

19.



SWAZILAND
GOVERNMENT GAZETTE
EXTRAORDINARY

VOL. XXIV]

MBABANE, Friday, January 10th., 1986

[No. 415

CONTENTS

No.

Page

PART A — BILLS

- | | | |
|----|--|-----|
| 2. | The Trade Control Bill, 1986 | S1 |
| 3. | The Swaziland Institute of Management and Public Administration Bill, 1986 | S11 |

PUBLISHED BY AUTHORITY

SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE
EXTRAORDINARY

VOL. XXIV]

MBABANE, Friday, January 10th., 1986

[No. 415

CONTENTS

No.

Page

PART A — BILLS

- | | | |
|----|--|-----|
| 2. | The Trade Control Bill, 1986 | S1 |
| 3. | The Swaziland Institute of Management and Public Administration Bill, 1986 | S11 |

PUBLISHED BY AUTHORITY

THE TRADE CONTROL BILL, 1986

(Bill No. 2 of 1986)

(To be presented by the Minister for Commerce, Industry and Tourism)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to repeal and replace the Registration of Business Act, 1939, the Trading Licences Order, 1975 and the Shop Hours Act, 1955 and to make other provisions incidental thereto.

D.P. MAKANZA
Attorney—General

A BILL
entitled

An Act to make provisions for the registration of businesses and for the licencing of trade.

ENACTED by the Regent and the Parliament of Swaziland.

PART I — PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Trade Control Act, 1986 and shall come into force on a day to be appointed by the Minister by notice in the Gazette.

Application.

2. This Act does not apply to a profession in respect of which the person practicing the profession is registered or enrolled under any law entitling him to practice the profession or engage in any trade activity relating to the profession.

Interpretation.

3. In this Act, except where the context otherwise requires —

“advertisement” means any written, illustrated, visual or other descriptive material or oral statement, communication, representation or reference distributed to members of the public or brought to their notice in any manner and which is intended to —

- (a) promote the sale or leasing of goods or encourage their use or draw attention to their nature, properties, advantages or uses or to the conditions of or prices at which the goods may be purchased, leased or otherwise acquired; or
- (b) promote or encourage the use of any service or draw attention to the nature, qualities, advantages or uses thereof or the manner in or conditions on or prices at which the service is provided;

“business” includes manufacturing, extracting, packaging, assembling, leasing, or producing any goods other than agricultural produce, providing services or facilities as a commercial activity of a continuing nature;

“Court” means a magistrate’s Court established under the Magistrates’ Court Act, 1938;

“general trading area” means an area declared under section 4;

“goods” includes incorporeal movable and immovable property;

“licence” means a licence granted under this Act;

“licencee” means holder of a licence;

“licensing officer” means a person designated to be a licencing officer under section 11;

“licensing board” means the National Trade Licencing Board or a Regional Trade Licencing Board;

“Minister” means the Minister responsible for Commerce;

“minor trader” means a citizen of Swaziland who trades in goods by —

(a) conveying them by vehicle or other means; or

(b) placing them in a place accessible to the public but not from any fixed structure;

“National Board” means the National Trade Licensing Board established under section 16;

“the Order” means the Trading Licences Order, 1975;

“Regional Board” means the Regional Trade Licensing Board established under section 13;

“Region” means the area of a district as defined in the General Administration Act, 1905;

“Registrar” means the Registrar of Companies appointed under the Companies Act, 1912 or any other law;

“trade” includes the making, effecting or concluding of any contract, sale, purchase, transaction or payment in respect of goods or services.

PART II — REGISTRATION OF BUSINESS AND GRANTING OF LICENCES

Licencing officer to keep register of business and licences.

4. (1) On or after a date to be determined by the Minister by notice in the Gazette, a person shall not conduct a business unless the business is registered in accordance with this Act.

(2) A licencing officer shall keep a register of all businesses registered and all licences granted, renewed, amended or transferred in his office including all their particulars.

(3) Upon payment of the prescribed annual registration fee, the licencing officer shall register a business.

