



# SWAZILAND

# GOVERNMENT GAZETTE

VOL. XLIII]

MBABANE, Friday, DECEMBER 9<sup>th</sup> 2005

[No. 127

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**PUBLISHED BY AUTHORITY**

GENERAL NOTICE NO. 82 OF 2005

THE PUBLIC HOLIDAYS ACT, 1938  
(ACT NO. 71 OF 1938)

APPOINTMENT OF A PUBLIC HOLIDAY  
(Under Section 2)

In exercise of the powers conferred by section 2 of the Public Holidays Act, 1938, the Minister of Home Affairs, hereby appoints Monday 2 January 2006 to be a Public Holiday in Swaziland since the New Year's Day falls on a Sunday.

Z. D. HLATJWAKO  
PRINCIPAL SECRETARY

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GENERAL NOTICE NO. 83 OF 2005

THE HIGH COURT CALENDAR FOR THE YEAR 2006

THE HIGH COURT ACT, 1954  
(Under Section 7)

It is notified for general information that, in accordance with section 7 of the High Court of 1954 and rule 3 of the High Court (amendment) Rules, 1990, His Lordship the Acting Chief Justice has determined the following dates to be the commencement and termination of the sessions of the High Court of Swaziland for the year 2006.

1 <sup>st</sup> Session	:	16 <sup>th</sup> January 2006	-	24 <sup>th</sup> March 2006
2 <sup>nd</sup> Session	:	10 <sup>th</sup> April 2006	-	23 <sup>rd</sup> June 2006
3 <sup>rd</sup> Session	:	10 <sup>th</sup> July 2006	-	22 <sup>nd</sup> September 2006
4 <sup>th</sup> Session	:	9 <sup>th</sup> October 2006	-	15 <sup>th</sup> December 2006

\* Their Lordships the President of the Court of Appeal and the President of the Industrial Court of Appeal have also determined the 4<sup>th</sup> - 19<sup>th</sup> May 2006 to be the commencement and termination of 1<sup>st</sup> sessions of the Court of Appeal and the Industrial Court of Appeal for the year 2006. Commencement and termination dates for subsequent sessions of the courts will be announced in due course.

Legal practitioners are notified accordingly.

SHIYUMHLABA DLAMINI  
REGISTRAR

1147

**NOTICE**

Notice is hereby given that I, **Elphas Bhobho Shongwe** of **Hhohho Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Ndwandwe** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and The Swazi Observer being the newspapers circulating in the region where I reside and designated for this purpose by the Regional Secretary for the **Hhohho Region** and in the government Gazette.

The reason I want to assume the surname **Ndwandwe** is because it is my natural surname.

Any person or persons likely to object to my assuming the surname **Ndwandwe** should lodge their objections in writing with me at the address given below and with the Regional Secretary for **Hhohho Region**.

P.O. Box 31  
Msahweni

G1924 4x-09-12-2005

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**NOTICE**

Notice is hereby given that I, **Edward Jerry Dlamini** of **Nhlangano Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Mwelase** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and The Swazi Observer being the newspapers circulating in the region where I reside and designated for this purpose by the Regional Secretary for the **Nhlangano Region** and in the government Gazette.

The reason I want to assume the surname **Mwelase** is because it is my natural surname.

Any person or persons likely to object to my assuming the surname **Mwelase** should lodge their objections in writing with me at the address given below and with the Regional Secretary for **Nhlangano Region**.

P.O. Box 8  
Nhlangano

G2016 4x-16-12-2005

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**NOTICE**

**ESTATE LATE: JIMSON MBALEKELWA SIMELANE ESTATE NO. ES205/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

PHUMAPHI V. SIMELANE  
P.O. Box 12  
Kubuta

G2092 9-12-2005

1148

**NOTICE**

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 65/1960 made in favour of **DAVID ASHWORTH CRABTREE** in respect of:-

CERTAIN : the remaining extent of Portion 2 of Farm No. 73 situate in the District of Hhohho, Swaziland;

MEASURING : as such Four Hundred and Forty Eight (448) morgen Seventy One (71) square roods;

Any person having objection to issue such copy is hereby requested to lodge in writing with the Registrar of Deeds within two (2) weeks of last publication of this Notice.

