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PUBLISHED BY AUTHORITY

PART A

S1

THE HUMAN SETTLEMENTS AUTHORITY BILL, 1985

(Bill No. 20 of 1985)

(To be presented by the Minister for Natural Resources and Energy)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to establish the Human Settlements Authority which shall be responsible for the orderly development of human settlements and to provide for matters incidental to the foregoing.

D.P. MAKANZA
Attorney—General

A BILL

for

An Act to establish the Human Settlements Authority.

ENACTED by the Regent and the Parliament of Swaziland.

Short title and commencement.

1. This Act may be cited as the Human Settlements Authority 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 —

“Authority” means the Human Settlements Authority established under section;

“human settlement” means the grouping of people, shelter, services and working places both in urban and rural areas comprising land, infrastructure, shelter social and economic facilities;

“housing scheme” means an undertaking comprising the provision of land, houses and infrastructure related thereto, for residential purposes;

“Minister” means the Minister responsible for human settlements;

“private housing scheme” means a housing scheme established by a developer other than the Authority or its agents.

Application.

3. This Act shall apply to such human settlements, housing schemes and private housing schemes as the Minister may, by notice in the Gazette declare to be subject to the provisions of this Act.

Establishment of Authority.

4. (1) There is hereby established the Human Settlements Authority which shall consist of —

- (a) six members, not being public officers appointed by the Minister, one of whom shall be the Chairman;
- (b) five public officers appointed by the Minister who shall not have a right to vote.

(2) There shall be appointed to the public service a secretary who shall be responsible for the administration of the Authority and such other matters as may be specified in his appointment.

Objects and functions.

5. The Authority shall —

- (a) assist the Government in formulating policy relating to human settlements and uphold and give effect to such policy;
- (b) ensure the orderly development of existing and future urban and rural settlements;
- (c) establish a finance mechanism for ensuring the supply and maintenance of improved shelter and infrastructure throughout Swaziland, which shall include a system of revenue recovery;
- (d) prepare appropriate standards for the provision of land, shelter and infrastructure by both private and public developers;
- (e) regulate real estate transactions including the standardization of lease agreements, rent control and sale of land and buildings;
- (f) encourage and support research in appropriate methods of providing affordable shelter and infrastructure; and
- (g) perform all other acts or things as are required by this Act.

Tenure of office.

6. A member of the Authority appointed under section 4(1)(a) shall, subject to section 7, hold office for a period not exceeding three years and on such other terms and conditions as the Minister may determine.

Vacation of office of members of the Authority.

7. A member of the Authority appointed under section 4(1)(a) may —

- (a) resign his office by giving to the Minister three months' notice in writing;
- (b) be removed from office by the Minister in writing if —
 - (i) he is absent from four consecutive meetings of the Authority without the permission of the Chairman;
 - (ii) he is incapacitated by prolonged physical or mental illness;
 - (iii) he is otherwise unable or unfit to discharge his functions under this Act.

Meetings of the Authority.

8. (1) The proceedings of the Authority and other matters relating thereto, shall be as set out in the Schedule hereto.

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

Powers of the Minister.

9. The Minister may give directives of a general nature under this Act to the Authority and the Authority shall comply therewith.

Establishment of human settlements etc.

10. (1) No person shall after the coming into operation of this Act, establish a human settlement, housing scheme or private housing scheme without the written permission of the Authority.

(2) A person desiring to establish a human settlement, housing scheme or private housing scheme shall submit an application in writing to the Authority which shall publish the application twice in a newspaper circulating in Swaziland.

(3) A person may, either individually or jointly with others, object in writing to the granting of permission by the Authority under this Act.

Granting of permission etc.

11. (1) The Authority may either grant or refuse an application for permission to establish a settlement within eight weeks from the date the application is received.

(2) If the Authority refuses an application, it shall, upon being requested by the applicant in writing, provide him with reasons for such refusal.

(3) If the Authority approves the scheme, it shall specify the plans approved and the conditions, if any, subject to which approval is granted.

(4) If an application is granted, the Authority shall notify the applicant and such other person as it may think proper in writing.

Authority may require compliance.

12. (1) If a person carries out work in contravention of any provision of this Act and receives notice in writing from the Authority requiring him to demolish or alter the work so as to bring it into conformity with the provisions of this Act, he shall within such period as shall be specified in the notice, comply with the requirements thereof.

(2) If the person fails to comply with the notice within the period specified, the Minister may request, notwithstanding any other law, any person, board or authority empowered in that regard to withhold, cancel or discontinue the provision of any services, licences or any other benefits to a scheme which has been established in contravention of this Act until the provisions of the notice have been complied with.

Appeals.

13. Any person aggrieved by a decision of the Authority or notice issued under section 12 may, within twenty-one days of such decision or receipt of the notice, as the case may be, appeal to the Minister whose decision thereon shall be final.

Human settlement development plans.

14. (1) The Minister may by notice in the Gazette—

- (a) order a development plan to be prepared for any area specified in the notice;
- (b) change the area of a development plan in such manner as he may think proper.

(2) A development plan shall consist of technical and summary reports, together with maps and proposals indicating the manner in which it is proposed that land in a specified area may be used, and the stages by which any development may be carried out.

(3) When a development plan is submitted to the Minister, the Authority shall publish twice a notice in a newspaper circulating in Swaziland that the plan is open for inspection at such place as shall be specified in the notice.

(4) The notice referred to in subsection (3) shall call upon any interested person who desires to make any representation in connection with the development plan to the Minister within a period of twenty-eight days after the date of the first publication of the notice.

(5) Upon receipt of any representation or objection the Minister shall with or without modifications, approve a development plan submitted to him, or reject it and, by notice in the Gazette order a new development plan to be prepared and submitted.

