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Police Act, 1957

Act 29 of 1957

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Police Act, 1957

Act 29 of 1957

Commenced on 24 May 1957

[This is the version of this document at 1 December 1998.]

An Act to make better provision for the enrolment, discipline and administration of the Royal Swaziland Police Force, and matters ancillary thereto.

Part I – Preliminary

1. Short title

This Act may be cited as the Police Act, 1957.

2. Interpretation

In this Act, unless the context otherwise requires—

“**Board**” means a board constituted under [section 13\(1\)](#);

“**Commissioner**” means the Commissioner of Police appointed under [section 4\(1\)](#) and includes any officer appointed temporarily to act in such capacity;

“**constable**” means any member of the Force below the rank of non-commissioned officer;

“**Court**” means the High Court or a magistrate’s court;

“**District Officer**” *[Repealed A.5/1987]*

“**Force**” means the Royal Swaziland Police Force established under this Act;

“**lost and found property**” means movable property the owner of which is not known, but does not include stock as defined in the Stock Theft Act, [No. 6 of 1904](#);

“**member of the Force**” means any senior officer, subordinate officer, non-commissioned officer, constable or special constable serving in the Force in accordance with the provisions of this Act or any regulations made thereunder;

[Amended A. 5/1987]

“**Minister**” means the Prime Minister;

“**non-commissioned officer**” means any member of the Force of the rank Sergeant;

[Amended P.50/1964; A.5/1987]

“**pay**” means the salary of a member of the Force in his substantive rank and does not include any allowances which have not been declared to be pensionable;

“**police lines**” means an area set apart for occupation by members of the Force;

“**senior officer**” means the Commissioner, Deputy Commissioner, Assistant Com-missioner, Senior Superintendent, Superintendent and Assistant Superintendent of the Force;

[Amended A.5/1987]

“**special constable**” means a person appointed as such under [section 36\(1\)](#);

“**subordinate officer**” means an Inspector Sub-Inspector;

[Amended A.5/1987]

“**superintendent**” includes an assistant superintendent;

Part II – Organisation

3. Constitution of the Force

The Force shall be known as the Royal Swaziland Police and shall be formally enrolled and shall be so constituted and consist of such ranks as the Minister may from time to time direct by notice in the *gazette*.

4. Appointment and discharge of senior officers

(1) There shall be appointed to the public service, a Commissioner of the Force, a Deputy Commissioner, Assistant Commissioner, Senior Superintendents, Superintendents, Assistant Superintendents and Inspectors as may be necessary.

[Replaced A.5/1987]

(2) Such senior officers may, subject to this Act or any regulations made thereunder, be promoted, suspended, reduced or dismissed in accordance with the law relating to public officers.

5. General powers of Commissioners

(1) The Commissioner shall, subject to the general directions of the Minister, have the command and superintendence of the Force, and shall appoint fit and proper persons to be members of the Force below the rank of Inspector and may, as provided in this Act, promote, suspend, reduce or discharge any such member.

(2) The Commissioner may issue or approve such orders and directions for the government of the Force as he may deem necessary.

6. Delegation

Any power conferred upon the Commissioner under this Act or any regulations made thereunder may, subject to the directions of the Commissioner, be exercised by the deputy Commissioner.

7. Powers and duties

(1) The Force shall be employed in and throughout Swaziland for preserving the peace, for the prevention and detection of crime, and for the apprehension of offenders against the peace, and for the performance of such duties shall be entitled to carry arms, and members of the Force shall have all the powers and duties which are conferred and imposed upon them by any law in force in Swaziland.

(2) Every member of the Force shall be an officer of the law proper for the service or execution of any summons or warrant or other process directed to him, and every such summons, warrant or process directed to any member of the Force may be served or executed by any other member of the Force, and every such other member shall have the same rights, power and authority for and in the service or execution of such summons, warrant or process as if it had originally been directed to him.

(3) Every member of the Force shall promptly obey and execute all orders and warrants lawfully issued to him by any competent authority, collect and communicate intelligence affecting the public peace, prevent the commission of offences and public nuisances, detect and bring offenders to justice, apprehend all persons whom he is legally authorised to apprehend and for whose

apprehension sufficient grounds exist and keep such books and records and render such returns as the Commissioner may from time to time direct.