MAPHANGA HOWE MASUKU NSIBANDE  
Applicant's Attorneys  
Ground Floor Embassy House  
Dzeliwe Street  
Mbabane

G2055 3x 16-12-2005

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**NOTICE**

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 305/1986 made in favour of **MAKHOSAZANA ELIZABETH NOGE** in respect of:-

CERTAIN : Portion 270 of the Farm Dalriach No. 188 situate in the Hhohho District, Swaziland;

MEASURING : 4, 7081 (Four Comma Seven Zero Eight One) hectares;

Any person having objection to issue such copy is hereby requested to lodge in writing with the Registrar of Deeds within two (2) weeks of last publication of this Notice.

C. J. LITTLER & CO.  
Applicant's Attorneys  
Ground Floor Embassy House  
Dzeliwe Street  
Mbabane

G2046 2x 09-12-2005

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**NOTICE**

**ESTATE LATE: EMMANUEL VUSUMUZI DLAMINI ESTATE NO. EM373/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

SIMANGA MAKHUBU  
P.O. Box 192  
Luyengo

G2094 9-12-2005

**NOTICE**

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 126/1999 dated the 26<sup>th</sup> day of March, 1999, made in favour of:

**MENARI JOHANNES KHUMALO**  
(born in the year 1935)  
ID. No.2614-02-8221344

in respect of the undermentioned property, namely:

**CERTAIN** : Portion 148 (a portion of Portion 29 called Flame Tree Park) of Farm No. 180, situate in the Lubombo District, Swaziland;

**MEASURING** : 5136 (Five One Three Six) square metres.

Any person having an objection to the issue of such copy by the Registrar is hereby requested to lodge such objection in writing with the Registrar of Deeds within three (3) weeks of the last publication of this notice.

DATED AT MBABANE ON THIS THE 29<sup>th</sup> DAY OF NOVEMBER, 2005.

SIGWANE AND PARTNERS  
Attorneys for Applicant  
P. O. Box 3130  
Mbabane

G2065 2x 9-12-2005

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**NOTICE**

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 423/1987 dated the 17<sup>th</sup> day of July, 1987, made in favour of:

**HEZEKIEL SHONGWE**  
(born on the 25<sup>th</sup> day of December, 1945)

in respect of the undermentioned property, namely:

**CERTAIN** : Lot No. 1086 situate in the Manzini Extension No. 9 Township, District of Manzini, Swaziland;

**MEASURING** : 571 (Five Seven One) square metres.

Any person having an objection to the issue of such copy by the Registrar is hereby requested to lodge such objection in writing with the Registrar of Deeds within three (3) weeks of the last publication of this notice.

DATED AT MBABANE ON THIS THE 29<sup>th</sup> DAY OF NOVEMBER, 2005.

SIGWANE AND PARTNERS  
Attorneys for Applicant  
P. O. Box 3130  
Mbabane

G2064 2x 9-12-2005

1150

**NOTICE**

Notice is hereby given that we intend applying for a certified copy of Deed of Transfer No. 142/1977 dated the 11<sup>th</sup> May, 1977 in favour of **BAFANA SONGELWAKO DLAMINI** in respect of:-

CERTAIN : Portion 159 of Farm No. 2, situate in the Urban area of Mbabane District of Hhohho, Swaziland;

MEASURING : 3086 (Three Zero Eight Six), square metres;

Any person having objection to the issue of such copy is hereby requested to lodge it in writing with the Registrar of Deeds within three (3) weeks of the last publication of this Notice.

