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CONTENTS

No.		Page
PART A — BILLS		
5.	The National Agricultural Marketing Board Bill, 1985	S1
PART C — LEGAL NOTICES		
8.	Corrigendum — The Maximum Wholesale and Retail Prices of Petroleum Products Notice, 1985.....	S5
26.	The Date of Commencement (Accountants Act) Notice, 1985.....	S6
27.	Termination of Services of Officer of the Defence Force	S7
28.	The Appointment of Members of the Electoral Committee Notice, 1985	S8

PUBLISHED BY AUTHORITY

PART A

S1

THE NATIONAL AGRICULTURAL MARKETING BOARD BILL, 1985

(Bill No. 5 of 1985)

(To be presented by the Minister for Agriculture & Co-operatives)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to establish the National Agricultural Marketing Board, to enable the Board to control and improve the importation, exportation and distribution of scheduled products and to provide for matters incidental to the foregoing.

D.P. MAKANZA
Attorney—General

A BILL entitled

An Act to establish the National Agricultural Marketing Board.

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement.
2. Interpretation.
3. Establishment of Board.
4. Membership of Board.
5. Functions of Board.
6. Powers of Board.
7. Powers of the Minister.
8. Appeal to the Minister.
9. Procedure of Board.
10. Funds and Assets of Board.
11. Borrowing powers of Board.
12. Financial Year.
13. Accounts and audit.
14. Offences and penalties.
15. Regulations.

Short title and commencement.

1. This Act may be cited as the National Agricultural Marketing Board Act, 1985 and shall come into operation on such date as the Minister may, by notice in the Gazette appoint.

Interpretation.

2. In this Act, unless the context otherwise requires —
“Board” means the National Agricultural Marketing Board established under section 3;
“Minister” means the Minister responsible for Agriculture and Co-operatives;
“scheduled products” means products designated as such under section 15.

Establishment of Board.

3. There is hereby established the National Agricultural Marketing Board which shall be a body corporate with perpetual succession and a seal, capable of suing and of being sued in its corporate name, capable of acquiring and alienating movable and immovable property and of performing such other acts as a body corporate may lawfully perform.

Membership of Board.

4. (1) The Board shall consist of the following members —
- (a) the Principal Secretary of the Ministry responsible for Agriculture and Co-operatives who shall be the Chairman.
 - (b) eight members appointed by the Minister as follows —
 - (i) one person who shall represent the Ministry of Commerce, Industry, Mines and Tourism;
 - (ii) one person who shall represent the Central Co-operative Union;
 - (iii) one person who shall represent retailers of fruits and vegetables;
 - (iv) three persons who shall represent farmers; and
 - (v) two persons with such qualifications and who shall represent such organisations as the Minister may determine;
 - (c) a public officer designated by the Minister to be the Executive Officer and secretary of the Board who shall not have the right to vote.
- (2) A member of the Board who is not a public officer shall hold office for such period not exceeding three years and on such other terms and conditions as the Minister may determine and shall be eligible for re-appointment.

Functions of the Board.

5. In exercise of its powers under section 6 and subject to any directions of a general nature which may be given to it by the Minister under section 7, the Board may —

- (a) register wholesale distributors, importers and exporters of scheduled products;
- (b) facilitate in such manner as it may consider appropriate, the production, processing, storage, transportation, distribution and sale of scheduled products;
- (c) where required to do so, advise the Government in all matters related to the availability of and demand for scheduled products;
- (d) perform such other functions as may from time to time be determined by the Minister.

Powers of the Board.

6. In the exercise of its functions under section 5, the Board may —
- (a) require any person wishing to or engaged in importing and exporting scheduled products to register with and obtain a permit from the Board;
 - (b) nominate and empower any person or body to import or export scheduled products;
 - (c) determine the quantity, quality, grade or class of scheduled products that shall be subject to control and designate the place and manner of distribution of scheduled products;
 - (d) require from any person information relating to the source, type, grade, quantity and price of scheduled products;

- (e) prescribe and collect permit fees and impose such levy as may be appropriate on the value of scheduled products.

Power of the Minister.

7. The Minister may give directions of a general nature to the Board relating to the performance of its duties and the Board shall comply therewith.

Appeal to the Minister.

8. A person aggrieved by any decision of the Board not to grant a permit to import or export scheduled products may, within thirty days of his being informed of such decision, appeal to the Minister in writing whose decision thereon shall be final.

Procedure of the Board.

9. (1) The proceedings of the Board and other matters relating thereto shall be governed by the provisions set out in the Schedule hereto.

(2) The Minister may, by Notice in the Gazette amend the Schedule.

Funds and assets of the Board.

10. The funds and assets of the Board shall consist of —

- (a) all moneys or property that may from time to time be donated, lent or granted to the Board;
- (b) all property and investments acquired by or vested in the Board and all money earned arising therefrom;
- (c) all moneys raised or borrowed by the Board;
- (d) all other moneys or property that may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers and functions.

Borrowing powers of the Board.

11. The Board may, with the approval of the Minister, borrow such sums as it may require for meeting its obligations or exercising or performing its functions.

