of a market for any goods or services;

“premises” includes land, any building, structure, vehicle, ship, boat, vessel, aircraft or container;

“price” includes valuable consideration in any form, whether direct or indirect and includes any consideration that relates to the acquisition or supply of goods or services or the acquisition or disposition of any interest in land, although ostensibly relating to any matter or thing;

“resale price maintenance” means a situation where a supplier or manufacturer specifies the minimum or maximum price at which the product should be re-sold to customers;

“sale” includes an agreement to sell or offer for sale and includes the exposing of goods for sale, the furnishing of a quotation, whether verbally or in writing,

and any other act or notification by which willingness to enter into any transaction for sale is expressed;

“trade practice” means any practice related to the carrying on of any trade and includes anything done or proposed to be done by any person which affects or is likely to affect the method of trading of any trader or class of traders or the production, supply or price in the course of trade of any goods, whether real or personal, or of any service.

Exemptions

3. (1) This Act applies to all economic activity within the country or having an effect in the country except the following trade practices are exempted from the provisions of this Act-

- (a) trade practices which are directly and necessarily associated with the exercise of exclusive or preferential trading privileges conferred on any person by an Act of Parliament or by an agency of the Government acting in accordance with the authority conferred on it by an Act of Parliament;
- (b) trade practices which are directly and necessarily associated with the licensing of participants in certain trades and professions by agencies of the Government acting in accordance with authority conferred on them by an Act of Parliament.

(2) Nothing in this Act shall apply to-

- (a) activities of employees for their own reasonable protection as employees;
- (b) arrangements for collective bargaining on behalf of employers and employees for the purpose of fixing terms and conditions of employment;
- (c) activities of trade unions and other associations directed at advancing the terms and conditions of employment of their members;
- (d) those elements of any agreement which relate exclusively to the use, licence or assignment of rights under, or existing by virtue of, any copyright, patent or trademark;
- (e) any act done to give effect to a provision of an agreement referred to in paragraph (d);
- (f) activities expressly approved or required under a treaty or agreement to which Swaziland is party;
- (g) those activities of professional associations which relate exclusively to the development and enforcement of professional standards of competence reasonably necessary for the protection of the public; and
- (h) such business or activity as the Minister may, by notice published in the Gazette, specify.

Application to state corporations

4. Except in so far as it is exempted from the application of the provisions of this Act by section 3 or any other law, every body corporate in which the Government holds one or more shares, whether as a sole, majority or minority shareholder and which is carrying on any trade is a person to whom this Act applies and who may be investigated by the Commission, who is subject to an order of the Commission, and against whom a prosecution may be brought in respect of an offence against any provision of this Act.

Certain law not affected

5. (1) Nothing in this Act limits or affects any rule of law relating to restraint of trade not inconsistent with any of the provisions of this Act.

(2) Nothing in this Act limits or affects any rule of law relating to breaches of confidence.

(3) No rule of law referred to in subsections (1) or (2) affects the interpretation of any of the provisions of this Act.

PART II
COMPETITION COMMISSION

Establishment of the Commission

6. There is established a body to be known as the Swaziland Competition Commission which shall be a body corporate with perpetual succession and capable of suing and being sued in its corporate name, and with power, subject to this Act, to do or perform all such acts and things as a body corporate may, by law, do or perform.

Independence of the Commission

7. Subject to the provisions of this Act the Commission shall be independent of control of any person, including but not limited to any statutory body, Government or any other entity, in the discharge of its functions.

Composition of the Commission

8. (1) The Commission shall consist of-

- (a) a representative of the Ministry responsible for enterprise;
- (b) a representative of the Ministry responsible for finance;
- (c) a representative of the Ministry responsible for economic planning and development;
- (d) a member nominated by the Swaziland Chamber of Commerce and Industry;
- (e) a member nominated by the Economics Association of Swaziland;
- (f) a member nominated by the Swaziland Consumers Association;

- (g) a member nominated by the Swaziland Institute of Accountants;
- (h) a member nominated by the Law Society of Swaziland; and
- (i) a member appointed by the Minister by virtue of the person's knowledge of or experience in economics, industry, law, consumer affairs or the conduct of public affairs.

(2) All members shall be nominated by their institutions and appointed by Minister.

(3) The Minister shall designate one of the members as chairperson and the members shall elect, amongst themselves, a vice-chairperson on their first meeting.

(4) A member appointed in terms of sub-section (1) (a), (b) and (c) shall not be elected as chairperson or vice-chairperson.

