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SWAZILAND

GOVERNMENT GAZETTE

VOL. XLV]

MBABANE, Friday, DECEMBER 14th 2007

[No. 130

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PUBLISHED BY AUTHORITY

1064

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

I2182 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

I2208 4x14-12-2007

NOTICE

ESTATE LATE: MANDLA ERIC DLAMINI ESTATE NO. EM346/2007

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.

SITHULELE CYNTHIA DLAMINI
P. O. Box 49
Mbabane

I2343 14-12-2007

1065

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

12241 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

12181 4x21-12-2007

NOTICE

ESTATE LATE: MIRRIAM SONILE GLADNESS MOTSA ESTATE NO. EM308/2007

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.

ZWANE SIBUSISO KENNETH
P. O. Box 684
Matsapha

12344 14-12-2007

1066

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

I2297 4x28-12-2007

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

I2289 2x14-2007

NOTICE

ESTATE LATE: THANDEKA PRECIOUS THWALA ESTATE NO. EM362/2007

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.

REBECCA NTOMBIE KUNENE
P. O. Box 2100
Manzini

I2345 14-12-2007

1067

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

12331 2x14-12-2007

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

12321 2x14-12-2007

1068

NOTICE

KORSVAN (PROPRIETARY) LIMITED

Take Notice that a General Meeting of the above Company shall be held at the offices of **RJS PERRY**, 2nd Floor, Development House, Swazi Plaza, Mbabane, at 11:30a.m. on the 18th January 2008 for purposes of laying before the company in General Meeting an accounting of the winding up of the Company.

RJS PERRY
LIQUIDATOR

I2341 14-12-2007

NOTICE

SWAZILAND COMPANIES ACT NO. 7 OF 1912

Notice is hereby given that pursuant to the notices published in the Times of Swaziland dated 26th July, 2007, and in the Government Gazette number 81 of 27th July, 2007 the names of the undermentioned Companies:

1. Ferodo Swaziland (Pty) Limited
2. Beral Swaziland Properties (Pty) Limited
3. Swaziland Renal Care (Pty) Limited
4. Gadby Services (Pty) Limited
5. J. F. M. Carriers (Pty) Limited
6. Alcatel Altech Swaziland (Pty) Limited
7. Roma Investments (Pty) Limited
8. Sonron Investments (Pty) Limited
9. De Smidt Property Projects (Swaziland (Pty) Limited
10. Capricorn Africa Economic Associates (Pty) Limited

were struck off the Swaziland Register of Companies, and the companies dissolved with effect from the 28th November, 2007.

G. D. NDLOVU
REGISTRAR OF COMPANIES

I2364 14-12-2007

NOTICE

ESTATE LATE: KHANYISILE PRISCA MAMBA ESTATE NO. EP84/2004

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.

AFRICA MAGONGO
P. O. Box 2137
Mbabane

I2346 14-12-2007

1069

NOTICE

ESTATE LATE: SICELO DUNCAN DLAMINI ESTATE NO. EM400/2007

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.

SIZAKELE LECHINA DLAMINI
P. O. Box 2701
Manzini

12348 14-12-2007

NOTICE

ESTATE LATE: THULANI WILLIAM MBOKAZI ESTATE NO. EH229/2007

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.

THEMBISILE PATIENCE MBOKAZI
NEE MASEKO
P. O. Box 187
Big Bend

12350 14-12-2007

NOTICE

ESTATE LATE: LUKE ROBERT MAKHANYA ESTATE NO. ES214/2007

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.

SIKHUMBUZO PERCY MAKHANYA
P. O. Box 902
Hlathikhulu

12351 14-12-2007

NOTICE

ESTATE LATE: CONSTANCE LONHLUPHEKO DLAMINI ESTATE NO. EM24/2006

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.

NOKUTHULA DLAMINI
P. O. Box 210
Mbabane

12352 14-12-2007

1070

NOTICE

ESTATE LATE: SIMON MAHWAYI MAVUSO ESTATE NO. EH216/2007

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.

WONDER MUZI MAVUSO
P. O. Box 69
Piggs Peak

I2353 14-12-2007

NOTICE

ESTATE LATE: MJEYI JOTHAM GADLELA ESTATE NO. EM279/2007

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.

DUMISA GADLELA
P. O. Box 182
Kwaluseni

I2355 14-12-2007

NOTICE

**ESTATE LATE: DOLLIE LOMTOMBO LOZANGCOTHO NKAMBULE
ESTATE NO. EH253/2007**

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 LOTFOBHI NKAMBULE
P. O. Box 3492
Mbabane

I2361 14-12-2007

NOTICE

ESTATE LATE: THOMAS NTSHOBA DLAMINI ESTATE NO. EL140/2007

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.

ZAKHE SAMUEL DLAMINI
P. O. Box 3016
Mbabane

I2362 14-12-2007

1071

NOTICE

ESTATE LATE: LYDIA MAGGIE NTSHANGASE ESTATE NO. EL180/2007

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.

FORTUNATE TSHABALALA
P. O. Box 469
Mbabane

I2366 14-12-2007

NOTICE

ESTATE LATE: CEBSILE FAITH SACOLO ESTATE NO. EM390/2007

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.

DUMEZWENI EDMUND SACOLO
P. O. Box 271
Mankayane

I2367 14-12-2007

NOTICE

ESTATE LATE: THULANI TITSELO DLAMINI ESTATE NO. EP53/2007

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.

FIKILE MASEKO &
LEORNARD DLAMINI
P. O. Box 64
Piggs Peak

I2342 14-12-2007

1072

NOTICE

ESTATE LATE: GLORY BETHUSILE MASUKU ESTATE NO. EL35/2007

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.