(4) A person shall not register a business by a name —

(a) identical with one a business in existence is already registered or so nearly resembling that name that it may reasonably mislead the public;

(b) suggestive of blasphemy or indecency or which may cause annoyance or offence to the public;

(c) which includes the words “Royal” “Crown” “Ngwenyama” “Ndlovukati”, “Government” or any other name which suggests that it enjoys the patronage of the King of Swaziland without the consent of the Minister.

(5) Notwithstanding subsection (4) a business may be registered by the name it actually bears at the date of commencement of this Act.

(6) A person who contravenes subsection (1) or (4) commits an offence.

Licensing officer to transmit register to Registrar.

5. Upon registration under section 4, the licensing officer shall transmit a certified copy of the register to the Registrar within 30 days of the registration and subsequently at the end of each succeeding month if there has been any change in his register during that month.

Registrar to keep a register.

6. The Registrar shall —

- (a) keep a register of all information transmitted to him under section 5 in alphabetical index of business name and of persons registered under this Act;
- (b) publish particulars of the information in the Gazette once every six months.

Inspection of registers.

7. (1) On written application, and on the payment of the prescribed fee, a person may inspect the registers kept under section 4 and 6 during office hours.

(2) Upon request and payment of the prescribed fee, the Registrar shall furnish a person with a certified copy of a certificate of registration of any business or a certified copy of any extract from the register.

PART III — TRADE AREAS AND LICENCES

Declaration of general trading area.

8. After consulting the Minister responsible for Natural Resources and Land Utilization, and by notice in the Gazette, the Minister may —

- (a) declare any area to be a general trading area for purposes of this Act; or
- (b) revoke any declaration made by him under this section.

Declaration of specified goods.

9. (1) By notice in the Gazette, the Minister May —

- (a) declare any particular goods as goods for trade or not for trade; or
- (b) revoke any declaration made by him under this section.

(2) A person who trades in goods declared not for trade under subsection (1) commits an offence.

Restriction of trade.

10. (1) After a day to be determined by the Minister by notice in the Gazette, a person may not carry on any trade —

- (a) except under the terms of a licence granted or deemed to have been granted under this Act;
- (b) in a place not situate within a general trading area without the written authority of the Minister; but this paragraph shall not apply to a licence granted under the Order;

- (c) in any goods or services other than those to which his licence relates.
- (2) Notwithstanding subsection (1), a minor trader shall not require a licence in order to trade so long as he has registered his business under section 4.
- (3) A person who contravenes subsection (1) commits an offence.
- (4) In addition to any other penalty the court may impose upon conviction under this section, the court may—
- (a) revoke the licence, if the person is a licensee; or
 - (b) direct in writing that no licence be granted to the person for a specified period, if the person is not a licensee.

Designation of licensing officers.

11. The Minister may designate a public officer to be a licensing officer in each Region and such other officers to assist the licensing officer as he may consider appropriate.

Grant, renewal, amendment, etc. of licences.

12. (1) Upon the production of the written approval of the Regional or National Board and the payment of the prescribed fee, the licensing officer shall grant, renew, amend or transfer a licence.
- (2) The licensing officer shall keep a register of all licences issued under this Act.

**PART IV — REGIONAL TRADE LICENSING BOARDS AND THE
NATIONAL TRADE LICENSING BOARD**

Establishment and composition of the Regional Trade Licensing Board.

13. (1) The Minister shall establish a Regional Trade Licensing Board for each Region which shall be responsible for the grant, renewal, amendment and transfer of licences in each Region.
- (2) A Regional Board shall consist of —
- (a) a chairman appointed by the Minister;
 - (b) the Regional Secretary;
 - (c) an Extension officer of the Ministry of Commerce, Industry and Tourism;
 - (d) not more than 2 members of the Electoral College who reside in the Region concerned appointed by the Minister.

Functions of a Regional Board.

14. (1) On application by a citizen of Swaziland or company incorporated in Swaziland whose majority shareholders are Swazi Citizens, a Regional Board may issue a written approval for the grant, renewal, amendment or transfer of a licence to trade in a general trading area on terms and conditions it deems fit.