Tenure of office and vacancies

9. (1) A member of the Commission shall hold office for a period of not more than 3 years and shall be eligible for reappointment for another term.

(2) Members shall not be retired at the same time.

(3) An office of a member shall become vacant where the member -

- (a) resigns by giving one month notice in writing to the Minister;
- (b) dies;
- (c) is absent, without valid excuse, from three consecutive meetings of the Commission;
- (d) becomes of unsound mind;
- (e) becomes insolvent; or
- (f) participates, directly or indirectly, in an activity which is in contravention of this Act.

(4) On vacation of office by a member, the vacancy shall be filled by a person appointed in accordance with the relevant provisions of section 8(1) under which the former member was appointed.

(5) Where the remaining period is less than six months, the Minister may decide not to have the vacancy filled until the expiry of the period.

Allowances of members

10. The members of the Commission shall be paid such allowances as the Minister may, in consultation with the Minister responsible for finance, determine.

Functions of the Commission

11. (1) The Commission shall monitor, regulate, control and prevent acts or behaviour which are likely to adversely affect competition in the

country.

(2) Without limiting the generality of subsection (1), the Commission shall perform the following functions -

- (a) carry out, on its own initiative or at the request of any person, investigations in relation to the conduct of business, including the abuse of a dominant position, so as to determine whether any enterprise is carrying on anti-competitive trade practices and the extent of such practices and issue such orders or directives it deems necessary to ensure compliance with this Act;
- (b) carry out investigations on its own initiative or at the request of any person who may be adversely affected by a proposed merger and issue such orders or directives it deems necessary to ensure compliance with this Act;
- (c) Take such actions as it considers necessary or expedient to regulate the creation of a merger or to prevent or redress the abuse of a dominant position by any enterprise;
- (d) provide persons, engaged in business, with information regarding their rights and duties under this Act;
- (e) provide information for the guidance of consumers regarding their rights under this Act;
- (f) undertake studies and make available to the public reports regarding the operation of the Act;
- (g) co-operate with and assist any association or body of persons to develop and promote the observance of the standards of conduct for the purpose of ensuring compliance with the provisions of this Act;
- (h) advise the Minister on such matters relating to the operation of this Act as it thinks fit or as may be requested by the Minister, including the determination of penalties to be imposed for the infringement of this Act; and
- (i) review this Act and any other legislation which inhibit fair competition and make proposals to the Minister for the amendment of such legislation;
- (j) co-operate with regional and international bodies engaged in the enforcement of competition law and the promotion of a competition culture;
- (k) enter into discussions on contentious issues with any regulatory authority in order to harmonise and ensure consistent application of the competition principles;
- (l) do all such acts and things as are necessary, incidental or conducive to the better carrying out of its functions under this Act.

Obtaining information

12. The Commission shall obtain such information as it considers necessary to assist it in its investigations and, where it considers appropriate, shall examine and obtain verification of documents submitted to it.

Power of the Commission

13. (1) For the purposes of carrying out its functions under this Act, the Commission shall have power to-

- (a) summon and examine witnesses;
- (b) call for and examine documents;
- (c) administer oaths;
- (d) require that any document submitted to the Commission be verified by affidavit;
and
- (e) adjourn any investigation from time to time.

(2) The Commission may hear oral submissions from any person who, in its opinion, will be affected by an investigation under this Act, and shall so hear the person if the person has made a written request for a hearing, showing that the person is an interested party likely to be affected by the result of the investigation or that there are particular reasons why that person should be heard orally.

(3) The Commission may require a person engaged in business or a trade or such other person as the Commission considers appropriate, to state such facts concerning goods manufactured, produced or supplied by the person as the Commission may think necessary to determine whether the conduct of the business in relation to the goods or services constitutes an anti-competitive practice.

(4) If the information specified in subsections (3) is not furnished to the satisfaction of the Commission, it may make a finding on the basis of the information available before it.

Proceedings of the Commission

14. (1) Subject to the other provisions of this Act, the Commission may regulate its own procedure.

(2) The Commission shall meet for the transaction of business at least once every three months at such times as the chairperson may determine.

(3) A special meeting of the Commission may be called by the chairperson upon written notice of not less than seven days received from any member of the commission and shall be called if at least four members so request in writing.

(4) Where the urgency of any particular matter does not permit the giving of a notice, in terms of subsection (3), a special meeting may be called upon giving a shorter notice.