- (4) Any member of the Force may be required generally or in any particular instance to appear for the Crown in criminal cases or preparatory examinations.

8. Employment of Force in emergency

The Minister may in time of war or other emergency employ the Force or any part thereof in the defence of Swaziland:

Provided that the Force or any part thereof when so employed shall remain for the purpose of administration and discipline under the command of the Commissioner or such other senior officer of the Force as may be appointed by the Minister.

9. Restriction on retirement

- (1) In time of war, disturbance of the public peace, riot or other emergency or apprehended emergency, no member of the Force shall be at liberty to resign or retire therefrom unless the Minister in any particular case otherwise orders.
- (2) The Minister may, notwithstanding that the period of engagement of a member of the Force has expired, retain the services of such member for a period not exceeding six months immediately following such expiry if in the opinion of the Commissioner the exigencies of the Force so require.

10. Composition

[Amended P.50/1964; Repealed A.5/1987]

11. Regulations

The Minister may make regulations relating to all or any of the following—

- (a) the enlistment, promotion, suspension, reduction, discharge or dismissal of members of the Force;
- (b) the establishment and maintenance of training institutions for members of the Force and for the instruction and discipline of person attending thereat;

[Amended A.5/1987]

- (c) the definition of offences, by a member of the Force, against discipline and without prejudice to any other powers of arrest conferred by law, if the offence involves, or is likely to involve, injury to person or property, both his arrest and detention, without warrant, pending trial for the offence;

[Amended A.23/1968]

- (d) the stoppages to be made from the pay and allowances of members of the Force;
- (e) the procedure at disciplinary trials held under Part III of this Act, the penalties to be imposed and the attendance of witnesses thereat;
- (f) the compensation, gratuity, pension or other allowance payable to a special constable and his dependants under [section 37](#);

[Amended P.50/1964]

- (g) the administration and maintenance of the Force generally.

Part III – Discipline

12. Disciplinary offences

- (1) Any offence against discipline on the part of a senior officer shall be dealt with in accordance with the law relating to public officers.

[Amended A.5/1987]

- (2) Any member of the Force below the rank of inspector shall be liable to trial and conviction for any offence against discipline by any senior officer under whose command such member is or any other senior officer deputed thereto by the Commissioner:

[Amended A.5/1987]

Provided that where it appears to such senior officer that the offence would, by reason of its gravity or by reason of its repetition or for any other reason, be more properly dealt with by a court or a Board, he shall defer his verdict and report the facts to the Commissioner who may either return the report for further enquiry or order the accused to be tried before—

[Amended A.5/1987]

- (a) a senior officer; or
- (b) a Board; or
- (c) a court.

[Replaced A.5/1987]

- (3) If any member while a member of the Force has committed an offence triable under this section and thereafter ceases to be a member of the Force, he shall, unless he has been so tried, be liable to be tried for such offence by any court of competent jurisdiction:

[Amended A.5/1987]

Provided that, except in the case of mutiny or desertion, no prosecution shall be commenced after the lapse of three months from the date when such person ceased to be a member of the Force.

13. Constitution of procedure of Board

- (1) If the Commissioner is of the opinion that a charge is properly cognisable by a Board of Officers, he shall appoint three senior officers to constitute such Board and may give such directions as to times and place of hearing as he may think fit.
- (2) The Board shall conform as far as possible with the rules of procedure and evidence obtaining in magistrate's courts, and shall administer the oath or affirmation to any witness appearing before it.

14. Power to compel attendance of witnesses

Any senior officer of the Force, may for the purpose of a trial by him or by a Board of which he is a member, summon any person to attend as a witness at such trial and may at such trial by him take the evidence on oath or affirmation of any witness.

15. Disobedience to summons

- (1) Any person summoned as a witness under [section 14](#) who fails to attend at the time and place mentioned in the summons and any witness who refuses to be sworn or, having been sworn, refuses to give evidence or to produce any book, paper or document under his control lawfully required to be produced, or to answer all lawful questions put to him shall be guilty of an offence and liable

on conviction to be dealt with by a magistrate's court in like manner as if such witness had been a witness duly summoned to appear at a criminal trial before such court.

- (2) If at any trial under this Part any witness having been duly sworn makes any statement false in a material particular knowing the same to be false, he shall be guilty of perjury and punishable accordingly in a magistrate's court having jurisdiction.