Except that where the trade is to be conducted in premises situate on Swazi Nation Land, a Regional Board may only approve the issuing of a licence on the production of the written consent of the Ngwenyama.

- (2) A Regional Board —
- (a) shall give written reasons for its decision, if requested to do so by an applicant or objector;

- (b) may co-opt temporarily, a person with technical or expert knowledge of a matter to be considered by it, as it may consider necessary.

Procedure of a Regional Board.

15. (1) Three members of the Regional Board including the Chairman shall form a quorum.

(2) All decisions of the Regional Board shall be by the majority of the members present and where there is an equality of votes, the Chairman shall have a casting vote in addition to his deliberate vote.

(3) Subject to this Act, the Regional Board may regulate its own procedure.

Establishment and composition of the National Trade Licensing Board.

16. (1) The Minister shall establish a National Trade Licensing Board which shall sit in Mbabane and shall be responsible for the hearing of appeals from the Regional Boards and for the grant, renewal, amendment, and transfer of licences.

(2) The National Board shall consist of —

- (a) a Chairman who shall be appointed by the Minister;
- (b) a representative from Swaziland Chamber of Commerce or Swazi Commercial Amadoda;
- (c) a Member of Parliament appointed by the Minister;
- (d) the Principal Secretary from the Ministry responsible for Commerce, or his representative;
- (e) a representative from Tinkhundla office.

Functions of the National Board.

17. (1) The National Board shall hear appeals against any decision of the Regional Boards

(2) Upon application by a resident who is not a Swazi Citizen or a company not incorporated in Swaziland with the majority share holders not being Swazi citizens or a company incorporated in Swaziland with the majority share holders not being Swazi citizens, the National Board may grant, renew, amend or transfer a licence to trade in a general trading area on terms and conditions it deems fit.

Except that where the trade is to be conducted in premises situate on Swazi Nation Land, the National Board may only issue its approval on the production of the written consent of the Ngwenyama.

(3) The National Board may —

- (a) investigate and consider any complaint made under section 34 and make written recommendations to the Minister;
- (b) co-opt temporarily, such person having technical or expert knowledge of matters to be considered by it, as it may consider necessary.

Procedure of the National Board.

18. (1) Three members of the National Board including the Chairman shall form a quorum.

(2) All decisions of the National Board shall be by the majority of the members present and where there is an equality of votes the Chairman shall have a casting vote in addition to his deliberate vote.

(3) Subject to this Act, the National Board may regulate its own procedure.

Tenure of office

19. (1) The period of office of a member of a licensing board shall be two years, provided that if the Minister is of the opinion that—

- (a) a member has not performed his duties satisfactorily; or
- (b) in the public interest the termination of a member's appointment is necessary; he may terminate the appointment of the member at any time.

(2) A member of a licensing board shall cease to be a member if —

- (a) he resigns in writing addressed to the Chairman;
- (b) by reason of physical or mental infirmity is unable to exercise the functions of his office.

(3) If for any reason the office of a member of a licensing board becomes vacant, the Minister may appoint a successor who shall remain in office for the unexpired period of office of the member,

(4) Subject to this Act, a member of a licensing board shall hold office on such terms and conditions as the Minister may determine.

Disqualification from being a member of a Licensing Board.

20. (1) A person who —

- (a) is under the age of 21 years;
- (b) is an unrehabilitated insolvent;
- (c) has been convicted of a criminal offence for which he has been sentenced to imprisonment without the option of a fine;

shall not be appointed a member of the board and if already appointed, the Minister shall terminate his appointment immediately.

(2) A member of a Licensing Board shall not take part in the proceedings of the board if he has any direct or indirect interest, whether pecuniary or otherwise, in any matter being considered by the board.

(3) a member of a Licensing board related within the first degree of consanguinity or affinity to an applicant for a licence, shall not participate in any proceedings relating to such application.

Sitting of a licensing board.