MUNTU JAMSON MASUKU
P. O. Box 85
MATATA

12347 14-12-2007

NOTICE

ESTATE LATE: SIFISO HENDRY DLAMINI ESTATE NO. EH207/2007

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.

JACOB T. DLAMINI
P. O. Box 49
Mbabane

12349 14-12-2007

NOTICE

**ESTATE LATE: GLADYS BUYILE ZULU NEE MDLULI
ESTATE NO. EM129/2007**

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.

ZULU ROBERT GEORGE
P. O. Box 9
Mbabane

12354 14-12-2007

1073

NOTICE

ESTATE LATE: MALINGELA MATIMBA ESTATE NO. EL22/2003

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.

NEHEMIAH MATIMBA
P. O. Box 6
Lomahasha

I2356 14-12-2007

NOTICE

ESTATE LATE: MOSES SHAKA DLAMINI ESTATE NO. ES37/2007

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.

SAMKELISO DLAMINI
P. O. Box 26
Nhlangano

I2357 14-12-2007

NOTICE

ESTATE LATE: ALEC SICELI DLAMINI ESTATE NO. EH208/2007

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.

NELSIWE PERTUNIA DLAMINI
NEE KHUMALO
P. O. Box 19
Ezulwini

I2358 14-12-2007

1074

NOTICE

ESTATE LATE: JABULILE GLADYS SHONGWE ESTATE NO. EM491/2006

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.

NICHOLUS SIPHETHO SHONGWE
P. O. Box 1931
Manzini

I2359 14-12-2007

NOTICE

ESTATE LATE: MNANDI MESHACK MZIYAKO ESTATE NO. EP30/2007

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.

KERRAH NDOMBI MZIYAKO
NEE MANANA
P. O. Box 32
Msahweni

I2360 14-12-2007

NOTICE

ESTATE LATE: SIFISO ELVISON TFWALA ESTATE NO. ES248/2006

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.

KHANYISILE TFWALA
P. O. Box 2632
Manzini

I2364 14-12-2007

1075

NOTICE

ESTATE LATE: SIPHO NSIZWA MNTAMBO ESTATE NO. EM281/2006

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.

GUGU PATIENCE DLAMINI
P. O. Box 1486
Nhlangano

I2365 14-12-2007

NOTICE

ESTATE LATE: TERRENCE MOONSHINE RYAN ESTATE NO. ES264/2006

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.

MUMSY SKHOSANA
P. O. Box 112
Nhlangano

I2368 14-12-2007

NOTICE

ESTATE LATE: HEBRON TICELO SUKATI ESTATE NO. EM492/2006

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.

MBONISWAYINI A. DLAMINI
& DUMISANI SUKATI
P. O. Box 2015
Manzini

I2369 14-12-2007

1076

NOTICE

ESTATE LATE: MASHAYINYONI SIMON NTSHINGILA ESTATE NO. EL122/2007

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.

NICHOLUS JABULANI NTSHINGILA
P. O. Box 62
Mpaka

I2370 14-12-2007

NOTICE

ESTATE LATE: JABULANI MAVELA NSIBANDZE ESTATE NO. EH293/2007

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.

SOPHIE THOKOZILE NSIBANDZE
P. O. Box 6
Mahlanya

I2371 14-12-2007

NOTICE

ESTATE LATE: LOFANA PAULOS MAMBA ESTATE NO. EL124/2007

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 SUSAN MAMBA
P. O. Box 73
Siphofaneni

I2372 14-12-2007

NOTICE

ESTATE LATE: VUSI RONNIE DLAMINI ESTATE NO. EH255/2007

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.

GOODNESS NCANE DLAMINI
P. O. Box 1133
Mbabane

I2373 14-12-2007

1077

NOTICE

ESTATE LATE: ERNEST MNYANDI ZWANE ESTATE NO. EL121/2007

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.

LOMASONTFO THEMBSILE ZWANE
P. O. Box 100
Matata

I2374 14-12-2007

NOTICE

ESTATE LATE: SOPHIE SHARON JELE ESTATE NO. EL49/2007

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.

JELE BUSISIWE PATRICIA
P. O. Box 926
Manzini

I2375 14-12-2007

NOTICE

ESTATE LATE: HARRY SONNY MATHEWS - EH47/07

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.

C. J. LITTLER & CO.
Attorneys for the Executors
P. O. Box 2381
Mbabane

I2378 14-12-2007

NOTICE

ESTATE LATE: BUSI TRUSTY DLAMINI ESTATE NO. EH182/2007

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.

NERVOUS N. MLIPHA
P. O. Box 516
Nhlngano

I2399 14-12-2007

1078

NOTICE

ESTATE LATE: PAULOS SIKHULUMI FAKUDZE ESTATE NO. EL40/2007

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.

BANELE & DZELIWE FAKUDZE
P. O. Box 719
Siteki

I2376 14-12-2007

NOTICE

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 550/1994 dated the 24th November 1994 made in favour of **GRETA NENEKAZI SGWANE** in respect of the undermentioned property:

CERTAIN : Lot No. 260 situate in Ngwane Park Township, District of Manzini, Swaziland;

MEASURING : 2174 (Two One Seven Four) 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 for Swaziland in Mbabane within twenty-one (21) days of the last publication of this notice.

DATED AT MANZINI ON THIS THE 29TH NOVEMBER, 2007.

BEN J. SIMELANE AND ASSOCIATES
Attorneys for Applicant
3rd Floor, Lihaga House
P. O. Box 7254
Manzini

I2377 2x21-12-2007

NOTICE

**ESTATE LATE: AGNES SISANA BHEMBE NEE LUSHABA
ESTATE NO. EM314/2007**

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.