DATED AT MBABANE THIS 11<sup>TH</sup> DAY OF NOVEMBER, 2005

MAPHANGA HOWE MASUKU NSIBANDE  
Attorneys for Applicant  
P. O. Box 1298  
Mbabane

G2031 2x 09-12-2005

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**NOTICE**

Notice is hereby given that I, **Tumiso George Mutumba Hlatshwayo** of **Hhohho Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Mutumba** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and The Swazi Observer being the newspapers circulating in the region where I reside and designated for this purpose by the Regional Secretary for the **Hhohho Region** and in the government Gazette.

The reason I want to assume the surname **Mutumba** is because it is my natural surname.

Any person or persons likely to object to my assuming the surname **Mutumba** should lodge their objections in writing with me at the address given below and with the Regional Secretary for **Hhohho Region**.

P. O. Box A 999  
Swazi Plaza  
Mbabane

G1985 4x-16-12-2005

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**NOTICE**

**ESTATE LATE: CHARLES MTHUNZI NXUMALO ESTATE NO. EM480/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

PHUMZILE NXUMALO & ZANDILE NXUMALO  
& MUZI NXUMALO  
P.O. Box 274  
Mankayane

G2094 9-12-2005

**NOTICE**

Notice is hereby given that **I, Alfred Vusie Mngometulu of Hhohho Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Nsibande** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and The Swazi Observer being the newspapers circulating in the region where I reside and designated for this purpose by the Regional Secretary for the **Hhohho Region** and in the government Gazette.

The reason I want to assume the surname **Nsibande** is because it is my natural surname.

Any person or persons likely to object to my assuming the surname **Nsibande** should lodge their objections in writing with me at the address given below and with the Regional Secretary for **Hhohho Region**.

P.O. Box 368  
Mbabane

G2116 4x20-01-2006

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**NOTICE**

Notice is hereby given that **I, Mfanasibili Shongwe of Manzini Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Maseko** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and The Swazi Observer being the newspapers circulating in the region where I reside and designated for this purpose by the Regional Secretary for the **Manzini Region** and in the government Gazette.

The reason I want to assume the surname **Maseko** is because it is my natural surname.

Any person or persons likely to object to my assuming the surname **Maseko** should lodge their objections in writing with me at the address given below and with the Regional Secretary for **Manzini Region**.

P.O. Box 13  
Manzini

G2117 4x20-01-2006

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**NOTICE**

**ESTATE LATE: ROBERT TSABEDZE ESTATE NO. EM368/2005**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

FIKELEPHI S. MASIMULA  
P.O. Box 151  
Simunye

G2091 9-12-2005

1152

**NOTICE**

Notice is hereby given that **I, Petros Abasha Dlamini of Manzini Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Simelane** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and The Swazi Observer being the newspapers circulating in the region where I reside and designated for this purpose by the Regional Secretary for the **Manzini Region** and in the government Gazette.

The reason I want to assume the surname **Simelane** is because it is my natural surname.

Any person or persons likely to object to my assuming the surname **Simelane** should lodge their objections in writing with me at the address given below and with the Regional Secretary for **Manzini Region**.

P. O. Box 511  
Bhunya  
Swaziland

G2123 4x-20-01-2006

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**NOTICE**

Notice is hereby given that in terms of Section 5 of the Protection of Names, Uniforms and Badges Act No. 10 of 1969, an application made by **CATHRINE DLAMINI of Box 3602 Manzini** in his capacity as **Chairperson** the Grant of Protection of Name of this Association

**ASSOCIATION OF SWAZILAND SALONS**

Any person or persons likely to be affected by the Grant of Registration may at any time within a period of the publication of this notice, give notice of objection in writing on the prescribed form of objection and send same to the applicant.

G. D. NDLOVU  
*REGISTRAR FOR THE PROTECTION OF NAMES,  
UNIFORMS AND BADGES*

G2107 9-12-2005

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**NOTICE**

**ESTATE LATE: ISAAC WILFRED FORTUNE ESTATE NO. E89/1991**

Notice is hereby given that in terms of Section 51 bis of the Administrators of Estates Act No. 28 of 1902 that the First Liquidation and Distribution Account will lie open for inspection at the office of the Master of the High Court of Swaziland, Mbabane for a period of twenty one (21) days from date of appearance of this Notice.