(6) The Authority shall place an approved development plan on public display during the normal hours of official business and shall cause copies of the approved development plan to be published for sale to the public.

Revocation or modification of approved development plans.

15. (1) At least once every five years, after the date on which a development plan for any area is approved by the Minister, the Authority shall prepare an up-to-date development plan in accordance with the procedure in section 14.

(2) Notwithstanding the provisions of subsection (1), the Authority may, where necessary, submit to the Minister proposals for modification of an approved development plan.

(3) Where an approved development plan is revoked or modified under the provisions of this section, the Authority shall, within twenty-eight days of the date of such revocation or modification, give notice thereof in the manner provided under section 14(3).

Regulations.

16. The Minister may make regulations —

- (a) prescribing the form of application to be made under this Act;
- (b) prescribing the form of granting or refusing an application under this Act;
- (c) prescribing the standards of existing human settlements in order to bring them into conformity with Government policy;
- (d) generally for the better carrying out of the provisions of this Act.

Repeal of Act No. 17 of 1961.

17. The Private Township Act, 1961 is hereby repealed.

Pending applications.

18. Any applications which are pending on the date of coming into operation of this Act before any board, shall be considered by the Authority as if they had been made to the Authority under this Act.

S5
SCHEDULE
(Section 8)

Meetings and rules of procedure of the Authority.

1. The Chairman of the Authority shall convene and preside at all meetings of the Authority.
2. In the absence of the Chairman, but subject to the quorum, the members present may nominate one of their number, not being a public officer, to be the Acting Chairman and preside at such meeting.
3. Five members, three of whom shall be members appointed under section 4 (1)(a) shall constitute a quorum.
4. The decision of the majority of the members present and voting shall be the decision of the Authority and where there is an equality of votes, the Chairman, or in his absence, the Acting Chairman shall have a casting vote in addition to his deliberative vote.
5. Subject to the Act and this Schedule, the Authority may regulate its own proceedings.

THE NATIONAL HOUSING BOARD BILL, 1985

(Bill No. 21 of 1985)

(To be presented by the Minister for Natural Resources, and Energy)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to establish the National Housing Board, to empower the Board to carry out housing schemes, to take over housing schemes to be determined by the Government.

D.P. MAKANZA
Attorney—General

A BILL
entitled

An Act to establish the National Housing Board.

ENACTED by the Regent and the Parliament of Swaziland.

Short title and commencement.

1. This Act may be cited as the National Housing Board Act, 1985 and shall come into operation on a date to be appointed by the Minister by Notice in the Gazette.

Interpretation.

2. In this Act, unless the context otherwise requires—

“Authority” means the Human Settlements Authority;

“Board” means the National Housing Board established under section 3;

“financial year” means the period from the 1st of April, in one year to the 31st of March in the following year and in respect of the first accounting period it shall be the period, whether shorter or longer than twelve months, as the Board may determine;

“General Manager” means the general manager of the Board appointed under section 9;

“housing scheme” means an undertaking comprising the provision of land, houses and infrastructure related thereto, for residential purposes;

“Minister” means the Minister responsible for housing.

Establishment of the Board.

3. (1) There is hereby established the National Housing Board for the purpose of carrying out the objects and functions set out in section 4.

(2) The Board shall be a body corporate and —

- (a) shall have perpetual succession;
- (b) may have a common seal;

- (c) shall be capable of suing and being sued in its corporate name;
- (d) may, subject to this Act, by purchase or other means acquire, and by sale, mortgage or lease, dispose of any movable or immovable property;
- (e) shall, subject to the approval of the Authority, have power from time to time to borrow such sums as it may require for its purposes and to that end mortgage, pledge or otherwise hypothecate any property as security for any such loans; and
- (f) be capable of performing all such acts as are necessary for or incidental to the carrying out of its objects and the performance of its functions under this Act.

Objects and functions of the Board.

4. (1) The Board shall subject to the provisions of the Human Settlements Act, 1985 and the provisions of this Act provide affordable housing generally in Swaziland and take over such housing schemes as the Government may determine.

(2) The Board shall in the exercise of the powers conferred under this Act give effect to any directive on matters of policy which may from time to time be given to it by the Authority and without derogating from the generality of the foregoing may—

- (a) act either by itself or in association or partnership with any other persons;
- (b) with the approval of the Minister after consultation with the Minister for Finance raise or borrow money on such terms and conditions as may be agreed;
- (c) acquire property, construct housing and carry out housing schemes approved by the Board;
- (d) subject to this Act make loans to any person for the purpose of enabling such person to acquire property and construct thereon approved housing or housing scheme;
- (e) ensure that taking one year with another, the income of the Board exceeds its expenditure;
- (f) do all or any of the things it is empowered to do under this Act.

Constitution of the Board.

5. (1) The Board shall consist of nine members, including a Chairman, appointed by the Minister for a period not exceeding three years where such members are not public officers, and in accordance with such terms and conditions, including remuneration, fees and allowances as may be specified in their instruments of appointment.

(2) The Board members shall manage and control the affairs of the Board and may, subject to this Act and any regulations made thereunder, exercise all powers and perform all the duties of the Board.

Vacation of office of member of the Board.

6. A person shall be disqualified from being appointed or remaining a member of the Board if —

- (a) he becomes insolvent under any law relating to insolvency or bankruptcy;
- (b) he becomes incapacitated by prolonged physical or mental illness;
- (c) he is absent from four consecutive meetings of the Board without leave of the Chairman of the Board;

- (d) if he is convicted of any offence.

Vacancies not to invalidate proceedings.

7. (1) The Board members may subject to the quorum, act notwithstanding any vacancy in the membership thereof.