(5) Six members present shall form the quorum of any meeting of the Commission.

(6) The decision of the Commission shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the chairperson or other person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(7) The chairperson shall preside at any meeting of the Commission and in the absence of the chairperson, the vice-chairperson shall preside.

(8) In the absence of both the chairperson and vice-chairperson such member as the chairperson may designate or such member as the members present and forming a quorum may elect from among their number for the purpose of that meeting.

(9) The Commission may in its discretion at any time and for any period invite any person, and the Minister may in like manner nominate an officer in the public service, to attend any meeting of the Commission or of any of the committees established under section 15 and take part in the deliberations of the meeting, but such person or officer shall not be entitled to vote at the meeting.

(10) The Commission shall cause minutes to be kept of the proceedings of every meeting of the Commission and of every meeting of a committee of the Commission.

(11) The validity of the proceedings, act or decision of the Commission shall not be affected by any vacancy in the membership of the Commission or by any defect in the appointment of any member or by reason that any person not entitled to do so took part in the proceedings.

Committees of the Commission

15. (1) The Commission may, for the purpose of performing its functions under this Act, establish committees and delegate to any such committee such of its functions as it considers necessary.

(2) The Commission may appoint, as members of a committee established in terms of sub-section (1), persons who are or are not members of the Commission and such persons shall hold office for such period as the Commission may determine.

(3) Subject to any specific or general direction of the Commission, a committee established under sub-section (1) may regulate its own procedure.

Disclosure of interest

16. (1) Where any member is present at meeting of the Commission or of any committee of the Commission at which any matter which is the subject of consideration is a matter in which that person or the person's immediate family member or the person's professional or business partner is directly or indirectly interested in a private or professional capacity, that person shall, as soon as is practicable after the commencement of the meeting, disclose such interests and unless the Commission or the committee otherwise directs, that person shall not take part in any consideration or discussion of or vote on, any question touching on such matter.

(2) A disclosure of interest shall be recorded in the minutes of the meeting at which it is made.

Immunity of members

17. An action, suit or other proceedings shall not lie against any member of the Commission in respect of any act done, in good faith, in the course of carrying out the provisions of this Act.

PART III SECRETARIAT

Secretariat of the Commission

18. The Secretariat of the Commission shall be made up of the Executive Director and other employees of the Commission as may be appointed under this Act and the Secretariat shall be

the investigative arm of the Commission.

Executive Director

19. (1) The Commission shall appoint, on such terms and conditions as it may determine, an Executive Director of the Commission who shall be the chief executive officer of the Commission and shall, in addition, perform such duties as the Commission shall assign to the office and ensure the effective administration and implementation of this Act.

(2) Without derogation from the generality of the responsibilities and duties of the Executive Director conferred under subsection (1), the Executive Director shall be responsible for the day to day administration of the Commission.

(3) The Executive Director or such other officer of the Commission as the Executive Director may designate, shall attend meetings of the Commission and of any committee of the Commission and may address such meetings, but shall not vote on any matter.

(4) Section 16 shall apply, mutatis mutandis, to the Executive Director and on such other officer as may be designated by the Executive Director.

Other employees

20. (1) The Commission may appoint, on such terms and conditions as it may determine, such other employees, subordinate to the Executive Director, as it considers necessary for the performance of its functions and to assist the Executive Director in discharging the Executive Director's duties and responsibilities.

(2) The Commission may delegate to the Executive Director the appointment of employees of such junior ranks as the Commission shall specify.

Disclosure of interest by employees

21. (1) An employee of the Commission who or whose immediate family member is directly or indirectly interested in a private or professional or official capacity in any matter being considered by the Commission, shall disclose such interest.

(2) A disclosure of interest made under this section shall be made to the

Executive Director who shall take such decision as the Executive Director considers appropriate in each case and submit a report thereon to the Commission.

Oath of secrecy

22. Every-

- (a) member of the Commission;
- (b) member of a committee of the Commission; and
- (c) employee of the Commission,

shall, upon assumption of office, take such oath of secrecy as may be approved by the Commission or as may otherwise be prescribed under this Act.

Prohibition of publication or disclosure of information

23. (1) A person shall not, without the consent in writing given by or on behalf of the Commission, publish or disclose to any person, otherwise than in the course of the person's duties, contents of any document, communication or information which relates to, and which has come to his/her knowledge in the course of that person's duties under this Act.

(2) Any person who contravenes sub-section (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand Emalangeni or to imprisonment to a term not exceeding three years.

