

SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE

VOL. XXX]

MBABANE, Friday, October 2nd, 1992

[No. 904

CONTENTS

No. **Page**

PART B – ACTS

8.	The Criminal Procedure and Evidence (Amendment) Act, 1992.....	S1
9.	The Theft of Motor Vehicles (Amendment) Act, 1992	S2
10.	The Fugitive Offenders (Commonwealth) (Amendment) Act, 1992	S3
11.	The National Meteorological Service Act, 1992	S5

PART C – LEGAL NOTICES

106.	Appointment of Acting Justice of Appeal.....	S9
------	----------------------------------------------	----

THE CRIMINAL PROCEDURE AND EVIDENCE (AMENDMENT) ACT, 1992

(Act No. 8 of 1992)



I ASSENT

MSWATI III

KING OF SWAZILAND

21st August, 1992

AN ACT

entitled

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

ENACTED by the King and the Parliament of Swaziland.

Short title.

1. This Act may be cited as the Criminal Procedure and Evidence (Amendment) Act, 1992 and shall be read as one with the Criminal Procedure and Evidence Act, 1938 in this Act referred to as the "principal Act."

Amendment of section 102A.

2. Section 102A of the principal Act is amended by inserting after subsection (1) the following new subsection:

"(i) bis Notwithstanding any provisions of this Act the deposit of the amount of bail given under subsection (1) shall be made in cash only."

THE THEFT OF MOTOR VEHICLES (AMENDMENT) ACT, 1992

(Act No. 9 of 1992)



I ASSENT

MSWATI III

KING OF SWAZILAND

10th September, 1992

AN ACT

entitled

An Act to amend the Theft of Motor Vehicle Act, 1991.

ENACTED by the King and the Parliament of Swaziland.

Short title.

1. This Act may be cited as the Theft of Motor Vehicles (Amendment) Act, 1992 and shall be read as one with the Theft of Motor Vehicles Act, 1991 referred to in this Act as the "principal Act."

Replacement of section 18.

2. Section 18 of the principal Act is replaced with the following:

"Provisions as to bail.

18(1) Where a person is charged with an offence under Section 3 or 5 the amount of bail to be fixed by a Court shall not be less than half the value of the Motor Vehicle stolen, and a deposit of the amount of bail so fixed by the Court shall be made in cash only notwithstanding any law to the contrary.

(2) Where there is a dispute as regards the value of a stolen Motor Vehicle the book value of the Motor Vehicle at the time of the theft as ascertained by the Court from a Motor Vehicle dealer shall be taken to be the value of the Motor Vehicle.

(3) Where a person is charged with any other offence under this Act the amount of bail to be fixed by a Court shall not be less than half the amount of maximum or minimum fine fixed for that offence.

(4) No person charged with an offence under this Act shall be released on his own recognisance."

THE FUGITIVE OFFENDERS (COMMONWEALTH) (AMENDMENT) ACT, 1992

(Act No. 10 of 1992)



I ASSENT

MSWATI III
KING OF SWAZILAND

21st August, 1992

AN ACT

entitled

An Act to amend the Fugitive Offenders (Commonwealth) Act, 1969.

ENACTED by the King and the Parliament of Swaziland.

Short title.

1. This Act may be cited as the Fugitive Offenders (Commonwealth) (Amendment) Act, 1992 and shall be read as one with the Fugitive Offenders (Commonwealth) Act, 1969, in this Act referred to as the "principal Act."

Amendment of section 6.

2. Section 6 of the principal Act is amended as follows:

(a) by replacing paragraph (a) of subsection (1) with the following:

"(a) the offence of which that person is accused or was convicted is an offence of a political character:

Provided that the following offences shall not be held to be offences of a political character-

- (i) an offence against the life or person of His Majesty, the King or a member of His Majesty's immediate family;
 - (ii) an offence against the life or person of the Head of Government or a member of his immediate family; or
 - (iii) an offence against the life or person of a Minister of the Government;
 - (iv) an offence established under any multinational convention to which both Swaziland and the designated country are parties and which is declared by such convention not to be regarded as political offence for the purposes of the return of an accused person;"
- (b) by adding after paragraph (c) of subsection (1) the following paragraph:
- (d) he has been convicted (and is neither unlawfully at large nor at large in breach of a condition of a licence to be at large) or has been acquitted, whether within or outside the designated country of the offence of which he is accused;"

- (c) by adding after subsection (4) the following new subsections:

“(5) When considering a request under subsection (3) (c) the Minister may request for such particulars as it may require in order to be satisfied that such request is otherwise consistent with the purposes of this Act, and shall not unreasonably withhold such consent but if in the opinion the Minister it appears that on the facts known to the designated country at the time of the original application for the return of the accused person, an application should have been in respect of such offence at that time, the Minister may refuse his consent.