Any person objecting to the account may lodge his objection in writing in duplicate to the Master of the High Court at any time before expiry of the said period.

C. J. LITTLER & CO.  
Attorneys for the Executrix Testamentary  
P.O. Box 2381  
Mbabane

G2030 2-12-2005



**NOTICE**

**ESTATE LATE: JIMSON MVILAWEMPHI MABUZA  
ESTATE NO. EH120/2005**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

JABULILE MABUZA  
P.O. Box 202  
Piggs Peak

G2093 9--12-2005

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**NOTICE**

**ESTATE LATE: DAVID MAHLELELA ESTATE NO. ES158/2005**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

SIPHIWE ROSEMARY MAHLELELA  
P.O. Box 90  
Lomahasha

G2099 9-12-2005

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**NOTICE**

**ESTATE LATE: THOMAS JAHAKHULU ZWANE ESTATE NO. ES129/2005**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

LINDIWE ZWANE  
P.O. Box 1924  
Manzini

G2100 9-12-2005

**NOTICE**

**ESTATE LATE: SIBONGILE MSESI C. LUKHELE ESTATE NO. EH162/2005**

Notice is hereby given in terms of Section 51 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

BHEKIWE ZWANE  
P.O. Box 4652  
Mbabane

G2101 9-12-2005

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**NOTICE**

**ESTATE LATE: MANDLA OSCAR DLAMINI ESTATE NO. EH152/2005**

Notice is hereby given in terms of Section 51 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

NONHLANHLA WENDY DLAMINI  
P.O. Box 429  
Ezulwini

G2102 9-12-2005

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**NOTICE**

**ESTATE LATE: MALUNGISA ALBERT ZULU  
ESTATE NO. EP72/2005**

Notice is hereby given in terms of Section 51 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

ZODWA M. ZULU NEE MASEKO  
P.O. Box A26  
Mayiwane

G2105 9-12-2005

1155

**NOTICE**

**ESTATE LATE: ROSEMARY TIZZY MTHETHWA NEE DLAMINI  
ESTATE NO. EM149/2003**

Notice is hereby given in terms of Section 51 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

TIMOTHY VELABO MTHETHWA  
P.O. Box 1385  
Manzini

G2106 9-12-2005

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**NOTICE**

**ESTATE LATE: THEMBA MATHOKOZA KHUMALO  
ESTATE NO. EM96/2004**

Notice is hereby given in terms of Section 51 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

JEREMIAH KHUMALO  
P.O. Box 128  
Mahlanya

G2111 9-12-2005

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**NOTICE**

**ESTATE LATE: JOHN NHLANHLA MTSETFWA  
ESTATE NO. EL98/2004**

Notice is hereby given in terms of Section 51 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

NOMSA MTSETFWA  
P.O. Box 82  
Siteki

G2112 9-12-2005

1156

**NOTICE**

**ESTATE LATE: PHINDILE DORIS DLAMINI  
ESTATE NO. EM147/2004**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the Second Amendment Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

GLADYS ZANELE MATSE  
P.O. Box 3475  
Mbabane

G2114 9--12-2005

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**NOTICE**

**ESTATE LATE: DUMSANI SAMUEL DLAMINI ESTATE NO. EM386/2005**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

THABSILE DLAMINI  
P.O. Box 2126  
Manzini

G2119 9--12-2005

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**NOTICE**

**ESTATE LATE: JOHANE MANDLELENI MNDZEBELE  
ESTATE NO. EM464/2001**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

