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LEGAL NOTICE NO. 34 OF 1997

THE COMMISSION OF ENQUIRY ACT, 1963
(Act No. 35 of 1963)

THE COMMISSION OF ENQUIRY INTO THE REGISTRATION OF CERTAIN
AIRCRAFT NOTICE, 1997
(Under Section)

In exercise of the powers conferred by section 3 of the Commission of Enquiry Act, 1963, I hereby issue the following Notice -

Citation.

1. This notice may be cited as the Commission of Enquiry into the Registration of Certain Aircraft (hereinafter called "the Commission") Notice, 1997.

Establishment and composition of Commission.

2. (1) There is hereby established a Commission to be known as the Commission of Enquiry into the Registration of certain Aircraft.

(2) The Commission shall consist of the following -

Peter Lott	-	Chairman
Dominic Dube	-	Member
Jameson Gudu Vilakati	-	Member
Sibongile Nsibande	-	Member
John Tambi	-	Secretary

(3) The quorum of the Commission shall be three members including the Chairman.

Functions and powers of the Commission.

3. (1) The Commission shall examine and enquire into the registration and issue of a certificate of airworthiness to an aircraft registered in Swaziland as 3D-NJN and any other aircraft suspected of having been improperly registered in Swaziland or improperly issued with a certificate of airworthiness.

(2) Without prejudice to the generality of subsection (1), the Commission shall, enquire particularly into -

- the circumstances that led to the issuance of certificates of registration and certificate of airworthiness for the aircraft being enquired and whether or not these certificates were properly issued and their validity;
- the circumstances that led to the issuance of Aircraft Maintenance Engineer licence No. 309 and whether or not it was properly issued and its validity;
- the extent of airworthiness inspections carried out on any aircraft which is the subject of the enquiry and the names of the inspectors involved;
- whether or not charges payable to Government according to aeronautical information circular 95-01 were actually paid and received by Government;

- (e) whether or not sales tax payable to Government by the aircraft's owners was actually paid and received by Government;
- (f) the extent of money lost by Government as a result of the registration and issuance of airworthiness certificates to the aircraft which are the subject of the enquiry and the persons responsible for such loss;
- (g) the extent of involvement of the Directorate of Civil Aviation staff in the registration and issuance of airworthiness certificates to the aircraft which are the subject of the enquiry and any conflict of interest with official duties that may have arisen;
- (h) the misuse of Government official documentation, if any;
- (i) the misuse of Government authority to conduct airworthiness inspections, if any; and
- (j) any irregularities or unlawful acts or disciplinary offences committed in the registration or issuance of airworthiness certificates for the aircraft which are the subject of the enquiry and by whom.

(3) The Commission shall, after making appropriate findings, submit a report containing appropriate recommendations on any matter which is the subject of the enquiry including recommendations regarding the taking of any criminal or civil or disciplinary action against any person who may have been involved in irregularities or unlawful acts in the registration or issuance of airworthiness certificates to the aircraft which are the subject of the enquiry.

Enquiry to be in public.

4. Unless the circumstances otherwise require, the enquiry shall be held in public.

Venue.

5. The Enquiry shall be held in the Ministry of Public Works and Transport's Conference Room or such other place and at such times as the Chairman may determine.

Submission of final report.

6. The Commission shall present its final report to the Minister not later than the 15th April, 1997 or on such later date as the Minister may, in writing, permit.



DUMISANE E. MASANGO (MP)
Minister for Public Works and Transport

MBABANE
2nd April, 1997