(2) No act or other proceedings of the Board members shall be invalid by reason only that there was some defect in the appointment of any person as a member of the Board.

Disclosure of interest.

8. (1) Any member of the Board who is directly or indirectly financially interested in any contract or arrangement proposed to be entered into by or on behalf of the Board with any other person, shall forthwith disclose such interest to the Board members, and shall not take any part in discussions of the Board relating to such proposed contract or vote in respect thereof.

(2) Any person contravening subsection (1) shall be guilty of an offence and liable on conviction to a fine of five hundred Emalangeni or imprisonment for one year and in addition the Minister may without any notice revoke his appointment as a member of the Board.

General Manager.

9. (1) The Board members may, after consultation with the Minister appoint a General Manager on such terms and conditions as the Board members may determine.

(2) The General Manager shall be the chief executive of the Board and shall be responsible for the conduct of the business of the Board.

Procedure of the Board.

10. (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.

Powers of the Minister.

11. (1) The Minister may issue to the Board members such directions as he may deem fit in terms of this Act.

(2) The Minister may summarily terminate the appointment of the Chairman or any other member of the Board who has become disqualified on any of the grounds set out in section 6, or for misconduct, inefficiency in carrying out of, or the failure to carry out his duties.

Funds of the Board.

12. The funds of the Board shall consist of —

- (a) all monies appropriated by Parliament for purposes of the Board;
- (b) all monies donated or lent to the Board or the Government for purposes of the Board by any person;
- (c) all monies accruing to the Board as the result of the investment by it of any of its funds;
- (d) all monies paid to the Board by way of rental, interest or repayment of any money lent or advanced by it.

Rental charges.

13. Subject to this Act, the rental to be charged by the Board for housing units supplied by it shall be so structured as to comply with the provisions of section 4(e).

Borrowing powers of the Board.

14. The Board may with the approval of the Minister and with the consent of the Minister for Finance, and subject to such terms and conditions as the Minister may determine, borrow such money as it may require for the exercise of its functions under this Act.

General reserve fund.

15. (1) The Board shall establish and maintain a general reserve fund into which shall be paid any net profit earned by the Board.

(2) The general reserve fund shall be applied by the Board in making good any loss or deficiency, which may occur in any of the transactions of the Board.

Investment.

16. (1) The Board may with the approval of the Minister and the Minister for Finance, and subject to such conditions as may be determined, invest such part of its funds as are not required for the purpose of its business, and the monies forming part of its reserve funds.

(2) The powers of the Minister under this section shall extend to the amount which may be invested, the nature of the investment and conditions thereof and his approval may be either general or limited to a specific investment.

Accounts and audit.

17. (1) The Board shall keep proper accounts and other records in relation thereto and shall in respect of each financial year prepare a statement of accounts in such form as the Minister may direct.

(2) The accounts of the Board shall be examined, audited and reported on annually by auditors appointed by the Board.

(3) Not later than three months after the accounts of the Board for any financial year have been audited, the Board shall submit a copy of the statement of accounts prepared in respect of such year, to the Minister for Finance, together with a copy of any report made by the auditors on the accounts.

(4) The Minister shall, within a period of six months after the end of the financial year to which the accounts relate, lay a copy of every statement and report before Parliament.

Transfer and vesting of assets and liabilities.

18. (1) On a day to be appointed by the Minister by Notice in the Gazette, hereinafter referred to as "the appointed day", there shall be transferred to, and vested in, the Board by virtue of this section and without further assurance, such assets and liabilities of the Industrial Housing Company (Pty) Limited and from that date the Board shall, in respect of the assets and liabilities so transferred and vested, have all the rights and be subject to all the liabilities which the Company has or is subject to, immediately before that day.

(2) In the case of property deemed to have been transferred to and vested in the Board pursuant to this Act, in respect of the transfer of which any law provides for registration, it shall be the duty of the proper officer of the appropriate registration authority, upon written request made by or on behalf of the Board, to make such entries in the appropriate register as are required by law, to give effect to such transfer and, where appropriate, to issue to the Board a certificate of title in respect of such property or to make the necessary

amendments to the register, as the case may be, and to make any consequential endorsements on the deeds relating to the title, right or obligation concerned.

(3) On or after the appointed day, every contract entered into by or on behalf of the Company (whether in writing or not and whether or not of such a nature that rights and liabilities thereunder can be assigned by the Board) shall, as the Minister may determine and notify to the other party or parties thereto, have effect as if made by or on behalf of the Board as if for references therein to the Company or any officer or authority there substituted, in relation to anything falling to be done on or after the appointed day, references to the Board and to the corresponding officer or authority of the Board.

Pending proceedings.

19. Any legal proceedings by or against the Company which are pending on the appointed day shall be continued by or against the Board and a certificate of the Minister that the Board is, for the purpose of such proceedings, the proper body to continue such proceedings or to defend them, shall in any proceedings before any court be conclusive to that effect.

Staff.

20. (1) Subject to this Act, the General Manager may, under general directions of the Board, appoint such employee as may be necessary on such terms and conditions, including conditions relating to discipline and dismissal, as he may think fit.

(2) With effect from the appointed day, every person in the employment of the Company, shall forthwith become an employee of the Board and shall hold substantially the same office and on terms and conditions not less favourable than those applicable to him immediately before that date.

Exemption from duties and taxation.

21. (1) The Board shall be exempted from payment of stamp and transfer duties.

(2) The Board shall be exempted from payment of any taxes and trading licence fees which may be imposed by any law.

Protection from personal liability.

22. No matter or thing done or omitted to be done by any member of the Board, shall, if the matter or thing is done or omitted to be done *bona fide* in the course of the operations of the Board, render such person, or any person acting under his directions personally liable to any action, claim or demand.

Regulations.