MDUDUZI BENSON BHEMBE
P. O. Box 5371
Manzini

I2379 14-12-2007

1079

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 3771/2005

In the matter between:

STANDARD BANK SWAZILAND LIMITED

Plaintiff

and

CONSTANCE JABU NTSHALINTSHALI

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 of Swaziland, Hospital Hill, Mbabane, at 11:30a.m. on **FRIDAY** the 27th day of **JANUARY, 2008**.

CERTAIN : Lot No. 2280 Mbabane Extension No. 21 (Embangweni Township) situate
in the District of Hhohho, Swaziland;

MEASURING : 520 (Five Two Zero) Square Metres;

RESERVE PRICE : E200,000-00;

IMPROVEMENTS : House: Two bedrooms, master bedroom, bathroom, toilet, sitting room,
kitchen & two garages;

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.

Further particulars may be obtained from the undersigned and the Plaintiff's Attorneys.

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

MRS LORRAINE HLOPHE
Sheriff of Swaziland
c/o The Registrar of the High Court
Mbabane

12385 14-12-2007

NOTICE

ESTATE LATE: COLLIN PAULOS NKAMBULE ESTATE NO. EM236/2007

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.

THABSILE SENTENI NKAMBULE
P. O. Box 6
Sidvokodvo

12382 14-12-2007

1080

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 1025/2007

In the matter between:

SWAZILAND DEVELOPMENT FINANCE CORPORATION

Plaintiff

and

ZAKHELE DLAMINI

1st Defendant

MIRRIAM SONENI DLAMINI

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 for the District of Manzini outside the Regional Administrator's Building, Manzini at 14:30hours on **FRIDAY** the **25th** day of **JANUARY, 2008**.

CERTAIN : Lot No. 1404 situate in the Manzini, Extension No. 9 Township, Manzini Region, Swaziland;

MEASURING : 672 (Six Seven Two) Square Metres;

HELD : By the Mortgagor under Deed of Transfer No. 62/1991 dated the 27th February 1991 subject to the terms and conditions therein.

RESERVE PRICE : E172 198.64 (One Hundred and Seventy Two Thousand, One Hundred and Ninety Eight Emalangenani Sixty Four Cents;

The Conditions of Sale are available for inspection at the office of the Sheriff in the High Court Building, in Mbabane.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE THIS 26TH DAY OF NOVEMBER, 2007.

**THE REGISTRAR OF THE HIGH COURT
MBABANE**

12386 14-12-2007

NOTICE

ESTATE LATE: MATHOKOZA CLEMENT NXUMALO ESTATE NO. EM249/2005

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.

**KHANYISILE NXUMALO
P. O. Box 174
Kwaluseni**

12383 14-12-2007

1081

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 4204/06

In the matter between:

SWAZILAND DEVELOPMENT FINANCE CORPORATION
(FINCORP)

Plaintiff

and

DR RODGERS NDLANGAMANDLA

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 18th of **JANUARY, 2008**.

CERTAIN : Portion 974 (a portion of Portion 278) of Farm Dalriach No. 188, situate
in the District of Hhohho, Swaziland;

MEASURING : 1,0000 (One Comma Zero Zero Zero Zero) Hectares;

RESERVE PRICE : E250,000.00

The 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 ON THIS 3RD DAY OF DECEMBER, 2007.

**REGISTRAR OF THE HIGH COURT
MBABANE**

12388 14-12-2007

NOTICE

ESTATE LATE: THEMBISILE FLORENCE KHUMALO ESTATE NO. EM93/2007

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.

HENRY JABULANI KHUMALO
P. O. Box 542
Mbabane

12381 14-12-2007

1082

NOTICE

ESTATE LATE: MAKHOSAZANA PRECIOUS NKAMBULE - EL163/2003

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

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

MARTHA MATSENJWA
C/O KUSH VILAKATI & ASSOCIATES
P. O. Box 663
Siteki

I2380 14-12-2007

NOTICE

ESTATE LATE: SIPHO SHADRACK MHLANGA ESTATE NO. EL133/2007

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.

FRIDAY NKOSINATHI MHLANGA
P. O. Box 986
Siteki

I2384 14-12-2007

NOTICE

ESTATE LATE: OBED GCINA LIMA ESTATE NO. EL65/2007

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.

SINDISIWE RUTH MOTSA
P. O. Box 5529
Mbabane

I2385 14-12-2007

NOTICE

ESTATE LATE: MVUMENI BERNARD VILAKATI ESTATE NO. EM357/2007

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.

BONISIWE VILAKATI
P. O. Box 81
Sidvokodvo

12397 14-12-2007

NOTICE

ESTATE LATE: ABSALOM MATHONSI DLAMINI ESTATE NO. ES192/2007

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.

SYDNEY MFANA DLAMINI
P. O. Box 295
Bhunya

12398 14-12-2007

NOTICE

ESTATE LATE: JABULANI OSCAR DLAMINI ESTATE NO. EM347/2007

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.

SIPHIWE DLAMINI NEE MTSHALI
& NTOMBI DLAMINI
P. O. Box 1365
Matsapha

12389 14-12-2007

NOTICE

ESTATE LATE: NOKUTHULA DUDUZILE MAVUSO ESTATE NO. EH281/2007

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.

SIVE DAVID MOLEPE
P. O. Box 4349
Mbabane

12390 14-12-2007

1084

NOTICE

ESTATE LATE: SIBUSISO ALBERT MKHATSHWA ESTATE NO. EM445/2007

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.

MKHATSHWA NOMIE NOMSA
P. O. Box 4658
Manzini

I2391 14-12-2007

NOTICE

ESTATE LATE: SIBONGILE MASEKO ESTATE NO. EH273/2007

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.