16. Witness's expenses

Necessary witnesses, other than members of the Force or persons in the employment of the Swaziland Government, called either for the prosecution or defence in any proceedings under this Act shall be allowed such expenses as would be allowed to witnesses attending a magistrate's court on subpoena.

17. Representation of accused

At all trials under this Act before a Board of Officers or a magistrate's court the person accused shall be entitled to be represented by a legal practitioner admitted to practise in Swaziland or, except in the case of an appeal heard as provided in [section 21\(4\)](#), by a senior or subordinate officer approved for the purpose by the Minister.

18. Disciplinary Punishments

A member of the Force, other than a senior officer to whom [section 12\(1\)](#) applies, who is guilty of an offence against discipline shall be liable to any one or more of the following punishments—

- (a) Where disciplinary proceedings are conducted by a senior officer—
- (i) against a subordinate officer, such subordinate officer shall be liable to admonition; reprimand, severe reprimand, or a fine not exceeding one hundred Emalangeni;
 - (ii) against a non-commissioned officer, such non-commissioned officer shall be liable to admonition, reprimand or severe reprimand or a fine not exceeding fifty Emalangeni; and
 - (iii) against a member belonging to other ranks, such member shall be liable to admonition, reprimand or severe reprimand, a fine not exceeding thirty Emalangeni, confinement to Police lines for a period not exceeding fourteen days with or without punishment drill, extra guards, fatigues or other duty in addition to normal duty or to extra guards, fatigues or other duties;
- (b) Where disciplinary proceedings are conducted by a Board, the member shall be liable to admonition; reprimand; severe reprimand or a fine not exceeding two hundred Emalangeni.

[Amended A.5/1987]

19. Stoppage of pay

Any fine imposed upon a member of the Force may be recovered by stoppage from the pay of such member.

20. Consideration of sentence by Commissioner

- (1) Any senior officer who sentences any member of the Force under this Act or any regulations made thereunder, except when such sentence is one of admonition or of extra guards, fatigues or other duties, shall forthwith transmit the record of proceedings to the Commissioner who may alter, reverse or confirm the conviction, or increase, reduce, vary or confirm the sentence.

[Amended A.5/1987]

- (2) The Commissioner may, in addition to any sentence imposed, order the reduction of a member below the rank of inspector but above the rank of constable to a lower or the lowest rank.

[Amended A.5/1987]

- (3) No sentence shall be carried out until the decision of the Commissioner under subsection (1) is made known.

[Amended A.5/1987]

21. Appeals

- (1) Any member of the Force convicted or sentenced by a senior officer, or Board as provided in [sections 12\(2\) and \(3\)](#) may appeal to the Minister who may alter, reverse or confirm the conviction or increase, reduce, vary or confirm the sentence.

[Amended A.5/1987]

- (2) If an appeal has been lodged under subsection (1), no sentence shall be carried out until the decision of the Minister is made known.

- (3) Notice of appeal under subsection (1) together with the grounds thereof shall be lodged within seven days after the conviction with the senior officer, or Board who tried the case and it shall be the duty of the senior officer, or Board, as the case may be, forthwith to transmit the record of proceedings to the Minister.

[Amended A.5/1987]

- (4) Appeals from a judgment or sentence of a Magistrate's Court shall be subject to the provisions of the Magistrate's Court Act, [No. 66 of 1938](#).

22. Recommendation as to reduction or dismissal of members of the Force

Upon conviction by a senior officer, a Board or a magistrate's court, such officer, Board or court may, in addition to or in lieu of any of the penalties provided in this Act or any regulations made thereunder, recommend to the Minister that the person convicted be dismissed from the Force or be reduced, in the case of a member of the Force below the rank of inspector but above the rank of constable to a lower or the lowest rank.