(6) A designated country shall not without the consent of the Minister return or surrender to another country an accused person returned to that designated country who is being sought by such other country in respect of an offence committed by that person prior to the request for his return by the designated country, and the Minister may in considering a request under this subsection, ask for the particulars referred to in subsection (5).”

Amendment of section 8.

3. Section 8 of the principal Act is amended by replacing subsection (1) with the following:

“(1) When a person is accused of a relevant offence or is alleged to be unlawfully at large after conviction of such offence, a Magistrate may-

- (a) upon the receipt of an authority to proceed issue a warrant for the arrest of that person; or
- (b) without such authority and upon information that the accused person is or is believed to be in or on his way to Swaziland, issue a provisional warrant for the arrest of that person, and for the purposes of this paragraph any information contained in an international notice issued by the International Criminal Police Organisation (INTERPOL) in respect of the accused person may be considered by the Magistrate either alone or with other information in deciding whether a provisional warrant should be issued for the arrest of the accused person.”

Insertion of section 12 bis.

4. The principal Act is amended by the insertion after section 12 of the following new section-

“Return of escaped prisoners.

12 bis If a person who has been convicted of a relevant offence in a designated country is unlawfully at large before the expiry of his sentence for that offence or in breach of a condition of a licence to be at large is found in Swaziland, the provisions of this Act relating to the arrest and return of a person accused of a relevant offence shall apply with such modifications and adaptations as are necessary for the purpose of returning such person to the country in which he was convicted.”

Insertion of section 19 bis.

5. The principal Act is amended by the insertion after section 19 of the following new section-

“Amendment of Schedule.

19 bis The Minister may by Legal Notice published in the Gazette amend the Schedule to this Act.”

THE NATIONAL METEOROLOGICAL SERVICE ACT, 1992

(Act No. 11 of 1992)



I ASSENT

MSWATI III
KING OF SWAZILAND
22nd September, 1992

AN ACT
entitled

An Act to provide for the establishment and functions of a National Meteorological Service and for other matters related or incidental thereto.

ENACTED by the King and the Parliament of Swaziland.

Short title.

1. This Act may be cited as the National Meteorological Service Act, 1992.
2. In this Act, unless the context otherwise requires:

“International Agreements” means those meteorological and operational hydrological related agreements of the World Meteorological Organisation, the International Civil Aviation Organisation, the Food and Agricultural Organisation or such other intergovernmental or non-inter-governmental organisations to which Swaziland is a party;

“meteorological data” means any information that determines the conditions of the weather as recorded by any means in order to provide meteorological services;

“meteorological services” include activities of weather observation and forecasting as well as the provision of advisory services in connection with the observation or study of the behaviour of the earth’s atmosphere in both space and time and its interaction with land, water and human activities;

“Minister” means the Minister responsible for Transport and Communications;

“product” means any observed and processed meteorological data.

Establishment of the National Meteorological Service.

3. (1) There is hereby established a National Meteorological Service (referred to in this Act as the “Service”) which shall be a department under the Ministry responsible for Transport and Communications.

(2) The Service is composed of the aeronautical meteorology unit of the Civil Aviation Branch in the Ministry of Transport and Communications and the climatology unit of the Water Resources Branch in the Ministry of Natural Resources.

Object of the Service.

4. The object of the Service is to provide meteorological services in support of the social and economic development of Swaziland and for the safety and well-being of the people of Swaziland.

Functions of the Service.

5. For the attainment of its object, the Service shall:

- (a) establish, operate and maintain a national network of observing stations for the observation of the various meteorological and climatological conditions and occurrences;
- (b) collect, process and keep all meteorological and other related data acquired by the Service or from any person or organisation;
- (c) exchange observed data and products in accordance with the requirements of international agreements in order to facilitate the co-ordination and monitoring of meteorological activities at international or regional level;
- (d) establish, operate and maintain the necessary communications system it requires for the collection and dissemination of data and products;
- (e) publish and disseminate observed data, analyses, forecasts and other interpreted products;
- (f) disseminate warnings of adverse weather-related conditions and advise on necessary safety measures to be adopted in the event of the occurrence of a disaster;
- (g) advise and educate the general public on precautions to be taken during the occurrence of severe weather and climatic phenomena;
- (h) advise on the development and use of wind and radiation energy and on the control and prevention of air pollution;
- (i) conduct studies and research in the appropriate meteorological and climatological fields;
- (j) conduct such training courses, seminars and on-the-job training as may be necessary for the efficient discharge of its functions; and
- (k) perform such other functions as are incidental to those specified in paragraphs (a) to (j) or as may be assigned to it from time to time by the Minister.