Immunity of employees

24. No action, suit or other proceedings shall be brought or instituted personally against any employee in respect of any act done, in good faith, in the course of carrying out of the provisions of this Act.

**PART IV
FINANCIAL PROVISIONS**

Funds of the Commission

25. (1) The funds of the Commission shall consist of such monies as may-

- (a) be appropriated by Parliament for the purposes of the Commission;
- (b) be obtained as a result of the levy that may be imposed in this Act;
- (c) be paid to the Commission by way of grants or donations;
- (d) be received by the Commission under sub-section(2) or;
- (e) otherwise vest or accrue to the Commission.

(2) The Commission may charge and collect fees in respect of programmes publications, seminars, documents, consultancy services and other services provided by the Commission.

(3) The Commission may, subject to approval of Minister, invest in such manner as it thinks fit such funds as it does not immediately require for the performance of its functions.

(4) The Commission may, subject to the approval of the Minister and the Minister responsible for finance, raise, by way of loans from any source in or outside of Swaziland, such money as it may require for the discharge of its functions.

Application of funds

26. There shall be paid out of the funds of the Commission-

- (a) the salaries, allowances, loan, gratuities and pensions of the staff of the Commission and other payments for the recruitment and retention of staff;
- (b) such reasonable travelling and subsistence allowances for members of any committee of the Commission when engaged on the business of the Commission and at such

rates as the Commission may determine; and

(c) any other expenses incurred by the Commission in the performance of its functions.

Financial year

27. The financial year of the Commission shall be the same as the Government financial year.

Accounts

28. (1) The Commission shall cause to be kept proper books of accounts and other records relating to its accounts.

(2) The accounts of the Commission shall be audited annually by independent auditors appointed by the Commission.

Annual reports

29. (1) As soon as practicable, but not later than six months after the expiry of each financial year, the Commission shall submit to the Minister a report concerning its activities during that financial year.

(2) The report referred to in sub-section (1) shall be in such form as the Minister shall approve and shall include information on the financial affairs of the Commission, and there shall be appended to the report-

(a) an audited financial statement;

(b) an audited statement financial statement; and

(c) such other information as the Commission may consider appropriate or as the Minister may direct.

(3) The Minister shall lay such report before Parliament.

ANTI-COMPETITIVE TRADE PRACTICES

Prohibitions

30. (1) Any category of agreements, decisions or concerted practices which have, as their object or effect, the prevention, restriction or distortion of competition to an appreciable extent in the country or in any substantial part of it are prohibited.

(2) Enterprises engaged on the market in rival or potential rival activities shall not engage in the practices enumerated in sub-section (5) where such practices limit access to markets or otherwise unduly restrain competition.

(3) Sub-section (1) shall not apply where enterprises are dealing with each other in the context of a common entity wherein they are under common control or where they are otherwise not able to act independently of each other.

(4) This section applies to formal, informal, written and unwritten agreements or arrangements.

(5) For the purposes of subsection (1), the following are prohibited-

- (a) agreements to fix prices;
- (b) collusive tendering and bid-rigging;
- (c) market or customer allocation agreements;
- (d) subject to any law to the contrary, allocation by quota as to sales or production; or
- (e) collective action to enforce arrangements.

Anti-competitive trade practices

31. Enterprises shall refrain from the following acts or behaviour if they limit access to markets or otherwise unduly restrain competition, or have or are likely to have adverse effect on trade or the economy in general -

- (a) predatory behaviour towards competitors including the use of predatory cost pricing to damage, hinder or eliminate competition;
- (b) discriminatory pricing and discrimination, in terms and conditions, in the supply or purchase of goods or services, including by means of pricing policies in transactions between affiliated enterprises which overcharge or undercharge for goods or services purchased or supplied as compared with prices for similar or comparable transactions outside affiliated enterprises;
- (c) making the supply of goods or services dependent upon the acceptance of restrictions on the distribution or manufacture of competing or other goods or the provision of competing or other services;
- (d) making the supply of particular goods or services dependent upon the purchase of other goods or services from the supplier to the consignee;
- (e) imposing restrictions where or to whom or in what form or quantities goods supplied or other goods may be sold or exported;
- (f) resale price maintenance;
- (g) trade agreements fixing prices between persons engaged in the business of selling goods or services, which agreements hinder or prevent the sale, supply or purchase of goods or services between persons, or limit or restrict the terms and conditions of sale or supply or purchase between persons engaged in the sale of purchased goods or services;
- (h) refusals to supply goods or services to potential purchasers; or
- (i) denials of access to an arrangement or association which is crucial to competition.

