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Director of Public Prosecutions Order, 1973

Kings Order in Council 17 of 1973

Legislation as at 1 December 1998

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Director of Public Prosecutions Order, 1973

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Director of Public Prosecutions Order, 1973

Kings Order in Council 17 of 1973

Assented to on 4 May 1973

Commenced on 15 June 1973

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

1. Short title

This King's Order-in-Council may be cited as the Director of Public Prosecutions Order, 1973.

2. Interpretation

In this Order-in-Council unless the context otherwise requires—

“**Minister**” means the Minister for Justice;

“**Proclamation**” means the Proclamation and decrees contained therein made by the King to the citizens of Swaziland on the 12th April, 1973;

“**repealed constitution**” means the Constitution Act [No. 50 of 1968](#) repealed by the Proclamation.

3. Office of Director of Public Prosecutions

- (1) There shall be a Director of Public Prosecutions whose office shall be a public office.
- (2) Notwithstanding section 9 of the Civil Service Order No. 16 of 1973, the powers, duties and functions vested in the Attorney-General under the Proclamation (Decree No. 5) in so far as criminal proceedings only are concerned shall from the date of coming into force of this Order, be vested in the Director of Public Prosecutions.

4. Application of sections 100, 119 and 120 of the repealed constitution

Sections 100, 119 and 120 of the repealed constitution shall also apply to the office of Director of Public Prosecutions:

Provided that such sections shall be construed as if there is no reference in them to the Judicial Service Commission or the Public Service Commission.

5. Amendment of section 6 of the King's Order-in-Council No. 16 of 1973

Section 6 of the Civil Service Order No. 16 of 1973 is amended by the addition of the following paragraph—

“(h) the office of Director of Public Prosecutions.”.

6. Application of section 12 of the King's Order-in-Council No. 16 of 1973

Section 12 of the Civil Service Order No. 16 of 1973 shall be deemed to apply to the office of Director of Public Prosecutions.

7. Pending criminal proceedings

Any matters relating to criminal proceedings, including the delegation of authority to prosecute, which have not yet been concluded on the date of the coming into force of this Order shall be deemed to have been instituted under the authority of the Director of Public Prosecutions.

8. Administration of office of Director of Public Prosecutions

Subject to this Order, and in so far as administrative functions are concerned, the responsibility for the conduct of the business of the Director of Public Prosecutions is assigned to the Minister.