

eSwatini

## Study Loan and Scholarship Agreement Order, 1977

### Kings Order in Council 8 of 1977

Legislation as at 1 December 1998

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## eSwatini

# Study Loan and Scholarship Agreement Order, 1977

## Kings Order in Council 8 of 1977

Assented to on 24 February 1977

Commenced on 4 March 1977

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

**A King's Order-in-Council to provide for the inclusion of certain terms in loan and scholarship agreements.**

### 1. Short title

This King's Order-in-Council may be cited as The Study Loan and Scholarship Agreement Order, 1977.

### 2. Interpretation

In this Order unless the context otherwise requires—

“**Agreement**” means a scholarship agreement or study loan agreement;

“**Civil Service**” includes service in a statutory or parastatal body;

“**Minister**” means the Minister responsible for education or any person or board or authority appointed under any law or delegated by him to act on his behalf:

“**scholarship agreement**” means any agreement between the Government of Swaziland or on its behalf and any person (whether he is a minor or not) to whom in terms of such Agreement a grant is made for the purpose of enabling or assisting such person to study in any country or at any institution specified in such agreement or any other institution to which he has been transferred with the approval of the Minister;

“**study loan agreement**” means any agreement between the Government of Swaziland or on its behalf and any person (whether he is a minor or not) to whom in terms of such Agreement a certain sum of money is advanced by way of loan by or on behalf of the Government to such person for the purpose of enabling him or assisting him to study at any institution or in any country specified in such Agreement, or any other institution or country to which he has been transferred with the approval of the Minister.

### 3. Deemed terms of any Agreement

Notwithstanding the express terms and conditions of any Agreement, the following terms and conditions shall be deemed to form part of such Agreement, whether or not such Agreement has been entered into prior to or after the commencement of this Order, namely—

- (a) any person to whom a grant or loan, as the case may be, has been made under the Agreement shall be obliged on completion of the study course in respect of which such grant or loan has been made to return to Swaziland and undertake such employment in the Civil Service of Swaziland as the Minister may allot to him and shall remain in the service of the Civil Service for not less than five years after the completion of such course:

Provided that the Minister may at any time in writing consent to such person taking up employment elsewhere than in the Civil Service:

And provided further that the Minister shall not be obliged to allot any post to a student unless having regard to such student's qualifications, there is a suitable vacancy for him in the Civil Service;

- (b) In the event of any person not undertaking the employment allotted to him by the Minister as provided for in paragraph (a) or in the event of his not completing his study course or in the event of his leaving the employment allotted to him without the written consent of the Minister, such person shall be obliged to repay the full amount of such grant or loan, as the case may be, within such period of time as the Minister may determine together with such interest thereon as the Minister may, in consultation with the Minister for Finance, determine (not being less than 6 per cent per annum or more than 12 per cent per annum) calculated from the date when such loan or grant, as the case may be, was made.

#### **4. Cannot contract out of the Agreement**

Any provision in any Agreement whereby the Government contracts out of provisions of [section 3](#) shall be deemed invalid.