23. Offences by persons not being members of the Force

Any person not being a member of the Force shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred emalangenis or imprisonment not exceeding six months or both, if he—

- (a) by words, conduct or demeanour pretends that he is a member of the Force;
- (b) conspires with or induces or attempts to induce any member of the Force to omit to carry out his duty or to do any act in conflict with his duty;
- (c) supplies any member of the Force while on duty with intoxicating liquor;
- (d) is a party to, or aids and abets or incites the commission of any act whereby any lawful order given to any member of the Force may be evaded;
- (e) causes or attempts to cause dissatisfaction amongst members of the Force;
- (f) by any means whatever, directly or indirectly, procures or persuades any member of the Force to desert, or who aids, or abets or who is accessory to the desertion of any member of the Force or who, having reason to believe that any person is a deserter harbours such deserter or aids him in concealing himself;
- (g) obstructs any member of the Force in the execution of his duty; or

- (h) assaults any member of the Force in the execution of his duty; or
- (i) knowingly obtains, buys, exchanges or receives from any member of the Force or deserter or from any person acting on behalf of such member or deserter or who solicits or entices any member of the Force or deserter, knowing him to be such, to sell, make away with or dispose of arms, ammunition, clothing, accoutrements, medals or other appointments furnished for the use of the Force, or who has in his possession any such arms, ammunition, clothing, accoutrements, medals, appointments, food or rations and fails to give a satisfactory account of how he came by them.

24. Fraudulent enlistment

Any person who, by a false certificate or any false representation, obtains or attempts to obtain admission to the Force, or having been dismissed from the Force, receives, by concealing that fact, any pay, allowance, gratuity or pension shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred emalangenis or to imprisonment not exceeding three months or both.

25. Interdiction pending enquiry

Any member of the Force below the rank of inspector may be interdicted from duty at any time by the Commissioner or by any senior officer generally or specially authorised for this purpose by the Commissioner under this Act but he shall not by reason of such interdiction cease to be a member of the Force:

[Amended P.35/1960]

Provided that the powers, privileges and benefits enjoyed by him as a member of the Force shall, during his interdiction, be in abeyance but he shall continue to be subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been interdicted:

Provided further that the Commissioner in his discretion may order payment to such member of an allowance during the period of his interdiction; and if the said proceedings terminate in his favour such member shall be entitled to payment in full of his emoluments for the whole period of his interdiction while he was a member of the Force less any allowance already drawn.

26. Prosecution of offenders

Nothing in this Act shall prevent any person from being prosecuted otherwise than under the provisions of this Act in any case where such person would be liable to be so prosecuted, but no person acquitted or convicted of any offence under this Act shall be liable to be tried again for an offence arising out of the same facts.

27. Private employment

No member of the Force shall without the consent of the Commissioner engage in any employment or undertaking apart from his duties under this Act.

28. Complaints

Any member of the Force who has reasonable cause for complaint against any other member of the Force may make a written statement thereof and send it to the member of the Force under whose immediate command he falls who shall cause it to be forwarded to the Commissioner with such observations as he thinks necessary.

29. Termination, dismissal and retirement

Subject to section 10 of the Civil Service Order No. 16 of 1973 the Commissioner may, in the case of any member of the Force of or below the rank of inspector, at any time—

- (a) terminate the appointment of such member on probation, if the Commissioner considers that he is unlikely to become an efficient member of the Force;
- (b) retire such member on reduction of establishment;
- (c) retire such member if a board of Government medical officers appointed by the Director of Medical Services finds that he is mentally or physically unfit for service and that such unfitness is likely to be permanent;

[Amended A.5/1987]

- (d) dismiss such member if he is recommended for dismissal from the Force under [section 22](#);
- (e) dismiss such member on conviction of an offence other than an offence under this Act or regulations made thereunder;
- (f) retire in the public interest any such member who displays an habitual inattention to orders or general incompetence or fails to obey orders or fails to co-operate with other members of the Force or manifests a quarrelsome disposition or want of courage, ability or zeal, although he may not be guilty of a specific offence.

[Amended P.35/1960]

30. Appeals against retirement and dismissal

- (1) Any member of the Force retired or dismissed under [section 29\(b\)](#), (c), (d), (e) or (f) may within seven days after notification to him of the Commissioner's decision, lodge notice of appeal, giving reasons in support of such appeal, with the member of the Force for the time being in command of the district in which he served immediately before his retirement or dismissal.
- (2) Such notice shall be forwarded to the Commissioner who shall transmit such notice and the record of proceedings to the Minister who may reverse or confirm such retirement or dismissal or subject such member to some lesser penalty not inconsistent with this Act.
- (3) If the Minister reverses a retirement or dismissal or imposes some lesser penalty, he shall make an order for the payment to such member of the whole, or such portion as the Minister deems fit, of the emoluments which such member would have received if he had not been retired or dismissed.