MR DINGIZWE MNDZEBELE  
P.O. Box 19  
Siteki

G2121 9--12-2005

**NOTICE**

**ESTATE LATE: SYLVIA BUSISIWE SIMELANE  
ESTATE NO. ES305/2004**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

NIMROD SIMELANE  
P.O. Box 235  
Hlathikhulu

G2122 9--12-2005

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**NOTICE**

**ESTATE LATE: TOLO JOHN MAGAGULA ESTATE NO. EL46/2005**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

MICHAEL SIMELANE  
P.O. Box 361  
Mbabane

G2125 9--12-2005

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**NOTICE**

**ESTATE LATE: ELMON MFANISENI MASIMULA  
ESTATE NO. EL26/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

BUSAKAHLE MASIMULA NEE NDZIMANDZE  
P.O. Box 1141  
Siteki

G2126 9-12-2005

**NOTICE**

**ESTATE LATE: ELSIE SIBHAMU NHLABATSI ESTATE NO. ES240/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

HLOBSILE MOTSA  
Private Bag  
Mhlume

G2127 9-12-2005

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**NOTICE**

**ESTATE LATE: MTONDZEKI SHELLBOY SHONGWE  
ESTATE NO. EH271/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within twenty-one (21) days after the date of publication of this Notice.

THEMBISILE CATHRINE SHONGWE  
P.O. Box 110  
Mbabane

G2125 9-12-2005

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**NOTICE**

**ESTATE LATE: BEAUTY NGWENYA NEE SIMELANE ESTATE NO. ES13/2005**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

KHETSIWE LESSIAH NGWENYA  
P.O. Box 288  
Malkerns

G2132 9-12-2005

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**NOTICE**

**ESTATE LATE: CAMELINE NOMHLANGANO SIMELANE  
ESTATE NO. ES221/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

DONALD MATHENDELE SIMELANE  
P.O. Box 497  
Hlathikhulu

G2130 9-12-2005

**NOTICE**

**ESTATE LATE: JAMES MFANAWANI MTHUPHA  
ESTATE NO. EH239/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

LINDIWE MTHUPHA  
P.O. Box 557  
Mbabane

G2096 9-12-2005

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**NOTICE**

**ESTATE LATE: OSCAR MFANASIBILI MNISI  
ESTATE NO. EH227/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

THANDI M. MNISI NEE MNDZEBELE  
& ZODWA MNISI NEE MATHUNJWA  
P. O. Box 2761  
Manzini

G2097 9-12-2005

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**NOTICE**

**ESTATE LATE: CHRISTOPHER DUMISA MTHETHWA  
ESTATE NO. EM231/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

ELPHAS MTHETHWA  
P.O. Box 4473  
Manzini

G2098 9-12-2005

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**NOTICE**

**ESTATE LATE: ABEDNIGO DOKOTELA ZIKALALA  
ESTATE NO. EM424/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

SIPHO ZIKALALA  
P.O. Box 581  
Hlathikhulu

G2103 9-12-2005

1160

**NOTICE**

**ESTATE LATE: MICHAEL DOKOTELA NTSINI  
ESTATE NO. EP86/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

NELSIWE NTSINI  
P.O. Box 30  
Ntfontjeni

G2104 9-12-2005

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**NOTICE**

**ESTATE LATE: SICELO EPHRAEM SIBANDZE  
ESTATE NO. ES2/2003**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

MINAH SIBANDZE  
Private Bag No.2  
Nhlangano

G2108 9-12-2005

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**NOTICE**

**ESTATE LATE: MKHUSWA JOSEPH DLAMINI  
ESTATE NO. EH219/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

NTOMBIYABANI & THEMBI DLAMINI  
P.O. Box 260  
Hlathikhulu

G2109 9-12-2005

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**NOTICE**

**ESTATE LATE: PATRICK BONGANI SIMELANE  
ESTATE NO. ES237/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

SIPHEPHISO SIMELANE  
P.O. Box 1167  
Nhlangano

G2110 9-12-2005



1161