23. (1) The Minister may make such regulations not inconsistent with this Act for—

- (a) the forms to be used in respect of applications to the Board for loans;
- (b) the remuneration, fees and allowances payable to members of the Board;
- (c) any other matter for giving effect to the purposes of this Act.

(2) Any person who contravenes any regulations made by the Minister under subsection (1) or who, gives false information in any form prescribed shall be guilty of an offence and liable on conviction to a fine of five hundred Emalangeni or imprisonment for twelve months or both.

SCHEDULE (Section 10)

Rules of procedure of the Board Members.

1. The Board members shall meet at least once every three months for the despatch of the business of the Board.
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 members of the Board shall nominate one of their number as Acting Chairman to preside at such meeting.
4. Three members of the Board shall constitute a quorum.
5. All decisions of the Board shall be taken by a majority of votes of the members present and voting and in the event of an equality of votes, the Chairman or in his absence, the Acting Chairman, 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.

LEGAL NOTICE NO. 97 OF 1985

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (MANUFACTURING AND
PROCESSING INDUSTRY) ORDER, 1985

(Under section 11)

In exercise of the powers conferred by section 11 of the Wages Act, 1964 the Minister for Labour hereby makes the following Order —

Citation and commencement.

1. This Order may be cited as the Regulation of Wages (Manufacturing and Processing Industry) Order, 1985 and shall be deemed to have come into force on the 13th June, 1985.

Application.

2. This Order shall apply to all persons employed in the manufacturing and processing industries including the manufacture of bricks and building blocks, dry cleaning and laundry garment making, handcraft, knitting and weaving who are engaged in the occupation, specified in the First Schedule.

Interpretation.

3. In this Order, unless the context otherwise requires—

“aligner” means an employee who aligns a finished product before final inspection with the aid of electronic test equipment;

“Artisan” means an employee who is in possession of a Trade Test Certificate signed by a Trade Testing Officer appointed by the Government;

“Assembler soldering” means an employee who solders and assembles components by hand;

“Assistant foreman baker” means an employee who is capable of manufacturing bread, adjusting bakery machinery and supervising the workers under his control;

“Assistant foreman confectioner” means an employee who is capable of manufacturing and decorating several lines of confectionery, adjusting bakery machinery and supervising the workers under his control;

“Baker” means an employee who is capable of manufacturing bread;

“Baker’s assistant” means an employee who assists a baker;

“Binder assistant” means an employee who receives printed matter from the machine for collating, stitching, padding, rounding corners, punching, folding, counting, numbering or perforating;

“Blower” means an employee who carries out blowing duties in the manufacture of glassware according to specification;

“Boiler operator” means an employee who operates a boiler;

- “Cabinet fitter” means an employee who fits accessories to a television cabinet;
- “Carder” means an employee who operates a carder machine and carries out simple lubrication on it;
- “Casual labourer” means an employee who is not employed for more than twenty-four hours at a time;
- “Cattle buyer” means an employee who buys livestock for his employer;
- “Chargehand” means an employee who assists a supervisor to supervise employees;
- “Chassis fitter” means an employee who fits chassis components to television sets;
- “Checker” means an employee who checks and records outgoing goods;
- “Cleaner messenger” means an employee engaged in cleaning, carrying messages, collecting and delivering mail or carrying out simple tasks in an office;
- “Clerk/storeman (with Junior Certificate)” means an employee engaged in general Clerical duties, who holds a Junior Certificate of Education;
- “Clerk/storeman (with Senior Certificate)” means an employee engaged in general clerical duties, who holds a Senior Certificate of Education;
- “Clerk/stores assistant” means an employee engaged in general clerical or store-keeping duties who does not hold a Junior Certificate of Education;
- “Coilwinder” means an employee mainly engaged in winding coils;
- “Component assembler” means an employee engaged in fitting electronic components on PC Boards and includes an employee engaged in pre-assembly work.
- “Compositor” means an employee engaged in the setting of type including the operation of typesetting and typelasting machines, the placing of blocks, plates and other materials into position for printing and the making of rubber stamps;
- “Confectioner’s assistant” means an employee who assists a confectioner;
- “Cook” means an employee who is engaged in cooking and issuing food to other employees;
- “Copy typist” means an employee who is engaged in typing and is capable of typing a minimum of 25 words per minute, filing, checking and recording incoming mail;
- “Darkroom attendant” means an employee who makes negatives, including the spotting and obliteration of all marks and pinholes;
- “De-boner” means an employee engaged in dissecting carcass;
- “Design draughtsman’s assistant” means an employee who assists a draughtsman to design mechanical layouts;
- “Divider operator” means an employee who operates a divider machine and who checks the weight of dough pieces;
- “Dough mixer” means an employee who operates a dough mixer, including the adding of ingredients into the dough;
- “Dough panner” means an employee who places dough pieces into pans;

"Driver (H.D.V.)" means an employee in possession of a current heavy duty driving licence who is in charge of a vehicle of over one and one half tons tare weight whose duties include handling cargo to and from the tailboard, and the daily maintenance and cleaning of such vehicle;

"Driver (L.D.V.)" means an employee in possession of a current driving licence who is in charge of a motor vehicle of less than one and one half tons tare weight whose duties include handling cargo to and from the tailboard, and the daily maintenance and cleaning of such vehicle;

"Driver messenger" means an employee who is mainly engaged in carrying messages, who delivers and collects mail by vehicle or motor cycle and who performs simple routine tasks in an office;

"Driver salesman" means an employee in possession of a current driving licence, who sells and delivers bread, confectionery or other articles by motor vehicle and who is responsible for accepting written orders for goods and the collection and safe custody of cash for C.O.D. sales, and who may also canvas for orders;

"Driver salesman's assistant" means an employee who assists a driver salesman;