[Amended P.35/1960]

31. Saving of pension rights

Nothing contained in sections [29](#) and [30](#) shall be construed to affect any rights to a pension or gratuity to which a member might be eligible in terms of the Pensions Act [No. 3 of 1968](#), or the regulations made thereunder.

Part IV – General

32. Unlawful possession of property

Any person who receives or who has in his possession any animal, arms, ammunition, accoutrements, clothing, vehicle or equipment, knowing the same to have been sold, pledged, lent or otherwise disposed of in contravention of this Act or any regulations made thereunder, shall be guilty of an offence and liable

on conviction to a fine not exceeding one hundred emalangeneni or imprisonment not exceeding six months or both.

[Amended P.50/1964]

33. Attachment of property of members of Force

No animal or article mentioned in [section 32](#) and forbidden by this Act or any regulations made thereunder to be sold, pledged, lent or otherwise disposed of shall be capable of being seized or attached under any writ of execution sued out against any member of the Force nor shall the same pass under any order made for the sequestration of the estate of any member of the Force.

34. Assignment of pay

No member of the Force shall assign, without the approval of the Commissioner the whole or part of any pay or allowance payable under this Act or any regulations made thereunder.

35. Limitation of actions

For the protection of persons acting in pursuance of this Act or any regulations made thereunder, every civil action against any such person in respect of anything done or omitted to be done in pursuance thereof shall be commenced within six months next after the cause of action arises and notice in writing of any civil action and of the substance thereof shall be given to the defendant at least two months before the commencement of the said action:

Provided that the Court may for good cause shown, proof of which shall lie upon the applicant, extend the said period of six months.

36. Appointment of special constables

- (1) If there are not in any locality sufficient ordinary members of the Force available to perform police duties or any particular duty, or on the occurrence of any riot or disturbance of the public peace, or in any public emergency, or whenever there are reasonable grounds for anticipating such occurrence or emergency, or whenever it is necessary for the arrest, detention or transport of persons liable to detention in custody, the Minister, on the application of the Commissioner, may authorise generally or in any particular case any senior officer or administrative officer to appoint in writing as many fit and proper persons as may be deemed necessary to act as special constables for a specified time with such rank as may be specified by the appointing officer:

Provided that any senior officer or administrative officer may so appoint such special constables, if, in the opinion of such senior officer or administrative officer, such appointment is of immediate necessity, but such appointments shall be notified forthwith to the Commissioner for confirmation by the Minister.

- (2) Every special constable appointed under this section shall have the same powers, privileges and protection and shall be liable to perform the same duties and shall be amenable to the same penalties and shall be subordinate to the same authorities as ordinary members of the Force, and may be paid such remuneration as the Minister may determine.

37. Compensation for injury, sickness or death of special constable

- (1) The Minister may award a special constable such compensation, gratuity or pension as may be prescribed if such special constable is permanently or temporarily disabled, the disablement being attributable to any wound or other injury received or sickness contracted by him—
 - (a) in the performance of a function carried out under this Act; or
 - (b) during the carrying out of any training which he has been required to undertake.

- (2) If a special constable is killed in either of the circumstances mentioned in subsection (1)(a) or (b), the Minister may grant his dependants such pension or other allowance as may be prescribed.

[Added P.50/1964]

38. Extinguishing of fires

In the event of a fire threatening life or property the senior member of the Force present at such fire may—

- (a) close any street or direct the removal of any person who in his opinion interferes with the extinguishing of the fire;
- (b) enter any building or direct any other person to enter, and pull down any building or part thereof, if in his opinion such action is necessary for the control of the fire;
- (c) do all such things as he may think necessary for the purpose of extinguishing or controlling the fire.

39. Indemnity against civil liability

No action shall lie in any court of law against any member of the Force or any other person acting under the instructions of a member of the Force for the recovery of any damage caused in exercising the powers conferred upon him by [section 38](#) unless it be proved that such damage was caused *mala fide*.

40. Interference with member of Force

Any person who interferes with any member of the Force who is engaged in extinguishing or controlling a fire or with any person acting under the instructions of such member shall be liable on conviction to a fine not exceeding one hundred emalangeneni or imprisonment not exceeding six months.