21. A sitting of a licensing board shall be held in public unless the licensing board on reasonable grounds decides otherwise.

Application for grant, renewal, amendment, etc. of licence.

22. (1) A person may apply for a grant, renewal, amendment or transfer of a licence in the prescribed form to —

- (a) the Regional Board for the Region in which he intends to conduct the trade if he is a Swazi citizen or a company incorporated in Swaziland where the majority shareholders are Swazi citizens;
- (b) the National Board if he is a resident, but not a Swazi citizen or company not incorporated in Swaziland where the majority shareholders are not Swazi citizens or a company incorporated in Swaziland where the majority shareholders are not Swazi citizens.

(2) The licensing board to which an application has been made under subsection (1) shall publish the notice of the application, the time, date and place of the hearing thereof once in the Gazette and in a newspaper circulating in Swaziland at least 21 days prior to the date of the hearing.

(3) A person wishing to oppose an application shall give written notice thereof together with written reasons for the objection to the appropriate licensing board and to the applicant 5 days before the hearing of the application.

(4) In a hearing under section 21 the appropriate licensing board, applicant or objector may call witnesses to give evidence or to produce books or documents at the hearing.

Power of revocation or suspension.

23. (1) Upon good cause shown to its satisfaction and after having given the licensee 14 days written notice to hear his representations, if any, a licensing board may revoke or suspend a licence granted, renewed or transferred by it for such period as it deems fit.

Except that without the written consent of the Ngwenyama, a licensing board may not revoke or suspend a licence entitling the licensee to conduct his trade in Swazi Nation Land.

(2) A person who conducts trade for which a licence has been revoked or suspended under this section commits an offence.

Appeals against decision of a Regional Board.

24. (1) An applicant or objector aggrieved by a decision of a Regional Board may appeal in writing to the National Board and serve a copy of the notice of appeal to the Regional Board and the Respondent within 14 days of the decision of the board.

(2) The notice of appeal shall concisely set out the grounds of appeal and shall be accompanied by the prescribed appeal fee.

(3) A Regional Board shall forward the full record of the proceedings and its reasons for decision to the National Board within 7 days of the lodging of the notice of appeal.

Powers of the National Board on appeal.

25. On appeal, the National Board may —

- (a) confirm, revise or alter the decision of a Regional Board;
- (b) remit the record to the Regional Board for the taking of further evidence;
- (c) direct the parties or any other person to give evidence or produce books, documents or other relevant evidence in order to enable it to make a just decision on the matter.

Appeal from the decision of the National Board.

26. (1) A person aggrieved by the decision of the National Board may appeal in writing to the Minister and serve a copy of the notice of appeal to the National Board and the Respondent within 21 days of the decision of the board.

(2) Within 14 days of the receipt of the notice of appeal, the National Board shall forward the record and written reasons for its decision to the Minister.

(3) The notice of appeal shall concisely set out the grounds of appeal and shall be accompanied by the prescribed appeal fee.

Power of the Minister on appeal.

27. (1) The Minister May —

- (a) confirm, revise or alter the decision of the National Board;
- (b) remit the record to the National Board for the taking of further evidence;
- (c) direct the parties or any other person to give evidence or produce books, documents or other relevant evidence to enable it to make a just decision on the matter.

(2) The decision of the Minister on appeal shall be final.

Licences.

28. (1) A licence shall specify the premises where the licensee has to conduct his trade, and if a trade is conducted at more than one premises, the licensee shall require a separate licence for each of the premises.

(2) A licence shall be valid for 12 months from the date it was granted or renewed.

(3) An amendment or transfer of a licence shall be valid for the duration of the licence from the date it was amended or transferred.

Amendment of licences.

29. (1) On application in the manner prescribed, the appropriate licencing board may amend a licence by substituting another kind of trade for the kind of trade specified in the licence, or other premises for the premises specified in the licence or by adding another kind of trade or in any manner the licencing board deems appropriate.

(2) An applicant under this section shall pay the appropriate fee prescribed in respect of each trade authorised by the licence.

Transfer of licence.