"Engraver" means an employee who engraves, smoothens, polishes the finished glassware, and carries out duties related thereto;

"Engraver's assistant" means an employee who engraves, smoothens, polishes the finished glassware and carries out duties given to him by the engraver;

"Entrepreneur" means a person who carries on business under the financial assistance, policy and guidance of the Small Enterprises Development Company;

"Entrepreneur's assistant grade I" means an employee who is capable of performing the work of an entrepreneur without the assistance of such an entrepreneur;

"Entrepreneur's assistant grade II" means an employee who assists a person who is capable of carrying out the work of the entrepreneur in the entrepreneur's workshop;

"final aligner and tester" means an employee mainly engaged on the final alignment and testing of finished products, using electronic test equipment;

"Final inspector/final tester" means an employee mainly engaged on the final inspection or testing of finished products, if necessary using electronic equipment;

"Finisher" means an employee who smoothens, trims carpets and makes knots on the fringes to make such carpets adaptable for sale;

"Flour sifter" means an employee who sifts flour;

"Foreman baker" means an employee engaged in a supervisory capacity who is capable of carrying out all processes relating to the manufacture of bread;

"Foreman confectioner" means an employee engaged in a supervisory capacity who is capable of carrying out all processes relating to the manufacture of confectionery;

"Forklift operator" means an employee mainly engaged in operating a forklift;

"General labourer" means an employee engaged on unskilled work, including sweeping, cleaning or the loading of articles, goods or materials;

"Grinder" means an employee who grinds, smoothens and polishes a finished glassware product;

"Handyman" means an employee who does not hold a trade test certificate, who carries out simple repairs and supervises and allocates work to subordinate staff under his control;

"Hoist operator" means an employee who operates a dough bowl hoist;

"Inspector" means an employee, with not less than six months experience as an assembler who inspects the work of other employees;

"Jumper" means an employee who has knowledge of several jobs and who is able to relieve any other worker on a production line;

"kardex clerk/storeman" means an employee who operates a kardex system of stock control;

"Kiln operator" means an employee who is capable of operating and maintaining a kiln;

"Laboratory assistant" means an employee who generally carries out unskilled work in a laboratory or who assists a laboratory technician;

"Laboratory technician" means an employee qualified to carry out all duties allocated to him in a laboratory;

"Learner finisher" means an employee who is learning on the job to become a finisher and who has not completed six months in the case of the weaving industry or three months for other industries;

"Learner craftsperson" means an employee who is learning on the job to become a potter, screenprinter, silversmith or any other craftwork for a period not less than three or more than six months;

"Learner machine operator" means an employee with three months or less continuous experience of operating a machine for other industries or not more than six months in the weaving industry;

"Learner spinner" means an employee who is learning on the job to become a weaver and who has not completed six months in the case of the weaving industry or three months for other industries;

"Loader/packer" means an employee who packs bread or confectionery, or who loads/off loads bread and confectionery on to or off a vehicle or who packs finished products into cartons, including the transfer of goods or materials from large to smaller containers;

"Line feeder" means an employee mainly engaged in feeding the assembly line with components;

"Machine attendant" means an employee, other than a learner machine operator, who attends and operates a guillotine machine, bending machines, spot welding machine or any other machine requiring similar skills;

"Machine operator" means an employee, other than a learner machine operator, engaged in operating a machine;

"Master screenprinter" means an employee who is capable of cutting screen mixing pigments and has thorough knowledge of screenprinting techniques;

"Master potter" means an employee who is skilled in making pots to any specification, who has a general knowledge of glazing and firing techniques;

"Master silversmith" means an employee who is capable of working silver to any specification;

"Mechanical assembler" means an employee mainly engaged in the mechanical assembly of television and radio accessories and the placement of products in the appropriate area for assembly or despatch;

"Melter" means an employee who melts glasses in a glass factory;

"Mono caster attendant" means an employee who attends a monotype caster under the supervision of a key board operator;

"PC Board trimmer" means an employee mainly engaged in trimming excess component leads on soldered boards;

"Picture tube assembler" means an employee mainly engaged in preparing picture tubes for the assembly line;

"Plant assistant" means an employee who assists a plant attendant;

"Plant attendant" means an employee mainly engaged in operating a galvanizing plant and, if necessary, taking charge of the plant;

"Potter" means an employee who makes pots by hand or on pot wheels;

"Presser attendant" means an employee who operates a pressing machine in a cotton ginnery;

"Presser garment" means an employee who uses a sad iron, or pressing machine to iron materials or clothing;

"Proof reader" means an employee who reads and checks printer's proofs for errors and marks them for correction;

"Quality controller" means an employee mainly engaged in checking the quality and making reports on finished products;

"Repairer's assistant" means an employee with a basic knowledge of electronics mainly engaged in making simple repairs on small PC boards;

"Runner" means an employee who performs unskilled duties such as conveying, from one point to the other, materials used in garment manufacture;

"Saw sharpner " means an employee who sharpens saws and carries out simple maintenance work on them;

"Salesman" means an employee engaged in promoting the sales of an employer's products;

"Screenprinter" means an employee who screenprints by hand pulling a squeegee;

"Seasonal labourer" means an employee engaged for the duration of a season to carry out unskilled work, canning fruit and vegetables;

"Security guard or watchman" means an employee mainly engaged in the protection and security of his employer's premises;

"Silversmith" means an employee who is capable of working silver by hand;

"Semi-skilled kiln hand" means an employee who has limited knowledge in operating kiln and packs it according to specification;

"Slaughterman" means an employee engaged in stunning, bleeding, skinning, eviscerating and splitting livestock;

"Soaking attendant" means an employee who operates a solder bath, prepares fluxes, and checks solder levels;

"Spinner" means an employee who carries out spinning operations of wool or other materials according to specification;

"Stonehand" means an employee with the knowledge of composition who places jobs set out by a compositor into steel frames, locking and placing them into printing machines ready for printing;

"Supervisor" means an employee who supervises other employees placed under his control;

"Switchboard operator" means an employee whose duties consist wholly or mainly in the operation of a telephone switchboard;

"Tablehand" means an employee who prepares materials and places them on the table for cutting or weaving according to specification;

"Tester" means an employee who tests the function of assembled PC Boards using electronic equipment;

"Tool setter" means an employee who fits and sets tools on a machine;

"Washer" means an employee who washes and dries materials or wool and if necessary moth-proof the wool;

"Weaver" means an employee who carries out duties either by operating a hand loom or other equipment to manufacture the required goods;

Basic minimum wage.