[Amended P.50/1964.]

Part V – Rewards and Fines fund

41. Establishment of Rewards and Fines Fund

- (1) All fines imposed under this Act or any regulations made thereunder for any offence against discipline, and the proceeds of sales of unclaimed, lost and found property as provided in [section 42](#) shall be placed to the credit of a fund to be called the Police Rewards and Fines Fund.
- (2) No payment shall be made from the Police Rewards and Fines Fund except upon the authority of the Commissioner.
- (3) The Commissioner may, in his discretion, sanction payments from the Police Rewards and Fines Fund for any of the following purposes—
 - (a) assistance to the wives or families of deceased members of the Force of or below the rank of subordinate officer, or to any such members discharged from the Force as medically unfit for further service;
 - (b) payments to members of the Force of or below the rank of subordinate officer as rewards for meritorious acts or service in the execution of duty, if such payments are not made from the revenue of Swaziland;
 - (c) the procuring of any comforts or conveniences and advantages to members of the Force which are not chargeable on the general revenue;
 - (d) the granting of small loans in special circumstances to members of the Force repayable by instalments from their pay; or
 - (e) the providing of prizes for competitions limited to members of the Force.

42. Lost and found property

- (1) If any property reasonably believed to have been lost, abandoned or stolen comes into the possession of a member of the Force, and such property has not been lawfully claimed by any person for a period of not less than six months, such member shall, in writing, inform the Commissioner.
- (2) On receipt of such information and within twenty-one days after the end of six months the Commissioner shall make an ex-parte application, giving a full description of the property, to a Magistrate for an order that the said property be sold by public auction and the proceeds thereof paid into the Police Rewards and Fines Fund; or if the said property is of a worthless, dangerous or otherwise unsaleable nature, for an order that the property be destroyed or otherwise disposed of and the Magistrate, if satisfied that such property has not been lawfully claimed within the period of not less than six months, may grant the order requested.
- (3) Upon an order under subsection (2) being granted, the Commissioner shall cause notice of the sale of the property to be published once in the *Gazette* and not less than three times in a newspaper circulating in Swaziland and, within a period of not more than fourteen days from the date of the last publication of the said notice, the Commissioner shall sell the said property by public auction to the highest bidder at the place, date and time specified in the said notice:

Provided that no proceeds of sale under this section shall be paid into the Police Rewards and Fines Fund until a further period of six months from the date of sale has elapsed during which no lawful claim to the proceeds has been established.

- (4) Notwithstanding anything in this section, if a member of the Force in charge of the Police station of the area where the property is, is of the opinion that the immediate sale of any such property which is perishable would be for the benefit of the owner when found, he may at any time direct that it be sold by public auction to the highest bidder and the proceeds paid into the Police Rewards and Fines Fund and if a lawful claim to the ownership of such property is made by any person within six months of the date of such sale the proceeds thereof shall be paid to such person.
- (5) Within a period of thirty days from the date of the sale of such property under this section, the person who conducted the sale shall submit a written report to the Accountant-General and the Auditor-General giving a full description of all the property sold during such sale and the name and address of the buyer of each item including the proceeds realized in respect of each item of the property sold at such sale.
- (6) Any member of the Force who sells or otherwise disposes of any property to which this section applies in any manner other than in accordance with subsections (1), (2) and (3) shall be guilty of an offence and liable, on conviction, to a fine not exceeding five thousand Emalangeni or a term of imprisonment not exceeding five years or both.
- (7) Any person who buys, receives or otherwise acquires for himself or for any other person any property to which this section applies and which he knows or reasonably suspects to have been sold or otherwise disposed of in contravention of subsections (1), (2) and (3) shall be guilty of an offence and liable, on conviction, to a fine not exceeding two thousand Emalangeni or a term of imprisonment not exceeding two years or both.
- (8) Where in any criminal proceedings any person is charged with contravening subsection (6), or (7) the onus of proving that the sale of the property which is the subject of the charge complied with all the requirements of subsections (1), (2) and (3) shall be on the accused.

[Replaced A.5/1987]

43. Apportionment of proceeds of sale

So much of the proceeds of the sale of such lost and found property as the Commissioner may direct, if no claim to it has been established within six months, may be apportioned to the finder.