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Members of Parliament Gratuities Act, 1980

Act 8 of 1980

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Members of Parliament Gratuities Act, 1980

Act 8 of 1980

Commenced on 16 January 1979

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

[Repealed by [Members of Parliament and Designated Office Bearers Pension Fund Order, 1993 \(Kings Order in Council 18 of 1993\)](#) on 1 December 1993]

An Act to provide for the payment of gratuities to Members of Parliament.

1. Short title

This Act may be cited as the Members of Parliament Gratuities Act, 1980 and shall be deemed to have come into operation on the 16th January, 1979.

2. Interpretation

In this Act—

"**Member**" means a Member of the Parliament established by the Establishment of the Parliament of Swaziland Order, 1978 or under any other law.

3. Entitlement to gratuity

- (1) A Member of Parliament and any person referred to in subsection (2) shall be entitled to a gratuity in respect of the period during which he has been such a Member or such person, as the case may be.
- (2) Any person who was a Minister, a Minister of State, a Deputy Minister or an Assistant Minister of the Government at any time between the 26th May, 1977 and the 11th February, 1979, shall be entitled to a gratuity in accordance with this Act.
- (3) Notwithstanding the provisions of subsection (1) relating to the period in respect of which a gratuity is payable, where a Member or such person as is referred to in subsection (2) dies or has died before the coming into operation of this Act, the gratuity shall become due and payable to his estate and, if he has been a Member or such person for less than one year the gratuity shall be an amount equal to one year's salary at the rate of the salary he was entitled to receive at the time of his death.

4. Rate and payment of gratuity, etc.

The gratuity referred to in [section 3](#) shall be payable at such rates and in accordance with such terms and conditions as may, by Regulations published in the *Gazette*, be determined by the Minister for Finance after consultation with the Prime Minister.

5. Gratuity to be statutory expenditure

All moneys payable under this Act shall be paid out of the Consolidated Fund and shall be a charge upon public moneys.

6. Exemption from income tax

Notwithstanding any other law, the amount of any gratuity payable under this Act (excluding any interest earned thereon) shall not be liable to tax under the Income Tax (Consolidation) Order, 1975.

7. Protection of gratuities from attachment, etc.

No gratuity payable under this Act or any right thereto shall be capable of being assigned, transferred, ceded, pledged or hypothecated or liable to attachment, sequestration or any other form of execution under any circumstances whatsoever (including any judgment or order of a court) nor shall such gratuity or right thereto be deemed to form part of the assets in the insolvent estate of any Member or any person referred to in [section 3\(2\)](#):

Provided that a gratuity payable under this Act or the right thereto may be assigned, transferred, ceded, pledged or hypothecated to the Government in respect of any debt owed to the Government or to a financial institution as defined in the Financial Institutions (Consolidation) Order, 1975 and any such gratuity or right thereto shall be deemed to form part of the assets in the insolvent estate of a Member or such person as is referred to in [section 3\(2\)](#).

8. Repeal of the Members of Parliament (Gratuities) Order, 1977

The Members of Parliament (Gratuities) Order, 1977 is hereby repealed