

SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

VOL. XXIII]

MBABANE, Friday, August 30th, 1985

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PUBLISHED BY AUTHORITY

S1

THE CRIMINAL PROCEDURE AND EVIDENCE (AMENDMENT)
ACT, 1985
(Act No. 19 of 1985)



I ASSENT

NTOMBI

Ndlovukazi and Regent of Swaziland
20th August, 1985.

AN ACT
entitled

An Act to amend the Criminal Procedure and Evidence Act, 1938.

ENACTED by the Regent and the Parliament of Swaziland.

Short title.

1. This Act may be cited as the Criminal Procedure and Evidence (Amendment) Act, 1985 and shall be read as one with the Criminal Procedure and Evidence Act, 1938.

Replacement of section 221.

2. Section 221 of the Criminal Procedure and Evidence Act, 1938 is replaced with the following new section —

"Reports by medical or veterinary practitioners.

221. (1) In any criminal proceedings in which any facts are ascertained—
- (a) by a medical practitioner in respect of any injury to, or state of mind or condition of the body of, a person, including the results of any forensic test or his opinion as to the cause of death of such person; or
 - (b) by a veterinary practitioner in respect of any injury to, or the state or condition of the body of, any animal including the results of any forensic test or his opinion as to the cause of death of such animal,
- such facts may be proved by a written report signed and dated by such medical or veterinary practitioner, as the case may be, and that report shall be *prima facie* evidence of the matters stated therein:
- Provided that the court may of its own motion or on the application of the prosecution or the accused require the attendance of the person who signed such report but such court shall not so require if—
- (i) the whereabouts of the person are unknown; or

- (ii) such person is outside Swaziland and, having regard to all the circumstances, the justice of the case will not be substantially prejudiced by his non-attendance.

(2) Where a person who has made a report under subsection (1) has died or, the court in accordance with the *proviso* to subsection (1), does not order his attendance, such report shall be received by the court as evidence upon its mere production, notwithstanding that such report was made before the coming into operation of this Act."

S3

LEGAL NOTICE NO. 94 OF 1985

THE CIVIL SERVICE ORDER, 1973

APPOINTMENT OF ACTING PRINCIPAL SECRETARY

(Under Section 8)

In exercise of the powers vested in me and in accordance with section 8 of the Civil Service Order, 1973, I hereby appoint:

GILBERT FANUKWENTE DLAMINI

to be Acting Principal Secretary in Ministry of Works and Communications with effect from 1st August, 1985 to the 10th February, 1986.

SIGNED AT PHONDVO (KANYAMAZANE) THIS 20TH DAY OF AUGUST, 1985.

NTOMBI

**NDLOVUKATI AND REGENT
OF THE KINGDOM OF SWAZILAND**

S4

LEGAL NOTICE NO. 95 OF 1985

THE CIVIL SERVICE ORDER, 1973
APPOINTMENT OF ACTING PRINCIPAL SECRETARY
(Under Section 8)

In exercise of the powers vested in me and in accordance with Section 8 of the Civil Service Order, 1973, I hereby appoint—

THEMBISILE MARGARET MKOKO

to be Acting Principal Secretary in the Ministry of Interior with effect from 28th June, 1985 to the 16th July, 1985.

SIGNED AT PHONDVO (KANYAMAZANE) THIS 20TH DAY OF AUGUST, 1985.

**NTOMBI
NDLOVUKATI AND REGENT
OF THE KINGDOM OF SWAZILAND**

S5

LEGAL NOTICE NO. 96 OF 1985

THE CIVIL SERVICE ORDER, 1973

APPOINTMENT OF ACTING PRINCIPAL SECRETARY

(Under Section 8)

In exercise of the powers vested in me and in accordance with Section 8 of the Civil Service Order, 1973, I hereby appoint—

JOHN BONGANI JOUBERT SOLOMON DHLAMINI

to be Acting Principal Secretary in the Ministry of Labour & Public Service with effect from the 25th July, 1985 to the 31st December, 1985.

SIGNED AT PHONDVO (KANYAMAZANE) THIS 20TH OF AUGUST, 1985.

NTOMBI

NDLOVUKATI AND REGENT
OF THE KINGDOM OF SWAZILAND