NOMPUMELELO PORTIA GUMEDZE
P. O. Box 1326
Mbabane

I2392 14-12-2007

NOTICE

ESTATE LATE: THEMBA EMMANUEL ZWANE ESTATE NO. EM312/2007

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.

JERRY MPAPELA ZWANE
P. O. Box 4184
Manzini

I2393 14-12-2007

NOTICE

ESTATE LATE: DELISILE MIRRIAM MAMBA ESTATE NO. EM114/2007

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.

MUSA J. VILAKATI
P. O. Box 4658
Manzini

I2395 14-12-2007

1085

NOTICE

ESTATE LATE: SAMSON MBIZO GUMA ESTATE NO. E115/94

Notice is hereby given in terms of Section 51 *bis* of the Administration of Estates Act No. 28 of 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 at Mbabane and the office of the Regional Administrator, 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 objection in writing, in duplicate, with the Master of the High Court at any time before the expiry of the said period.

RJS PERRY ATTORNEYS
2nd Floor, Development House
Swazi Plaza, Mbabane
P. O. Box 4895
Mbabane
Swaziland

12394 14-12-2007

NOTICE

ESTATE LATE: JOSHUA MANDLA NHLAPHO ESTATE NO. EM134/2007

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.

SINDIE REBECCA NHLAPHO
P. O. Box 125
Luyengo

12396 14-12-2007

1086

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 **NOKUPHILA 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

I2285 2x14-12-2007

**SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE**

VOL. XLV]

MBABANE, Friday, DECEMBER 14th 2007

[No. 130

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PART C

SI

LEGAL NOTICE NO. 165 OF 2007

THE INDUSTRIAL RELATIONS ACT, 2000
(Act No. 1 of 2000)

THE INDUSTRIAL COURT RULES, 2007
(Under section 9)

In exercise of the powers conferred by section 9 of the Industrial Relations Act, 2000, and after consulting with the Attorney-General and the Chief Justice, the President of the Industrial Court makes the following Rules.

Citation and Commencement

1. (1) These Rules may be cited as the Industrial Court Rules, 2007.
(2) These Rules shall come into force on the date of publication.

Interpretation

2. In these rules, unless the context otherwise requires-

“Act” means the Industrial Relations Act of 2000;

“application” means an application or reference made to the court for the determination or settlement of any issue or dispute, or for any order or Injunction which the court may lawfully make;

“arbitration” means the process provided for in terms of Part VIII of the Act and conducted under the auspices of the Commission;

“Commission” means the Conciliation Mediation and Arbitration Commission established in terms of section 62 of the Act.

“court” means the Industrial Court as established by section 6 of the Act;

“day” means a day other than a Saturday, Sunday or public holiday;

“dispute” has same meaning as in section 2 of the Act;

“legal practitioner” has same meaning as in the Legal Practitioner’s Act of 1964;

“party” any party to court proceedings and includes a person representing a party;

“public holiday” means any day declared as such by publication in a Government Gazette;
and

“Registrar” means the Registrar of the Court as appointed in terms of section 7 of the Act.

Office Hours

3. (1) The office of the Registrar shall be open to the public from 0830 hours to 1300 hours and from 1400 hours to 1630 hours on every Monday to Friday excluding public holidays.

(2) The Registrar -

- (a) may, in exceptional circumstances, issue, process and accept documents at any time; and
- (b) shall, issue, process and accept documents when directed by the President or Judge of the court.

Notice on Sessions of the Court

4. (1) Notice of dates and times of sessions of the court as determined by the President of the court shall be published by being affixed to the public notice board at the office of the court.

(2) The Registrar shall send a copy of the notice to an attorney who has notified the Registrar that the attorney has opened and maintains an office in Swaziland.

(3) The notice referred to in sub-rule (1) shall be sent to every employer organization and employee organization who has notified the Registrar that the employer organization or employee organization has opened and maintains an office in Swaziland.

(4) The court shall sit on such days for the discharge of such business as the President may direct.

(5) The court may, where it appears convenient to the Presiding Judge, sit at any place or at any time or at any time during vacation other than a time prescribed in terms of these Rules.

Issue of Documents

5. (1) A document that initiates proceedings shall be issued and signed by the Registrar or any other person delegated by the Registrar or the President.

(2) The Registrar shall assign consecutive case numbers to all documents that initiate proceedings, and every document subsequently filed in respect of the same proceedings shall be marked with the same case number.

(3) The Registrar may decline to issue or accept a document from any party if such document does not comply with these Rules or any other procedure of the court.

(4) The Registrar may request a party to correct any patent defect or error in any document filed.

(5) The Registrar shall be responsible for the security of the records of the court and no original record may be removed from the court building without the prior authorization of the Registrar.