30. (1) Except as provided in this Act and any law made thereunder a licensee may not transfer his licence to another person.

(2) On application in the manner prescribed, the appropriate licencing board may transfer a licence to —

- (a) the surviving spouse, the executor of the estate or the heir in the case of the death of the licensee;
- (b) the lawfully appointed trustee, in the case of the insolvency of the licensee;
- (c) the lawfully appointed liquidator, in the case of a company in liquidation;
- (d) any person lawfully appointed to administer his affairs in any case where the licensee becomes subject to a legal disability; and
- (e) the purchaser in the case of a sale.

(3) A licensee who lends, transfers or attempts to lend or transfer his licence to any person, and any person who borrows or makes use of a licence granted to another and not lawfully transferred to him as provided under subsection (2) shall be guilty of an offence.

Display of licences.

31. (1) A licensee shall display a licence or its duplicate and receipt issued by the licensing officer in a prominent position at or close to the main entrance of the premises for which the licence was issued.

(2) A licensee who fails or neglects to display the licence, or its duplicate or receipt under subsection (1) shall be guilty of an offence.

(3) Upon application in the prescribed manner and on payment of the prescribed fee, if the licensing officer is satisfied that a licence has been lost, destroyed or defaced, he may issue a duplicate of the licence to the licensee.

Right to enter premises.

32. (1) A police officer of or above the rank of sub-inspector authorised in writing of a licensing officer may at any reasonable time enter and inspect any premises in which he reasonably believes trade is being conducted in order to ascertain whether this Act is being complied with and may in furtherance of this objective require a person appearing to be conducting the trade to give him any information he may reasonably require.

(2) A person who hinders, obstructs, or fails to give the officer any information required under this section shall be guilty of an offence.

Prohibition of advertisement.

33. (1) By notice in the Gazette, on the recommendation of the National Board, the Minister may prohibit any advertisement or kind of advertisement in relation to trade in regard to —

- (a) the nature, properties, advantages or uses of any goods or services; or
- (b) the manner in, conditions on or prices at which —
 - (i) goods may be purchased, hired or otherwise acquired;
 - (ii) services may be rendered.

(2) A person who makes, publishes or displays a prohibited advertisement or causes a prohibited advertisement to be made contrary to subsection (1) commits an offence.

Prohibition of certain trade practices.

34. (1) Following a complaint and upon the recommendation of the National Board, by notice in the Gazette, the Minister may prohibit, restrict or control any business or trade if he is of the opinion that it may directly or indirectly injure or prejudice the interests of the consumer.

(2) A person who conducts a business or trade in contravention of subsection (1) commits an offence.

PART V — MISCELLANEOUS PROVISIONS

Offences.

35. (1) A licensee shall be liable for any offence committed by his partner, agent or servant unless he can prove to the satisfaction of the court that —

- (a) he had reasonable grounds to believe that this Act was being complied with; and
 - (b) he had taken all reasonable steps to prevent the commission of the offence.
- (2) On a charge against a licensee for an offence committed by his partner, agent or servant under this Act, the partner, agent or servant may be jointly charged.
- (3) In an application under this act, a person who makes a false statement, or a statement which he has reason to believe is not true, to an officer acting under this Act commits an offence.
- (4) A person who makes, publishes or displays any advertisement which is false or misleading in a material respect or causes the advertisement to be made, published or displayed commits an offence.

Penalties.

36. A person who is convicted of an offence under —
- (a) Section 4(1), 10 or 23 shall be liable to a fine not exceeding E1600.00 or imprisonment for a period not exceeding 2 years or both;
 - (b) Section 30, 33, or 34 shall be liable to a fine not exceeding E1000.00 or imprisonment for a period not exceeding 1 year or both;
 - (c) Section 4(4), 31 or 32 shall be liable to a fine not exceeding E200.00 or imprisonment for a period not exceeding 2 months or both;
 - (d) Section 35 shall be liable to a fine not exceeding E800.00 or imprisonment for a period not exceeding 9 months or both.

Regulations.

