

G 6872 G  
S. 09621

NOT AVAILABLE FOR LOAN



# SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

---

VOL. LII]

MBABANE, Tuesday, MAY 20<sup>th</sup>, 2014

[No. 55

---

## CONTENTS

No.

Page

### PART C - LEGAL NOTICE

66. The Appointment of the Commission of Enquiry to Investigate the Road Accident of the  
29 April 2014 Along MR3 Freeway at Malagwane Hill, Notice, 2014 ..... S1

## LEGAL NOTICE NO. 66 OF 2014

THE COMMISSION OF ENQUIRY ACT, 1963  
(Act No. 35 of 1963)THE APPOINTMENT OF THE COMMISSION OF ENQUIRY TO INVESTIGATE  
THE ROAD ACCIDENT OF THE 29 APRIL 2014 ALONG MR3 FREEWAY  
AT MALAGWANE HILL, NOTICE 2014  
(Under Section 3)

In exercise of the powers conferred by Section 3 of the Commission of Enquiry Act, 1963, the Prime Minister issues this Notice-

*Citation and Commencement*

1. This Notice may be cited as the Appointment of Members of the Commission of Enquiry to Investigate the Road Accident of the 29 April 2014 Along the MR3 Freeway at Malagwane Hill, Notice 2014, (herein referred to as the "Commission").
2. This Notice shall come into force on the date of publication in the Gazette.

*Establishment and Composition of the Committee*

2. The persons whose names appear below are appointed members of the Commission-

(a) Lorraine Hlophe	-	Chairperson;
(b) Joseph Madonsela	-	Member;
(c) Reverend Armstrong Dlamini	-	Member; and
(d) Ndzingeko Dlamini	-	Secretary.

*Quorum of the Commission*

3. The quorum of the Commission shall be three members, including the Chairperson.

*Functions and powers of the Commission*

4. (1) The Commission shall have the power to summon any person to appear before it to make submissions that may be oral or written.
- (2) The Commission shall-
  - (a) investigate each accident, the factors leading to each accident and the impact the accident had on life and property, and shall:
    - i) ascertain details of the first accident involving a truck containing iron ore which is understood to have crashed at the foot of the Malagwane Hill on the Manzini bound carriageway;
    - ii) the time and nature of the accident;

- iii) the cause;
  - iv) the extent of damage to life and property.
  - v) ascertain details of the second accident involving another truck carrying coal which is understood to have crashed onto traffic descending Malagwane Hill on the Manzini bound carriageway;
  - vi) the time and nature of the accident;
  - vii) the cause;
  - viii) the extent of damage to life and property.
- (b) examine the measures taken by the emergency response services following notification of each of the two accidents and assess the efficiency of those measures;
  - (c) ascertain whether personal or mechanical negligence or other culpable action was responsible for either accident, and whether any individual or corporate entity may be considered liable for the accident;
  - (d) formulate measures to provide the best response, and how to mitigate the extent of any damage;
  - (e) formulate measures to eliminate or minimize the risk of accidents of this nature being repeated;
  - (f) formulate measures to maximize the efficiency and effectiveness of response to such accidents in general;
  - (g) formulate measures which will minimize and closely monitor the frequency of movement of trucks down the Malagwane Hill freeway;
  - (h) prepare details of the measures necessary to effect immediate commencement of the rehabilitation of the Ngwenya -Matsapha railway;
  - (i) investigate and enquire into anything relating to any issue connected to the investigation or enquiry on any matter the Commission deems relevant.

***Inquiry to be in public***

5. Unless circumstances otherwise require, the enquiry shall be held in public.

***Report of the Commission***

6. The Commission shall submit a report to the Prime Minister not later than 30<sup>th</sup> June 2014.

***Extension of term of appointment***

7. The Prime Minister may, by notice published in the Gazette, extend the term of appointment of the members of the Commission.

*Allowances*

8. The Commission shall receive such allowances as the Prime Minister may determine in consultation with the Minister responsible for Finance.

*Seat of the Commission*

9. The Commission shall seat at such venue as the Prime Minister may determine.

**BARNABAS S. DLAMINI**  
*PRIME MINISTER*