4. The basic minimum wage inclusive of rations or cash in lieu thereof to be paid to employees specified in the First Schedule shall be calculated at a rate not less favourable than that specified therein provided that —

- (a) An employee who, at the date of commencement of this Order, is in receipt of a higher wage than that prescribed by this Order, shall not suffer any reduction in such wage by reason of this Order;
- (b) Where no definition of an employee's duties exist, such employee shall be paid a basic minimum wage not less favourable than that applicable to a general labourer;
- (c) Nothing in this section shall prevent an employer, if he so wishes, from—
 - (i) supplying cooked or uncooked food to an employee in addition to his basic wage;
 - (ii) providing free transport or free accommodation to an employee.

Statement of conditions of employment.

5. (1) The employer shall provide an employee with a written statement at the commencement of his employment stating whether he is employed permanently or seasonally, the conditions of his employment, the starting wage, including the learning period.

(2) The learning period referred to in subsection (1) shall be —

- (a) six months in the case of the weaving industry; and
- (b) three months in the case of other industries.

Hours of work.

6. (1) For employees other than security guards and casual labourers the normal working week shall consist of not more than forty-eight hours of work.

(2) The normal working week for security guards shall consist of not more than six shifts each of twelve hours.

(3) The normal hours of work for casual labour shall consist of eight hours per day.

Overtime.

7. (1) An employee who is engaged otherwise than on shift work or as a security guard and is required to work in excess of the normal hours specified in section 6 shall be paid as follows —

- (a) for time worked in excess of the normal hours on a weekday, payment shall be at one and a half times his basic hourly wage.
- (b) for time worked on a Sunday or a public holiday specified in the Third Schedule, payment shall be at twice his hourly rate.

(2) An employee employed on shift work, or as a security guard who is required to work on his rest day or on a public holiday specified in the Second Schedule, may be paid for such overtime or alternatively, be given an equivalent amount of time off in lieu of overtime payment.

(3) The basic hourly wage of an employee on a weekly wage shall be calculated by dividing such wage by the number of hours he normally works in a week.

(4) The basic hourly wage of a casual labourer shall be calculated by dividing his daily wage by eight.

Public holidays.

8. The public holidays listed in the Second Schedule shall be holidays with full pay.

Annual leave.

9. An employee shall have fourteen calendar days annual leave with full pay after each period of twelve months continuous service with an employer.

Provided that in the case of a security guard annual leave shall be twenty-one calendar days with full pay after each period of twelve months continuous service with an employer.

Piece work.

10. An employee engaged on piece work shall be entitled to wages and conditions of employment not less favourable than those specified in this Order.

Reimbursement of expenses.

11. A salesman, driver or salesman's assistant shall be reimbursed all expenses reasonably incurred on lodging and means for periods of absence from his place of residence on duty.

Lay-off.

12. (1) Due to circumstances beyond his control an employer may lay off employees for up to fourteen working days, without pay provided that at the end of this period he shall either re-employ the employees in their original jobs, or give them notice of termination of service in accordance with the provisions of the Employment Act, 1980.

(2) During the period of any lay-off, the employer shall not engage other employees to replace the employees he has laid off.

(3) The employer shall give —

- (a) a permanent employee fourteen days notice before the lay-off;
- (b) a seasonal twenty-four hours notice before the lay-off.

Trade testing.

13. (1) An employer shall grant unpaid leave to an employee who requests to undergo a trade test at the Swaziland College of Technology or any similar institution to enable him to take the test.

(2) An employee undergoing a trade test shall furnish the employer with the results of his examination.

Revocation of Legal Notice No. 53 of 1983.

14. The Regulation of Wages (Manufacturing and Processing Industries) Order 1983 is hereby revoked.

FIRST SCHEDULE

(Paragraph 4)

BASIC MINIMUM WAGE

(Emalangeni per week)

Learner Craftsperson)	
Learner Finisher)	
Learner Machine operator	)	E19.15
Learner Spinner)	
Learner Weaver)	
Casual Labourer)	
Seasonal Labourer)	
Carder)	
Checker	)	E26.55
Cleaner)	
Cook)	
Engraver's Assistant)	
Entrepreneur's assistant grade II)	
Finisher)	
Grinder)	
Loader)	
Potter)	
Runner)	