Service of Documents

6. (1) Service of court documents may be effected -

- (a) by handing a copy of the document to the person or entity;
- (b) by leaving a copy of the document at the residence of the person or place of business with any person who appears to be at least sixteen (16) years old or above and is in charge of the premises at the time;

- (c) by leaving a copy of the document at the place of employment of the person with any person who appears to be at least sixteen (16) years old or above and appears to be in authority;
 - (d) by handing a copy of the document to any representative authorized in writing to accept service on behalf of the person;
 - (e) if the person is a company or other body corporate, by serving a copy of the document on a responsible employee of the company or body corporate at its registered office or principal place of business, and if-
 - (i) there is no employee willing to accept service, by affixing a copy of the document to the main door of the premises; or
 - (ii) the entity has closed down, by affixing a copy on the main door of the premises;
 - (f) if the person is a municipality, by serving a copy of the document on the office of the Town Clerk; or any person acting on behalf of the Town Clerk;
 - (g) if the person is a statutory body, by serving a copy on the office of the Corporate Secretary, or Chief Executive Officer;
 - (h) if the person is the Government, by serving a copy on the office of the Attorney General and a copy on the Principal Secretary of the affected Ministry;
 - (i) if the person is a partnership, firm or association, by serving a copy of the document on a person who at the time of service is apparently in charge of the premises and apparently at least 16 years of age and is apparently in charge of the premises of such association, firm or partnership; or
 - (j) by any other means expressly authorized by the court, including service by registered post or fax transmission.
- (3) Service is proved in court-
- (a) by return of service duly signed and completed by a Sheriff or a lawful Deputy of the Sheriff;
 - (b) by an Affidavit of Service completed by a person who is at least sixteen (16) years of age and has effected the service;
 - (c) by producing the certificate issued by the Post Office for the posting of a registered item and an Affidavit that the item posted contained the document concerned provided that such mode of service shall have been authorized by the court ;
 - (d) by acknowledgement or receipt signed by an authorized person at the address chosen for service by the person to be served;
 - (e) if service was effected by fax, by an affidavit of the person who transmitted the fax that confirms that the entire document was transmitted to the correct named fax number; or
 - (f) if the court is not satisfied that the service has taken place in accordance with these rules or is not satisfied with the manner of service, it may make any

order as it deems fit.

Institution of Proceedings

7. (1) Proceedings in the court, other than proceedings brought on notice of motion as provided in Rule 9, shall be instituted by the Applicant issuing out, through the office of the Registrar, an application and five copies of the application.

(2) The application shall be signed by or on behalf of the issuing party and shall contain a heading and a statement of claim.

(3) The heading shall follow the form set out in Form 1 and shall contain -

- (a) the title of the matter;
- (b) the case number assigned to the matter by the Registrar;
- (c) an address within the urban area of Mbabane at which the party issuing out the application will accept notices and service of all documents in the proceedings;
- (d) the date determined by the Registrar on which the matter will be called in court;
and
- (e) notice that if the other party intends opposing the matter, such party must attend court on the stated date and deliver its reply in terms of rule 8, failing which judgment by default may be granted, after hearing such evidence as the court deems necessary, without further notice to such party.

(4) The statement of claim shall contain -

- (a) the names, descriptions and addresses of the parties to the application;
- (b) a clear and concise statement of the material facts on which the party relies, which statement shall be sufficiently particular to enable any opposing party to reply to the document;
- (c) a clear and concise statement of the legal issues that arise from the material facts, which statement shall be sufficiently particular to enable any opposing party to reply to the document;
- (d) in the case of applications for determination of an unresolved dispute under section 85 of the Act, a copy of the certificate of unresolved dispute issued by the Commission shall be annexed; and
- (e) the relief sought.

The Reply

8. (1) A party who is served with an application may attend court on the date stated in the application and deliver a reply to the application and five copies of the reply in open court.

(2) The reply shall be signed by or on behalf of the respondent and shall contain -

- (a) the same information required by rules 7(3)(a), 7(3)(b), 7(3)(c) and 7(4)(a);

- (b) a clear and concise statement of any preliminary legal issue which the respondent requires to be determined before the matter proceeds to trial on the merits;
- (c) an admission of the facts in the statement of claim as the respondent admits or a denial of any the facts as the respondent denies; and
- (d) a clear and concise statement of the material facts and legal issues upon which the Respondent relies in its defence.

(3) A respondent who is entitled to a counterclaim shall deliver a statement of the counterclaim, in compliance with rule 7(4), with the reply.

(4) An applicant may deliver a replication, and shall deliver a reply to any counterclaim in terms of rule 8(2), within ten days of delivery of the reply or counterclaim.

Pre-trial Conference

9. The parties shall, as soon as practicable after delivery of a reply, hold a pre-trial conference with an object of reaching an agreement as to possible ways of curtailing the duration of the trial, and in particular to reach an agreement on -

- (a) facts that are common cause and is admitted;
- (b) facts that are in dispute and require to be proven;
- (c) issues that the court needs to determine;
- (d) the precise relief that is sought, including any agreement on the computation of such relief;
- (e) the making of discovery of documents to be utilized during the course of the trial.
- (f) any agreement on the holding of an inspection in loco or inspection and examination of documents;
- (g) the consolidation of matters involving more than one applicant;
- (h) whether the parties agree in terms of section 6 (7) of the Act to the court sitting without the nominated members;
- (i) whether the parties agree to have the matter referred back to arbitration by the Commission in accordance with section 85 (2) of the Act, where such matter is capable of being determined through Arbitration in terms of section 85 (2) of the Act;
- (j) whether either party intends to apply to the President to decide whether the matter should be referred to arbitration in terms of section 8 (8) of the Act;
- (k) whether any means exist by which the dispute may be settled; and
- (l) any settlement agreement reached by the parties.

(2) Where the parties are unable to agree on a date for holding the pre-trial conference, either party may apply to the Registrar to fix a date in consultation with the parties.

(3) The Registrar shall report any vexatious or dilatory conduct by either of the parties to the President who may make an appropriate award including that of costs as may be appropriate.

(4) A minute of the pretrial conference, signed by the parties shall be submitted to the Registrar as soon as possible after the conclusion of the pretrial conference.

(5) Upon receipt of the minute of the pretrial conference, the Registrar shall send the file to the President for directions in terms of this sub-rule.