37. (1) The Minister may make regulations —
- (a) prescribing the —
 - (i) forms to be used under this Act;
 - (ii) fees payable under this Act;
 - (iii) days on which or hours within which business or trade may be conducted;
 - (b) exempting any business, profession or trade from registering or requiring a licence to conduct business or trade; and
 - (c) generally to facilitate the better carrying out of the objects of this Act.

Repeals and savings provision.

38. (1) The Trading Licences Order, 1975, the Registration of Business Act, 1939 and the Shop Hours Act, 1955 are hereby repealed.
- (2) Notwithstanding subsection (1) on or after the coming into force of this Act, all licences issued under the Order shall continue to be valid until the expiration of the period for which they were granted, renewed, amended or transferred.
- (3) All proceedings and all other matters pending before any officer or authority under the order, the Registration of Business Act, 1939 and the Shop Hours Act, 1955 shall be dealt with in accordance with the respective laws repealed by subsection (1).

THE SWAZILAND INSTITUTE OF MANAGEMENT AND PUBLIC
ADMINISTRATION BILL, 1986

(Bill No. 3 of 1986)

(To be presented by the Minister for Labour and Public Service)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to establish the Swaziland Institute of Management and Public Administration and to provide for matters incidental thereto.

D.P. MAKANZA
Attorney—General

A BILL
entitled

An Act to establish the Swaziland Institute of Management and Public Administration and to provide for matters incidental thereto.

ENACTED by the Regent and the Parliament of Swaziland.

PART I — PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Swaziland Institute of Management and Public Administration Act, 1986 and shall come into force on a date to be appointed by the Minister by Notice in the Gazette.

Interpretation.

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

“Academic Board” means the Academic Board established under section 1;

“Board” means the Board of Governors established under section 7;

“Director” means a person appointed under section 6;

“financial year” means the period referred to in section 17;

“former Institute” means the non-corporate body known as the Swaziland Institute of Management and Public Administration owned by the Swaziland Government;

“Institute” means the Swaziland Institute of Management and Public Administration established under section 3;

“Minister” means the Minister responsible for the Public Service;

“statutes” means the statutes made under section 9.

PART II — ESTABLISHMENT OF THE INSTITUTE

Establishment of the Institute.

3. (1) There is established an Institute to be known as the Swaziland Institute of Management and Public Administration.

(2) The Institute shall be —

- (a) A body corporate with perpetual succession and common seal;
- (b) capable of suing and being sued in its corporate name; and
- (c) capable of doing all things and performing all acts a body corporate may lawfully do or perform.

Objects and Functions of the Institute.

4. The objects and functions of the Institute are —

- (a) To instruct trainees admitted to the Institute;
- (b) to be a locus for the acquisition and sharing of knowledge regarding management theory and practice and public administration to ensure that the highest standards of quality and efficiency are developed and maintained in the public service, public sector and private sector in Swaziland;
- (c) to engage in and promote training, research, consultancy and the development of management and public administration in the public and private sector in Swaziland in order for these sectors to achieve efficiency in management and public administration;
- (d) to establish and maintain a library embracing all facets of public administration and management;
- (e) to award diplomas, certificates and other awards to persons who have successfully completed any course of training at the Institute;
- (f) to establish relations with, co-operate with, and obtain support from Government, the private sector, other institutions of learning and other organisations with similar objectives whether within or outside Swaziland.

Custody and Authentication of Common Seal.

5. (1) The common seal of the Institute shall —

- (a) Only be kept and used as the Board may direct;
- (b) be authenticated by the signature of the Director, and the Registrar.

- (2) (a) When affixed to any document and authenticated under subsection (1), the common seal shall be judicially noticed;
- (b) unless the contrary is proved, any authorisation by the signatories shall be presumed to have been lawfully made.

PART III — OFFICERS OF THE INSTITUTE

Appointment of Director and other Officers.

6. (1) There shall be a Director and such other officers of the Institute as the Board may appoint.

(2) The Director shall be the principal academic and administrative officer of the Institute and Chairman of the Academic Board.