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Screenprinter)	E28.09
Semi skilled kiln hand)	
Silversmith)	
Spinner)	
Tablehand)	
Presser (garment))	
Washer)	
Weaver)	
Coil Winder)	
Component Assembler)	
Copy Typist)	
Dough Panner)	
Driver Salesman's Assistant)	
Entrepreneur's assistant grade I)	
Flour sifter)	
General Labourer)	
Hoist Operator	)	E33.32
Learner machine operator (other than knitting and weaving))	
Loader/Packer)	
Messenger)	
PC Board Trimmer)	
Plant Assistant)	
Security Guard/)	
Stonehand)	
Assembler (soldering))	
Binder Assistant)	
Compositor)	
De-Boner)	
Dark Room Attendant	)	E34.47
Mechanical Assembler)	
Mono caster Attendant)	
Proof Reader)	
Slaughterman)	
Driver/Messenger)	
Laboratory Assistant	)	E36.19
Presser Attendant)	
Cabinet Fitter)	
Chassis Fitter)	
Clerk/Stores Assistant)	
Driver (L.D.V.)	)	E37.35
Forklift Operator)	
Picture Tube Assembler)	
Soakline Attendant)	
Switchboard Operator)	
Baker's Assistant)	
Blower)	
Confectioner's Assistant)	
Divider Operator)	
Dough Mixer)	E38.30
Engraver)	

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Kiln Operator)	
Melter)	
Saw Sharpner)	
Design Draftsman's Assistant)	
Inspector)	
Machine Operator)	
Machine Attendant	)	E40.22
Solder Bath Attendant)	
Tester)	
Boiler Operator)	
Driver (H.D.V.))	
Kardex Clerk/Storeman	)	E40.79
Aligner)	
Final Inspector/Tester)	
Line Feeder)	
Quality Controller	)	E43.09
Repairer's Assistant)	
Baker)	
Confectioner)	
Handyman	)	E44.78
Chargehand)	
Final Aligner and Tester)	
Jumper	)	E46.53
Plant Attendant)	
Tool Setter)	
Clerk/Storeman (with Junior Certificate))	
Driver Salesman	)	E49.80
Artisan Grade III)	
Cattle Buyer)	
Master Screenprinter	)	E53.62
Master Potter)	
Master Silversmith)	
Salesman)	
Assistant Foreman Confectioner)	
Assistant Foreman Baker)	
Clerk/Storeman (with Senior Certificate)	)	E63.84
Artisan Grade II	)	E88.10
Foreman Baker)	
Foreman Confectioner	)	E94.48
Artisan Grade I	)	E129.86
Laboratory Technician	)	E136.62
Supervisor)	25% above the wage to the highest paid employee under his direct supervision.

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SECOND SCHEDULE

(Paragraph 8)

PAID PUBLIC HOLIDAYS

Incwala Day

Good Friday

Easter Monday

Christmas Day

Reed Dance Day

Somhlolo Day

King's Birthday

J.D. MNGOMEZULU

Principal Secretary Ministry of Labour

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (FORESTRY & FOREST
INDUSTRY) ORDER, 1985

(Under section 11)

In exercise of the powers conferred by section 11 of the Wages Act, 1964, the Minister for Labour hereby makes the following Order —

Citation and commencement.

1. This Order may be cited as the Regulation of Wages (Forestry and Forest Industry) Order, 1985 and shall be deemed to have come into force on the 13th June, 1985.

Interpretation.

2. In this Order unless the context otherwise requires —

“artisan’s assistant” means an employee who assists an artisan in a workshop or in carrying out work allocated to an artisan;

“blaster” means an employee who is the holder of a recognised blasting certificate and carries out blasting operations;

“bulldozer operator” means an employee who operates a bulldozer and carries out simple maintenance on it;

“chainsaw operator” means an employee who operates a chainsaw and carries out simple maintenance work on it;

“clerk” means an employee, who is engaged in general clerical duties other than a tally clerk;

“cook” means an employee who is engaged in the cooking and issuing of food to other employees;

“cross-cut saw operator” means an employee who operates a crosscut saw and carries out simple maintenance work on it;

“driver (L.D.V.)” means an employee who drives a vehicle of less than 5 tons tare weight, whose duties include the handling to and from the tailboard and the daily maintenance and cleaning of the vehicle;

“driver (Logging)” means an employee who drives a log carrying truck of over 10 tons tare weight and who is responsible for the daily maintenance and cleaning of the vehicle;

“driver (H.D.V.)” means an employee who drives a vehicle of 5 to 10 tons tare weight and whose duties include handling to and from the tailboard and the daily maintenance and cleaning of the vehicle;

“driving instructor” means an employee who trains other employees to drive a vehicle;

“fire tower watchman” means an employee, who by means of a fire tower, oversees, locates fire on or near the property of his employer and reports the fire to his employer;

"fork-lift driver" means an employee who drives a fork lift and carries out simple maintenance work on it;

"general labourer" means an employee who carries out unskilled work and includes field labourers, cleaners, sweepers, loaders and tea servers;

"grader operator" means an employee who operates a grader and carries out simple maintenance on it;

"juvenile" means a person between fifteen and eighteen years of age;

"indvuna" means an employee who supervises other employees under his control;

"jackhammer operator" means an employee who operates a jackhammer and carries out simple maintenance work on it;

"medical orderly" means an employee who provides medical assistance to out patients in the clinic;

"saw sharpener" means an employee who sharpens saws and carries out simple maintenance work on them;

"security guard" means an employee who is engaged to safeguard the property of his employer;

"skidder operator" means an employee who operates a skidder and carries out simple maintenance on it;

"tally clerk" means a person who collects and records information for further processing;

"telephone linesman" means an employee who checks and carries out repair work for his employer on a telephone communication system;

"timbergrader" means an employee who grades timber to the required specifications;

"tractor driver" means an employee who drives a tractor and carries out simple maintenance work on it;

Application.

3. This Order shall apply to a person employed—

- (a) in any undertaking having at least 70% of its productive holding under tree development and engaged in the occupation specified in First Schedule; and
- (b) by a person engaged in the clearing, felling or stripping of trees in a forest area.

Basic minimum wage.

4. (1) Subject to subregulation (3) the basic minimum wage to be paid to employees to whom the Order applies shall be calculated at a rate not less favourable than that specified in the First Schedule.