(6) The President of the court may, upon receipt of the file from the Registrar -

- (a) refer the matter back to the Registrar if the President is satisfied that the matter is ripe for hearing;
- (b) within fourteen (14) days of receipt of the file, direct that the parties convene a further formal pretrial conference at a date, time and place to be fixed by the Registrar, at which a Judge shall preside to deal with any pretrial matters;
- (c) direct that an informal conference be held before a Judge in chambers to deal with any pretrial issues; or
- (d) direct that the matter be referred to Arbitration in accordance with section 8 (8) of the Act.

Powers of the Judge on Pretrial Matters

10. (1) The Judge may, at a pretrial conference held in terms of rule 9, make an appropriate order for the conduct of proceedings including an order as to costs.

(2) The Judge may direct the parties to produce any documents for inspection.

Non Compliance with Requirements of Pre-trial

11. (1) If a party fails to attend a pre-trial conference convened in accordance with sub-rules 9(2), 9(5)(b) or 9(5)(c), or fails to comply with a pre-trial direction made by the President or Judge in terms of this rule, the other party shall be entitled to make an application to court for an order that the other party attend such pre-trial conference or comply with such directive, failing which an application for the dismissal of a claim or defence, as the case may be, of the defaulting party may be made.

(2) The court may make an appropriate order, including an Order as to costs.

Enrolment for Hearing

12. (1) The Registrar shall, upon receipt of the file from the President for the enrolment of a matter, place the matter on a running roll to be recorded in a register.

(2) The register shall be called the Trial Register and shall record the case number, the names of the parties, and the date of registration of each matter in chronological order.

(3) The Registrar shall allocate trial dates to cases according to their chronological sequence as recorded in the Trial Register.

(4) A case that is allocated a trial date shall be marked as deleted from the Trial Register.

(5) Where the case does not proceed to trial for any reason, it may, on application of a party to the Registrar, be enrolled in the Trial Register at the end of the running roll.

(6) Notwithstanding sub-rule (5), the court or the President in chambers may, on good cause, direct that the matter be re-instated in its former chronological place on the running roll and on good cause shown, the President or Judge may direct it be slotted in such manner as not to cause prejudice to the Applicant.

(7) An interlocutory matter, ex-parte trial matter and application supported by an affidavit shall not be registered in the Trial Register but shall be allocated a hearing date by the Registrar on an *ad hoc* basis.

(8) Where the Registrar allocates a hearing date, whether in terms of sub-rule (3) or (7), the Registrar shall notify the parties in writing of the date and time of the hearing.

(9) Upon receipt of notification of the allocation of a hearing date, a party to the matter may deliver notice of set-down to the court and all other parties.

(10) In the case of trial matters, the notice of set-down shall be delivered at least ten (10) Court days, and in other matters four (4) court days before the scheduled date of hearing.

(11) If notice of set down is not delivered in terms of sub-rule (10), the matter shall be removed from the roll for hearing.

Discovery

13. (1) A party may request the other party to deliver, within seven days a true copy of -

- (a) a document or recording that the other party intends to rely on at the hearing;
- (b) a document or recording referred to in the pleading party or affidavit filed of record of the other party; or
- (c) a document or recording that a party believes is in the possession of the other party and which such party reasonably requires for the presentation of its case.

(2) The request shall be accompanied by a tender to pay the reasonable cost of making copies of the documents or recordings so requested, a request for a waiver of payment of such costs.

(3) A document or recording so requested which is not timeously delivered may not, save with the leave of the court, be used for any purpose at the hearing by the person who was requested and failed to deliver it, but such document or recording may be used by any other party.

(4) Any party may apply to the court for an order compelling compliance with any request in terms of sub-rule 10.1 or relating otherwise to the discovery of documents and recordings, and the court may make an appropriate order, including an Order as to costs if it deems appropriate.

Notice of Motion

14. (1) Where a material dispute of fact is not reasonably foreseen, a party may institute an application by way of notice of motion supported by affidavit.

(2) An application on notice of motion shall be brought on at least fourteen (14) days notice to all persons who have an interest in the application.

(3) The notice of application shall be signed by the party bringing the application.

(4) The notice of application shall be delivered and shall contain -

- (a) the title of the matter;
- (b) the case number assigned to the matter by the Registrar;
- (c) an address of the party delivering the document at which that party shall accept notice and service of all documents in the proceedings;
- (d) a notice that advises the other party that if the party intends to oppose the matter, that party shall attend at court on the date stated in the notice of motion to deliver an answering affidavit failing which the matter may be heard in the absence of the party and an order of costs may be made; and
- (e) the relief sought.

(5) The affidavit shall clearly and concisely set out -

- (a) the names, description and addresses of the parties;
- (b) a statement of the material facts, in chronological order, on which the application is based, which statement shall be sufficiently particular to enable any person who opposes the application to reply to the document;
- (c) a statement of the legal issues that arise from the material facts, which statement shall be sufficiently particular to enable any party to reply to the document.

(6) The applicant shall attach to the affidavit -

- (a) all material and relevant documents on which the applicant relies; and
- (b) in the case of an application involving a dispute which requires to be dealt with under Part V111 of the Act, a certificate of unresolved dispute issued by the Commission, unless the application is solely for the determination of a question of law.

(7) A party who opposes the application shall attend court on the date stated in the notice of motion and deliver an answering affidavit of the party in open court.

(8) The answering affidavit shall contain the information required in sub-rules 14(4)(a), (b) and (c) and must clearly and concisely set out-

- (a) any preliminary legal issues which the respondent wishes to raise;

- (b) which allegations in the founding affidavit are admitted and which are denied;
- (c) all material facts and legal issues upon which the respondent relies in its defence.

(9) The applicant may deliver a Replying Affidavit within seven (7) days from the date on which the Answering Affidavit is delivered.