(3) The Director shall exercise such powers and perform such duties as the Board or the statutes may confer on him.

PART IV — BOARD OF GOVERNORS OF THE INSTITUTE

Establishment and Composition of the Board.

7. (1) There shall be a Board of Governors of the Institute which shall be responsible for the government, control and administration of the Institute subject to this Act.

(2) The Board shall consist of —

- (a) The Chairman appointed by the Minister from amongst the members appointed by him under paragraph (e);
- (b) the Director;
- (c) the Deputy Director;
- (d) a person nominated by an associated institute;
- (e) not more than 7 members appointed by the Minister of whom —
 - (i) not more than 2 shall be persons who hold public office;
 - (ii) a person with experience in the operation of parastatal organisations;
 - (iii) a person with experience in training and management development;
 - (iv) a person with experience in higher education;
 - (v) not more than 2 persons who are not public officers who have knowledge and experience relevant to the Institute's programmes.

(3) Subject to subsection (4) a member of the Board other than a member appointed under subsection (2)(b) or (c) shall hold office for a period not exceeding three years.

(4) The office of a member of the Board shall be come vacant if—

- (a) he is no longer qualified to be a member;
- (b) he resigns in writing addressed to the Registrar;
- (c) the Board is satisfied that a member is by reason of physical or mental infirmity unable to exercise the functions of his office;
- (d) the member absents himself from more than six meetings within a calendar year.

(5) Where the office of a member becomes vacant for any reason specified in subsection (4) the Registrar shall notify the body which appointed the member of the vacancy and the body shall immediately fill the vacancy in the matter specified.

Meetings of the Board.

8. (1) All meetings of the Board shall be presided over by the chairman and in the absence of the chairman the members present at a meeting may elect a member amongst them to act as chairman.

(2) All decisions of the Board shall be by a majority of the members present and where there is an equality of votes the chairman shall have a casting vote as well as his deliberate vote.

(3) The quorum at a meeting of the Board shall be five members and if there is no quorum the meeting shall be adjourned.

(4) Subject to this Act, the Board may regulate its own procedure.

Statutes.

9. The Board may make statutes for the government, control and administration of the Institute, for the better carrying out of the objects of this Act and for purpose related thereto.

Powers and Functions of the Board.

10. (1) Without prejudice to the generality of section 7, the Board may —
- (a) make any appointment authorised by this Act or statute;
 - (b) govern, manage and regulate the finances, accounts, investments, property, business and all other affairs of the Institute;
 - (c) invest any monies of the Institute;
 - (d) provide for the welfare of all the employees of the Institute;
 - (e) determine the terms and conditions of service of all employees of the Institute;
 - (f) do such other things and perform such other functions as may assist it in the performance of its duties.
- (2) Except those documents required by law to be under the common seal of the Institute, all documents made on behalf of the Board and all decisions of the Board shall be signed for by the Chairman or Director, or any other member of the Board generally or specifically authorised.

PART V — ACADEMIC BOARD

Establishment and Composition of the Academic Board.

11. (1) There shall be an Academic Board which shall be the academic authority of the Institute and shall control and direct training, research, consultancy and examinations and shall exercise such other powers and perform such other duties as the Statutes may confer on it.
- (2) (a) The Academic Board shall consist of—
- (i) the Director who shall be Chairman;
 - (ii) the heads of Divisions;
 - (iii) any other member the Academic Board may determine;
- (b) The Registrar shall be the Secretary to the Academic Board.
- (3) The quorum at a meeting of the Academic Board shall be one-third of the members.
- (4) All decisions of the Academic Board shall be by a majority of the members present and where there is an equality of votes at a meeting, the Chairman shall have a casting vote in addition to his deliberate vote.
- (5) Subject to this Act and the Statutes, the Academic Board may regulate its own procedure.

PART VI — DIVISIONS

Divisions of the Institute.

12. There shall be as many divisions within the Institute as the Board may determine on the recommendation of the Academic Board.