Financial year.

12. The Financial year of the Board shall run from the 1st January, to the 31st December in one year:

Provided that the first financial year may be shorter or longer than twelve months if the Board so determines.

Accounts and audit.

13. (1) The Board shall cause to be kept books of account in proper form as well as all necessary records in connection therewith.

(2) The accounts of the Board shall be subject to an annual audit by an auditor appointed by it and approved by the Minister.

(3) The Board shall within six months after the end of each financial year —

- (a) report to the Minister in such form as the Minister may direct on the performance by it of its functions;

(b) deliver to the Minister a copy of its accounts audited in accordance with subsection (2).

(4) The Minister shall lay before Parliament copies of all audited accounts as soon as practicable after he has received them.

Offences and penalties.

14. A person who fails to comply with instructions issued under section 6(a) and (d) or who fails to pay a fee or levy imposed under section 6(c), shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred Emalangeni or imprisonment for three months.

Regulations.

15. The Minister may make Regulations prescribing scheduled products and generally giving effect to the provisions of this Act.

SCHEDULE (Section 9)

RULES OF PROCEDURE OF THE BOARD

1. The Board shall meet at least once every three months.
2. The Chairman of the Board shall convene and preside at all meetings of the Board.
3. In the absence of the Chairman, but subject to the quorum, the Board shall appoint an Acting Chairman from among the members present to preside at a meeting of the Board.
4. The quorum for a meeting of the Board shall be five members.
5. All decisions of the Board shall be made by a majority of the votes of the members present and in the event of an equality of votes, the Chairman or Acting Chairman as the case may be, shall have a casting vote in addition to his deliberative vote.
6. Subject to the Act and this Schedule, the Board may regulate its own proceedings.

PART C

S 5

CORRIGENDUM

THE MAXIMUM WHOLESALE AND RETAIL PRICES OF PETROLEUM PRODUCTS NOTICE, 1985

(Legal Notice No. 8 of 1985)

The Maximum Wholesale and Retail Prices of Petroleum Products should be corrected by replacing in the Schedule the figure "33,54" with the figure "83,54".

LEGAL NOTICE NO. 26 OF 1985

THE ACCOUNTANTS ACT, 1985
(Act No. 5 of 1985)

THE DATE OF COMMENCEMENT (ACCOUNTANTS ACT)
NOTICE, 1985
(Under Section 1)

In exercise of the powers conferred by section 1 of the Accountants Act, 1985 the Minister for Finance hereby issues the following Notice —

Citation.

1. This Notice may be cited as the Date of Commencement (Accountants Act) Notice, 1985.

Date of commencement.

2. The Accountants Act, 1985 shall come into operation on the 1st April, 1985.

K. MBULI
Principal Secretary

MBABANE,
7th March, 1985.

S7

LEGAL NOTICE NO. 27 OF 1985

THE UMBUTFO SWAZILAND DEFENCE FORCE ORDER, 1977

(Order No. 10 of 1977)

TERMINATION OF SERVICES OF OFFICER OF THE DEFENCE FORCE

(Under Section 9)

In exercise of the powers conferred upon me by section 9 of the Umbutfo Swaziland Defence Force Order, 1977, I, NTOMBI, NDLOVUKAZI AND REGENT of the Kingdom of Swaziland hereby terminate the services of—

MAJOR ABEDNEGO MANDLA DLAMINI

from the Umbutfo Swaziland Defence Force with effect from the 1st November, 1984.

SIGNED AT ELUSASENI THIS 1ST DAY OF NOVEMBER, 1984.

NTOMBI
NDLOVUKAZI AND REGENT OF THE
KINGDOM OF SWAZILAND

THE ESTABLISHMENT OF THE PARLIAMENT OF SWAZILAND
ORDER, 1978

(Order No. 23 of 1978)

THE APPOINTMENT OF MEMBERS OF THE ELECTORAL COMMITTEE
NOTICE, 1985

(Under Section 5)

In exercise of the powers conferred upon me by section 5 of the Establishment of the Parliament of Swaziland Order, 1978, I, NTOMBI, NDLOVUKAZI AND REGENT of the Kingdom of Swaziland, hereby issue the following Notice—

Citation.

1. This Notice may be cited as the Appointment of Members of the Electoral Committee Notice, 1985.

Appointment of members.

2. The following persons are hereby appointed to be members of the Electoral Committee with effect from the 1st April, 1985.

Indvuna Yetinkhundla		Chairman
Prince Jwabu	—	Member
Mabalizandla Nhlabatsi	—	"
Elias M. Dlamini	—	"
Sikhalasemayiwane D. Magagula	—	"
Phenduka Cindzi	—	"
Gavu Dlamini	—	"

Revocation of Legal Notice No. 40 of 1984.

3. The Appointment of the Electoral Committee Notice, 1984 is hereby revoked.

DONE AT PHONDVO (KANYAMAZANE) THIS 6TH DAY OF MARCH, 1985.

NTOMBI
NDLOVUKAZI AND REGENT OF THE
KINGDOM OF SWAZILAND