Other anti-competitive trade practices by associations

32. The following practices conducted by or on behalf of a trade association are declared to be anti-competitive trade practices-

- (a) unjustifiable exclusion from a trade association of any person carrying on or intending to carry on, in good faith, the trade in relation to which the association is formed; or
- (b) making of recommendations, directly or indirectly, by a trade association, to its members or to any class of its members which relate to-
 - i) the prices charged or to be charged by such members or any such class of members or to the margins included or to be included in the prices or to the pricing formula used or to be used in the calculation of those prices; or
 - ii) the terms of sale (including discount, credit, delivery and product and service guarantee terms) of such member or any class of members and which directly affects prices or profit margins included in the pricing formula.

Unfair trading

33. (1) A person shall not, in relation to a consumer-

- (a) withhold or destroy producer or consumer goods, or render unserviceable or destroy the means of production and distribution of such goods, whether directly or indirectly, with the aim of bringing about a price increase;
- (b) in connection with the supply of goods or services, make any warranty-
 - (i) limited to a particular geographic area or sales point;
 - (ii) falsely representing that products are of a particular style, model or origin;
 - (iii) falsely representing that the goods are new and or of specified age; or
 - (iv) representing that products or services have any sponsorship, approval, performance and quality characteristics, components, materials, accessories, uses or benefits which they do not have;
- (c) exclude liability for defective goods;
- (d) engage in conduct that is likely to mislead the public as to the nature, price, availability, characteristics, suitability for a given purpose, quality of any products or services;
- (e) supply any product which is likely to cause injury to health or physical harm to consumers, when properly used, or which does not comply with a consumer safety standard which has been prescribed under any written law;
- (f) engage in pyramid selling of goods and services;
- (g) engage in bait selling;
- (h) offer gifts or prizes with no intention of supplying them; and

- (i) put out an advertisement which is misleading or deceptive.

(2) A person shall not do any of the acts that are prohibited under the Fair Trading Act, 2001.

Abuse of dominance

34. Any person that has a dominant position in the market shall not use that power to carry out any of the practices enumerated under sections 30 and 31.

Mergers and Acquisitions

35. (1) A merger shall not be carried out without the authorisation of the Commission and a person who, in the absence of authority from the Commission, whether as a principal or agent and whether by himself/herself or his/her agent, participates in effecting-

- (a) a merger between two or more independent enterprises engaged in manufacturing or distributing substantially similar goods or providing substantially similar services;
- (b) a takeover of one or more such enterprises by another enterprise, or by a person who controls another such enterprise,

commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred and fifty thousand Emalangenji or to imprisonment to a term not exceeding five years or to both.

(2) A merger or takeover made in contravention of subsection(1) shall not have any legal effect and no rights or obligations imposed on the participating parties, by any agreement in respect of the merger or takeover, shall be legally enforceable unless an application for condonation has been made to and granted by the Commission.

(3) The Commission shall, within a reasonable time after the receipt of an application or the date on which the applicants provide the information sought by the Commission if the date is later, make an order concerning an application for authorisation of a merger or takeover.

Monopolies and concentration of economic power

36. (1) The Commission shall keep the structure of production of goods and services in the country under review to determine where concentrations of economic power or anti-competitive trade practices exist whose detrimental impact on competition and the economy outweigh the efficiency advantages, if any.

(2) For the purposes of sub-section (1) but without limiting the generality thereof, the Commission shall consider whether-

- (a) a person controls a chain of distributing units the value of whose sales accounts for a significant portion of the relevant market;
- (b) a person, by virtue of controlling two or more physically distinct enterprises which manufacture substantially similar goods, supplies a significant portion of the domestic market at unreasonably low prices; or
- (c) a person has substantial shares in a manufacturing enterprise and whether the person simultaneously has a beneficial interest, however small, of outstanding shares in one or two wholesale or retail enterprises which distribute products of the

manufacturing enterprises which distribute products of the manufacturing enterprise.

Authorisation of allowable acts

37. (1) The Commission may authorise any act, agreement or understanding which is not prohibited by this Act, that is, one which is not necessarily illegal unless abused if that act, agreement or understanding is consistent with the objectives of this Act and the Commission considers that, on balance, the advantages to the country, outweigh the disadvantages.

(2) The Commission shall not authorise acts, agreements or understandings of any kind described in sections 31,32,33 and 34.