PART VII — STAFF OF THE INSTITUTE

Academic and Administrative Staff.

13. (1) The academic staff of the Institute shall consist of —
- (a) the Director;
 - (b) the Deputy Director;
 - (c) the Librarian; and
 - (d) all other members of staff engaged in training, research and consultancy.
- (2) The administrative staff of the Institute shall consist of —
- (a) the Registrar;
 - (b) the Bursar; and
 - (c) all other members of staff not engaged in training, research and consultancy as the Board may determine at the recommendation of the Director.

Appointment of Staff.

14. (1) Subject to this Act and the statute, all members of the staff of the Institute shall be appointed —
- (a) on terms and conditions of service the Board may prescribe in the statute;
 - (b) on terms and conditions agreed between the Board and the seconding body, in the case of persons seconded to the Institute from any other institute or similar institution or the Swaziland Government.
- (2) All members of the staff of the Institute shall be subject to the general authority of the Board and the Director.

PART VIII — TRAINEES OF THE INSTITUTE

Trainees Rights and Privileges.

15. The trainees of the Institute shall enjoy rights and privileges that may be prescribed in the statute by the Board.

PART IX — FINANCIAL PROVISIONS

Funds and Assets.

16. The funds and assets of the Institute shall consist of —
- (a) the funds, assets and liabilities transferred in accordance with section 22;
 - (b) moneys or property that may be donated, lent or granted to the Institute;
 - (c) property and investments acquired by or invested in the Institute and all money earned or accumulated therefrom; and
 - (d) all moneys or property that may become payable or vested in the Institute in any manner in respect of any matter regarding its powers and functions.

Financial Year.

17. The financial year of the Institute is the period from 1st April in one year to the 31st March in the following year and in respect of the first accounting period shall be such longer or shorter period as the Board may determine.

Estimates.

18. (1) Before the 31st January in each financial year, the Director shall direct the Bursar to prepare estimates of the revenue and expenditure of the Institute for that year.

(2) Before the commencement of each financial year, the Director shall submit the estimates referred to in subsection (1) to the Board for its approval before the commencement of that financial year.

Accounts and Audit.

19. (1) The Board shall cause to be kept proper books and records of the income, expenditure and assets and liabilities of the Institute.

(2) Within six months of the end of the financial year, the Board shall submit the Institute's accounts with a statement of the income and expenditure the end of that year and a statement of the Institute's assets and liabilities during that year, to an auditor appointed by the Board.

(3) The auditor shall audit the accounts annually and report directly to the Board.

(4) The auditor shall prepare an annual report and submit it to the Board which shall submit it to the Minister.

(5) After receiving the annual report the Minister shall lay it before Parliament within a reasonable time.

PART X — EXEMPTIONS

Exemption from Tax Duties etc.

20. Notwithstanding any other law, the Institute shall be exempt from any Sales Tax on imported items, Income Tax or Customs and Excise duties.

PART XI -- TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

Transitional.

21. (1) Subject to this Act, until 31st August, 1986 or such other date as the Board may determine, the Institute may confer on any person who has successfully completed a course of training any diploma, certificate or award which would have qualified him for the award in the former Institute.

(2) Until statutes have been made under this Act, the administrative directives made or given by the former Institute shall continue to have effect, subject to such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Act, as the relevant authority may determine.

(3) Members of the academic staff and all other officers employees of the former Institute in receipt of salaries or other payments shall hold substantially the same offices in the Institute as they held in the former Institute immediately before the commencement of this Act and on terms and conditions not less advantageous or on such varied terms and conditions as the Board may determine but without prejudice to any existing rights as to tenure of office, salary or other emoluments.

Transfer and Vesting of Assets and Liabilities.

22. On the Commencement of this Act or on such other date as the Minister may determine all assets and liabilities of the former Institute shall be dealt with in accordance with any agreement which may be entered into between the Government of Swaziland and the Institute.

Savings of Agreements, Deeds, Action etc.

23. All agreements or other instruments and all proceedings by or against the former Institute which are existing or pending shall be continued by or against the Institute.