(2) For purposes of calculating hourly, daily, weekly or monthly rates, the following conversion table shall be used—

- (a) hourly rate — divide basic minimum wage by weekly hours;
- (b) daily rate — divide basic minimum wage by days to be worked in a week;
- (c) weekly rate — divide monthly wage by four and one third;
- (d) monthly rate — multiply weekly wage by four and one third;

(3) A juvenile general labourer shall receive not less than two-thirds of the rate of pay applicable to an adult general labourer.

Ration.

5. (1) As a condition of employment, an employer shall, supply to each employee receiving less than E1080 per annum, rations, in quantities not less than those specified in the Second Schedule.

(2) With the employee's consent, and after notifying the Labour Commissioner, the employer may pay the employee, in lieu of rations, the cash value of such rations as may be fixed by the Labour Commissioner from time to time.

(3) Upon notification by the Labour Commissioner of an increase in the ration allowances, the new cash value shall be paid not later than the pay day following such notification.

Hours of work.

6. (1) The normal weekly hours shall consist of forty-eight hours of not less than five days.

(2) In the case of an employee engaged on shift work his normal weekly hours shall be forty-eight hours over a six day week.

(3) In the case of a watchman or security guard the normal weekly hours shall be seventy-two hours over a six day week.

(4) An employee required to work on a continuous shift system shall have not less than one rest day each seven day period.

Overtime.

7. (1) An employee who is engaged otherwise than on shift work as a security guard or watchman and is required to work in excess of the hours specified under regulation 6(1) shall be paid overtime as follows —

- (a) for time worked in excess of the normal hours in any one day, he shall be paid at one and half times his hourly rate;
- (b) for time worked on a rest day, Sunday or Public Holiday specified in the Third Schedule, he shall be paid at twice his hourly rate.

(2) Any employee on shift work, or a security guard who is required to work on a rest day or on a public holiday specified in the Third Schedule, may be paid for such overtime or be given an equivalent amount of time off in lieu of overtime payment.

Annual leave.

8. On completion of each period of twelve months continuous service with an employer, an employee shall be entitled to an annual leave of not less than ten working days for a five day week and not less than twelve working days for a six day week with full pay.

Sick leave.

9. After three months continuous employment with the same employer, an employee shall be eligible, in each year of employment with that employer, for a maximum of fourteen days sick leave on full pay and a maximum of fourteen days sick leave on half pay.

Provided that no employee shall be eligible for sick leave in respect of any incapacity due to his own neglect or misconduct.

Public holiday.

10. (1) Subject to subsection (3) the public holidays specified in the Third Schedule shall be holidays with full pay.

(2) Subject to the provisions of section 7(1)(b) subsection (1) shall only apply when the employee presents himself for work on the working day immediately before the public holiday and working day immediately following the public holiday, except where the employer has authorised the employee's absence on such working day.

(3) Where an agreement has been reached between an employer and any of his employees, any of the public holidays specified in the Third Schedule may be exchanged for any other day in lieu thereof.

Savings.

11. (1) No employer shall, reduce the wages, ration allowance, annual leave or sick leave, to which an employee was entitled prior to the commencement of this Order.

(2) Any employer who contravenes subsection (1) shall be guilty of an offence and liable on conviction to a maximum fine of fifty Emalangeni or three months imprisonment or both.

Revocation of Legal Notice No. 77 of 1984.

12. The Regulation of Wages (Forestry and Forest Industry) Order, 1984 is revoked.

FIRST SCHEDULE
(Emalangeni per week)

Grade A1

Cleaner)	
General Labourer	)	13.52
Loader)	

Grade A2

Artisan's Assistant)	
Cook)	
Firetower watchman)	
Forest Guard	)	15.28
Forklift driver)	
Security guard)	
Tally clerk)	

Grade B1

Chainsaw operator)	
Clerk)	
Driver (L.D.V.))	
Induna (nursery)	)	15.71
Jackhammer operator)	
Switchboard operator)	
Tractor driver)	

Grade B2

Cross-cut saw operator)	
Driver (H.D.V.))	
Induna (Forest))	
Saw sharpener	)	20.48
Skidder operator)	
Timber grader)	

Grade B3

Blaster)	
Bulldozer operator)	
Driver (Logging)	)	30.45
Driver Instructor)	
Grader operator)	
Telephone linesman)	

SECOND SCHEDULE

(Section 5)

MINIMUM WEEKLY RATION SCALE

Mealie Meal.	6.35 kg
Meat	1.36 kg
Sugar	.45 kg.
Dry Beans, Peas or Groundnuts	.68 kg.
Fresh Vegetables	.9 kg
Salt	.113 kg.

Alternatives.

2. The following rations may be supplied in lieu of the items of food mentioned in paragraph 1:-

(a) Mealie Meal:-

for every .9 kg of mealie meal — .45 kg of bread, .34 kg. of rice or .23 kg. of ordinary or sweet potatoes.

(i) for the first .23kg of meat — .23kg. of offal; or

(ii) for the first .45kg. of fish — .23kg. of cheese.

(b) for every .45kg. of fresh vegetables, .45kg. of fresh fruit or a proportionate ration of dehydrated vegetables.

Permitted Variations.

3. The rations of mealie meal shown in paragraph 2(a) may be reduced by an amount not exceeding 2.72kg. equivalent to the amount of mealie meal used in the preparation of:-

- (a) the drink known as "mahewu" or
 - (b) a proprietary vitaminized drink, if either drink is issued in a week to the employee by the employer.
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THIRD SCHEDULE

(Section 10)

Good Friday
King's Birthday
Incwala Day
Somhlolo Day
Christmas Day
Boxing Day.

J.D. MNGOMEZULU
Principal Secretary Ministry of Labour