**PART IV
MISCELLANEOUS**

Investigating officers

38. (1) The Commission may designate any of its employees to be investigating officers for the purposes of this Act.

(2) Investigating officers shall carry out their functions under this Act subject to such directions as the Commission may give them.

(3) The Commission shall cause every investigating officer to be furnished with a certificate of appointment, which the investigating officer shall exhibit on demand by any interested person before carrying out any function under this Act.

Power of entry and inspection

39. (1) An investigating officer may at all reasonable times and on the production of a search warrant obtained from a court of law-

(a) enter any premises on or which there is reasonably suspected to be any book, record or document relating to any anti-competitive trade practice or unfair trade practice or any actual or potential merger, takeover or monopoly situation;

(b) require any person upon the premises –

(i) to disclose all information at the person's disposal; and

(ii) to produce any book, record or document or copy thereof or extract therefrom,

that may relate, in any way, to any anti-competitive trade, unfair trade practice, merger, takeover or monopoly situation referred to in paragraph (a); and

(c) make copies of or take extracts from any book, record or documents from any book, record or documents referred to in paragraph (b).

(2) Any person who, without lawful excuse-

(a) hinders or prevents an investigating officer from exercising any power under subsection (1);

- (b) fails or refuses to comply with any requirement of an investigating officer under sub-section (1); or
- (c) upon being required under sub-section (1) to disclose any information, fails or refuses to do so or provides information that is false or which that person does not believe, on reasonable grounds, to be true,

commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand Emalangeni or to imprisonment to a term not exceeding two years or to both.

Appeals

40. The Commission shall have power to issue orders or directives it deems necessary to secure compliance with this Act or its decisions and any person aggrieved by a decision of the Commission made under this Act or under any regulations made hereunder may, within thirty days after the date on which a notice of that decision is served on that person, appeal to the Court.

Operation of order

41. Where an appeal is brought against any decision of the Commission any final or interim directive or order of the Commission based on such decision shall remain in force pending the determination of the appeal, unless the Court otherwise orders.

Offences and penalties

42. (1) Any person who-

- (a) contravenes or fails to comply with any provision of this Act, or any directive or order lawfully given, or any directive or order lawfully given, or any requirement lawfully imposed under this Act for which no penalty is provided;
- (b) omits or refuses-
 - (i) to furnish any information when required by the Commission to do so; or
 - (ii) to produce any documents when required to do so by a notice sent by the Commission; or
- (c) knowingly furnishes any false information to the Commission,

commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred and fifty thousand Emalangeni or to imprisonment to a term not exceeding 5 years or to both.

(2) Where the offence is committed by a body corporate, every director and officer of such body corporate, or if the body of persons is a firm, every partner of that firm, shall be guilty of that offence, provided that such director, officer or partner shall not be guilty of the offence if he/she proves, on a balance of probability that such offence was committed without his/her knowledge or consent, or that he/she exercised all due diligence to prevent the commission of the offence.

Regulations

43. The Minister may, on the advice of the Commission, make regulations for carrying into effect the provisions of this Act, and, in particular and without prejudice to the generality of the foregoing power, such regulations may provide for -

- (a) anything required to be prescribed under, or for the purposes of, this Act including penalties to be imposed for infringements of this Act;
- (b) any forms required for the purposes of this Act;
- (c) fees payable in respect of any service provided by the Commission; and
- (d) the prescription of levies which the Commission may impose in respect of its services.

LEGAL NOTICE NO. 163 OF 2007

THE COMMISSION OF ENQUIRY ACT, 1963
(Act No. 35 of 1963)THE PAYMENT OF SITTING AND TRAVELLING ALLOWANCES
FOR MEMBERS OF THE NATIONAL STEERING
COMMITTEE ON SOCIAL DIALOGUE NOTICE, 2007
(Under Section 19)

In exercise of the powers conferred by Section 19 of The Commission of Enquiry Act 1963, the Minister for Finance issues the following Notice -

Citation and Commencement

1. This Notice may be cited as the Payment of Sitting and Travelling Allowances for Members of the National Steering Committee on Social Dialogue Notice, 2007. The Notice shall come into force on the 23rd November 2007.

Allowances

2. The Minister hereby fixes the following sitting and car mileage allowances for members of the National Steering Committee on Social Dialogue as follows -

Chairperson	-	E600.00 per sitting
Member	-	E550.00 per sitting

M. SITHOLE
MINISTER OF FINANCE