Management of the Service.

6. (a) The service shall have a Director and a Deputy Director.
- (b) The Director and Deputy Director shall be appointed by the Civil Service Board.

Functions of the Director and Deputy Director.

7. (1) Subject to such directives as may be given by the Minister on matters of policy, the Director shall be responsible for the day-to-day administration and management of the affairs of the Service, and in particular:

- (a) shall be responsible for the control and discipline of the personnel of the Service in accordance with the Civil Service Order, 1973 and regulations made thereunder;
- (b) shall ensure that expenditures incurred by the Service in connection with the performance of its functions under this Act are in conformity with its approved budget and work programme.

(2) The Director may engage the services or seek the assistance of such Government and other agencies as he deems expedient for the collection of data relevant to the functions of the Service.

(3) The Deputy Director shall perform such functions as may be assigned to him by the Director.

(4) When the Director is absent from office, the Deputy Director shall perform the functions of the Director during the period of absence.

(5) When both the Director and the Deputy Director are absent from office, the most senior head of one of the sections of the Service shall act during the period of absence of both the Director and Deputy Director.

Personnel of the Service.

8. The personnel of the Service shall consist of:

- (a) such employees in the aeronautical meteorology unit of the Civil Aviation Branch in the Ministry of Transport and Communications as may be transferred to the Service by the Minister;
- (b) such employees in the climatology unit of the Water Resources Branch in the Ministry for Natural Resources and Energy as may be transferred to the Service by the Minister for Natural Resources and Energy in consultation with the Minister; and
- (c) such other employees as may from time to time be appointed to the Service by the Civil Service Board under section 9 of this Act.

Appointment of employees of the Service.

9. Employees of the Service, other than those transferred to the Service by virtue of section 8(a) and (b), shall be appointed by the Civil Service Board upon the recommendation of the Director.

Funds of the Service.

10. The funds of the Service shall consist of monies allocated to the Service by the Government.

Accounts of the Service.

11. The Director shall cause to be kept proper and accurate accounts of its receipts and expenditures in accordance with the requirements of the Finance and Audit Act, 1967.

Work Programmes and Annual Budget.

12. The work programme and budget of the Service in respect of each financial year shall be submitted to the Minister for his approval in such form and within such period as the Minister may determine.

Annual reports.

13. The Director shall within three months after the end of each financial year, make a report to the Minister on the financial position and activities of the Service during that financial year.

Fees and other charges.

14. The Minister may, upon the recommendation of the Service, by Notice in the Gazette, prescribe fees and other charges in respect of such meteorological services as the Minister may determine.

Prohibition against unauthorised dissemination of meteorological data.

15. No person or organization shall disseminate any meteorological information or data unless that person or organization has been authorised in writing by the Director of the Service to disseminate such meteorological information or data.

Private weather observing stations.

16. (1) The Service shall supervise the establishment, operation and use of Private Weather Stations;

(2) No person shall establish, operate or use a private weather observing station without notifying the Director in writing.

(3) When he deems it expedient for the discharge of the functions of the Service, the Director may with the consent of the owner use the facilities of a private weather observing station.

(4) The operator of a private weather observing station shall furnish the Service with such meteorological data or other relevant information as the Director may consider necessary for the discharge of the functions of the Service.

(5) An officer of the Service authorised by the Director may at any reasonable time enter the premises of a private weather observing station for the purpose of inspecting and calibrating the weather observing instruments installed at such station.

(6) Persons or Organizations operating weather observing stations should co-ordinate their work with the Service regarding Meteorological activities.

Offences.

17. Any person who -

- (a) knowingly furnishes any false data or other relevant information as the Service may require under this Act;
- (b) without lawful authority (proof of which shall lie on him) disseminates any meteorological information or data;
- (c) wilfully tampers with any weather observing station or with any weather observing instruments installed at such station; or
- (d) obstructs or otherwise interferes with any authorised officer of the Service in the discharge of his duties under this Act.

shall be guilty of an offence and liable on conviction to a fine not exceeding E2,000 or to imprisonment not exceeding 2 years or to both.

Regulations.

18. The Minister may by Notice in the Gazette make regulations for the carrying out of the object and purposes of this Act.

Transfer of Assets.

19. There is hereby transferred to the Service:

- (a) such assets held by the aeronautical meteorology unit of the Civil Aviation Branch in the Ministry of Transport and Communications as the Minister may determine; and
- (b) such assets held by the climatology unit of the Water Resources Branch in the Ministry of Natural Resources and Energy as the Minister for Natural Resources and Energy may determine in consultation with the Minister.