(10) The Replying Affidavit must address only those issues raised in the Answering Affidavit and may not introduce new issues of fact and law.

(11) A party may request the Registrar to allocate a hearing date once a replying affidavit has been delivered or the time limit for such delivery has expired, whichever occurs first.

(12) An interlocutory application or an application for the registration of a settlement agreement, an arbitration award or a collective agreement, may be set down on at least four (4) days notice to the court and the parties. Such application may be supported by such affidavits as the case requires.

(13) In dealing with an application provided for in this sub-rule, the court may make any competent order it deems fit, including an order -

- (a) referring the matter to oral evidence for the determination of a specified dispute of fact;
- (b) referring the matter to trial and directing that it be enrolled in the Trial Register; or
- (c) as to the costs of the application.

Urgent Applications

15. (1) A party that applies for urgent relief shall file an application that so far as possible complies with the requirement of rule (14)

(2) The affidavit in support of the application shall set forth explicitly-

- (a) the circumstances and reasons which render the matter urgent;
- (b) the reasons why the provisions of Part V111 of the Act should be waived; and
- (c) the reasons why the applicant cannot be afforded substantial relief at a hearing in due

(3) On good cause shown, the court may direct that a matter be heard as one of urgency.

(4) The party who brings the application shall satisfy the court, when the application is heard, that a copy of the application has been served on all affected parties or that sufficient and adequate notice of the content of the application has been brought to the attention of the affected party by other acceptable means, unless giving notice of the application will defeat the relief sought in the application.

(5) A party who intends to oppose the application or make representation concerning the application shall notify the Registrar and the party who brings the application as soon as possible after the application has come to the notice of the party.

(6) The Court may deal with an urgent application in any manner it considers fit, and may dispense with the usual time limits, forms and service prescribed by the rules of court.

(7) Unless otherwise ordered a party may anticipate the return date of an interim order granted in the absence of such party on not less than twenty four (24) hours notice to the applicant and the Registrar.

Extension of Time of Time Limits and Condonation

16. (1) The court may extend or abridge any period prescribed by these rules on application and on good cause shown unless the court is precluded from doing so by the Act.

(2) If a party fails to comply with any notice or direction given in terms of these rules, any interested party may apply on notice for an Order that the notice or direction be complied with within a period that may be specified, and that failing compliance with the Order, the claim or defence of the party in default shall be dismissed or the court may make any order as it deems fit.

(3) The court may, on good cause shown condone any non compliance with these rules.

Withdrawal and Postponement

17. (1) A party who initiates proceedings may at any time before the matter has been set down and thereafter by consent of the parties or leave of court withdraw such proceedings and shall deliver a Notice of Withdrawal of Action as soon as possible.

(2) If costs are not tendered, the other party may apply to court on Notice for costs.

(3) If in any proceedings a settlement or agreement to postpone or withdraw has been reached, it shall be the duty of the party who initiated the proceedings to immediately notify the Registrar accordingly.

Referral to Arbitration

8. (1) A party may apply to the President for a direction that a pending application be referred to arbitration under the auspices of the Commission.

(2) The application shall be made on notice to all other parties, explicitly stating the reasons for the referral.

(3) The application for referral shall not be delivered prior to delivery of the reply in a contested application, without the leave of the President.

(4) The President may make such order on the application as he deems fit.

(5) Should the President consider, on the motion of the President, that a matter may be suitable for referral to arbitration, the President shall direct the Registrar to invite the parties to make representations in chambers before the President makes a decision.

Ex-parte Hearing and Default Judgement

19. (1) Where no reply has been delivered within the prescribed time period or any extended period granted by the court within which to deliver a reply, the party initiating the proceedings may make an application that -

- (a) the court directs that the matter proceed as an ex-parte trial; or
- (b) judgment by default be entered as the case may be.

(2) If a matter is enrolled for default judgment or ex-parte hearing, the person who initiates the proceedings may request the Registrar to have the matter removed from the roll where -

- (a) the matter has been, in the interim, settled between the parties; or
- (b) an agreement is reached between the parties for the granting of any extension.

(3) The court shall satisfy itself that proper service has been effected before granting an Order that a matter proceed as an ex-parte trial or the granting of a judgment by default as the case may be.

(4) Where a matter is referred for ex parte trial, a party who desires to defend the matter may, before judgement is granted, apply to court on good cause shown for leave to defend, and the court may make such order as may be just, including any order for costs.

Rescission, Variation of Order or Judgement

20. (1) The court may, in addition to any powers that it may have-

- (a) in the motion of the court or on application of any affected party, rescind or vary any order or judgment -
 - (i) erroneously sought or erroneously granted in the absence of any party affected by it;
 - (ii) in which there is ambiguity or a patent error or omission, but only to the extent of such ambiguity, error or omission; or
 - (iii) granted as the result of a mistake common to the parties; or
- (b) on application of any party affected, and on good cause shown, rescind, vary or set aside any order or judgment granted in the absence of that party.

(2) A party who desires relief under -

- (a) sub-rule 1 (a) shall apply for the relief on notice to all parties whose interests may be affected by the relief sought; or
- (b) sub-rule 1 (b) may within twenty one (21) days after the party acquires knowledge of an order or judgment granted in the absence of that party, apply on notice to all interested parties to set aside the order or judgment and the court may, upon good cause shown, rescind, vary or set aside the order or judgment on such terms as it deems fit.

Consent Order

21. (1) A party who opposes any proceedings may at any time consent to the whole or any part of the relief sought in the proceedings.

(2) The consent, unless given in open court, shall be in writing, signed and dated by the party consenting to the relief and filed with the court.

Heads of Argument

22. (1) The court may at any time call on the parties to deliver concise Heads of Argument on the points that they wish to argue.

(2) The Heads of Argument shall -

- (a) include a chronology of the material facts;
- (b) include a list or an attachment of the authorities referred to in the Heads of Argument;
- (c) in its reference to a text book, specify the author, title, edition, page number or an extract of the relevant page.

Joinder of Parties, Intervention as Applicant or Respondent, Amendment of Citation and Substitution of Parties.

23. (1) The court may join any number of persons, whether jointly and severally, separately, or in the alternative, as parties in proceedings, if the right to relief depends on the determination of the same decision of law or facts.

(2) The court may, of its own motion or on application and on notice to every other party, make an order that joins any person as a party in the proceedings if the party to be joined has a substantial interest in the subject matter of the proceedings.

(3) The court may, on making an order in terms of sub-rule (1), give such directions as to the further procedure in the proceedings as it deems fit, and may make an order as to costs.

(4) Any person entitled to join as a party in any proceedings may, on notice to all parties, at any stage of the proceedings, apply for leave to intervene as a party and the court may make an order, including any order as to costs, or give such directions as to the further procedure in the proceedings as it deems fit.

(5) The court may, if a party is incorrectly or defectively cited, on application and on notice to the party concerned, correct the error or defect and the court may make an order as to costs where appropriate.

(6) An application to join any person as a party to the proceedings or to be substituted for an existing party shall be accompanied by copies of all documents previously delivered, unless the person concerned or the representative of the person is already in possession of the documents.

(7) No joinder or substitution in terms of this rule shall affect any prior steps taken in the proceedings.

Offer of Settlement

1. 24. (1) If a sum of money or the performance of some act is claimed in any proceedings, any party against whom the claim is made may at any time make an offer, in writing, to settle the claim or perform the act.

(2) Notice of an offer in terms of this rule shall be signed by the party who makes the offer and delivered to all other parties to the proceedings.

(3) The notice shall state whether -

- (a) the notice is unconditional or without prejudice as an offer of settlement;
- (b) the notice is accompanied by an offer to pay all or only part of the costs of the party to whom the offer is made; and
- (c) the offer is made by way of settlement of both claims and costs or of the claim only.

(4) An applicant may accept an offer made in terms of sub-rule (2) by delivering a Notice of Acceptance of the offer.

(5) If an offer accepted in terms of this rule is not stated to be in satisfaction of an claim and costs of the applicant, the party to whom the offer is made may apply to the court, on five (5) days written notice to the other party, for an order for costs.

Costs

25. (1) The costs between party and party allowed in terms of a judgment or order of court, or any agreement between the parties, shall be calculated and taxed by the Taxing Master at the tariff determined by the order or agreement, failing which, the tariff applicable in the High Court shall apply.

(2) The court may, in special circumstances, authorize the Taxing Master to depart from the provisions of the tariff.

(3) Qualifying fees for expert witnesses may not be recovered as costs between party and party unless otherwise directed by the court during the process.

Taxation

26. (1) The Registrar shall perform the functions and duties of a Taxing Master or appoint any person as Taxing Master who in the opinion of the Registrar is fit to perform the functions and duties as are assigned to or imposed on a Taxing Master by these rules, on such terms and for such period as may be determined.

(2) The Registrar shall follow the rules and tariff of the High Court when the Register conducts taxation.

Decisions of the Court

27. (1) A decision of the court shall be a reasoned decision and shall be delivered at an open sitting of the court and recorded in a document signed by the President or Judge as the case may be.

(2) Where the decision is made ex-tempore, or is an interlocutory ruling, it shall not be necessary to record the reasons for such decision in writing unless one of the parties so requires.

(3) Where any nominated member disagrees with the majority decision of the court on a question of fact of the court, such disagreement and the reasons shall be recorded in a document signed by that nominated member.

Application of High Court Rules

28. Subject to the Act and these Rules -

- (a) where these rules do not make provision for the procedure to be followed in any matter before the court, the High Court Rules shall apply to proceedings before the court with such qualifications, modifications and adaptations as the presiding judge may determine; and
- (b) where, in the opinion of the presiding judge, the High Court Rules cannot be applied, in the manner provided for in paragraph (a), the court may determine its own procedures.

Pending Proceedings

29. Proceedings instituted and steps taken before the court before the Commencement of these Rules shall be valid and shall be governed by these Rules.

Revocation of Legal Notice No.8 of 1984

30. The Industrial Court Rules of 1984 are revoked.

P. R. DUNSEITH
PRESIDENT OF THE INDUSTRIAL COURT

S15

SCHEDULE

(Under Rule 7(3))

FORM I

IN THE INDUSTRIAL COURT OF SWAZILAND

In the matter between:

Case No.....

..... Applicant (s)

.....

..... Respondent (s)

APPLICATION TO THE COURT

In accordance with the Industrial Relations Act, 2000 (as amended) and the Industrial Court Rules, 2006 application is hereby made to the Court for the determination of the issues and granting of the relief as set out in the annexed statement of claim.

You are hereby notified that if you intend opposing the matter, you and your duly authorized representative must attend before the court at Mbabane on the day of 200 at 9.30 a.m. and deliver your Reply (in six copies). If you fail to do so, judgement by default may be granted against you, after hearing such evidence as the court deems necessary, without further notice to you.

DATED AT MBABANE THIS DAY OF 200.....

REGISTRAR OF THE INDUSTRIAL COURT
P.O. BOX 3547 MBABANE

APPLICANT
(Address within urban area of
Mbabane for service of all documents
in the proceedings:)

Received copy hereof this day of2006.

for: RESPONDENT

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