**NOTICE**

**ESTATE LATE: ERIC MFANUKHONA DLAMINI  
ESTATE NO. ES282/2004**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

JABU DLAMINI  
P.O. Box 40  
Hluthi

G2113 9-12-2005

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**NOTICE**

**ESTATE LATE: MARIA BUSISIWE MDLULI  
ESTATE NO. ES181/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

MENZI MDLULI  
P. O. Box 56  
Gege

G2115 9-12-2005

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**NOTICE**

**ESTATE LATE: ZAMA SETH NKAMBULE  
ESTATE NO. EM169/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

NONKULULEKO NKAMBULE  
P.O. Box 2888  
Manzini

G2118 9-12-2005

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**NOTICE**

**ESTATE LATE: ALBERT MSHIKISHANE MSOMBULUKO MAGAGULA  
ESTATE NO. EL183/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

JOSEPH MAGAGULA  
P.O. Box 1  
Sithobela

G2120 9-12-2005

**NOTICE**

Notice is hereby given that we intend applying for a certified copy of:

Deed of Partition Transfer No.67 / 2000 dated the 1<sup>st</sup> day of March, 2000 in favour of **ESTATE LATE RICHARD JAMES GODEFFROY** in respect of:

CERTAIN : Remaining Extent of Farm Luphohlo No. 443, situate in the District of Hhohho, Swaziland;

MEASURING : as such 12,7620 (One Two Comma Seven Six Two Zero) Hectares

Any person having objection to the issue of such copy is hereby requested to lodge it in writing with the Registrar of Deeds within Three (3) weeks of the last publication of this Notice.

DATED AT MBABANE ON THIS THE 2<sup>ND</sup> DAY OF DECEMBER, 2005

ROBINSON BERTRAM  
Attorneys for Applicant  
Ingcongwane Building,  
Allister Miller Street  
P. O. Box 24  
Mbabane

G2089 2x 16-12-2005

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**NOTICE**

Notice is hereby given that we intend applying for Certified Copy of Deed of Transfer No.453/ 1999 dated the 5<sup>th</sup> day of November 1999 in favour of **DEAN LISTER DU PONT**

CERTAIN : Lot No.31 Hlanze Township, situate in the Lubombo District, Swaziland;

MEASURING : 2388 (Two Three Eight Eight) square metres, as will more fully appear from General Plan No. S39/92 approved by the Surveyor General on the 30<sup>th</sup> September, 1992;

Any person having objection to the issue of such copy is hereby requested to lodge it in writing with the Registrar of Deeds within twenty-one (21) days of the last publication of this Notice.

DATED AT MBABANE ON THIS THE 5<sup>TH</sup> DAY OF DECEMBER 2005

CLOETE CORPORATE  
In Association with  
E. J. HENWOOD & M. L. DLAMINI  
1<sup>st</sup> Floor, Nedbank Centre  
Swazi Plaza

G2090 2x 16-12-2005

**NOTICE**

**ESTATE LATE: CORNELIUS MGENCE SIMELANE  
ESTATE NO. ES238/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

KHETHIWE SIMELANE  
P.O. Box 624  
Nhlangano

G2124 9-12-2005

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**NOTICE**

**ESTATE LATE: THOMAS QU NHLEKO  
ESTATE NO. EH37/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

THULISILE PATRICIA NHLEKO  
P.O. Box 5179  
Mbabane

G2133 9-12-2005

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**NOTICE**

**ESTATE LATE: BUSOBEZWE ATTWELL SUKATI  
ESTATE NO. EM402/2004**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

MR HEBRON TICELO SUKATI  
P.O. Box B24, SANDLA  
Mbabane

G2134 9-12-2005

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**NOTICE**

**ESTATE LATE: MANDLA ELVIS DLAMINI  
ESTATE NO. EH160/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

PHINDILE, CEBSILE AND ZODWA DLAMINI  
Box A134  
Maphalaleni

G2138 9-12-2005

**NOTICE**

**ESTATE LATE: MUSA JOSEPH GULE ESTATE NO. EP102/2004**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

HOPSON DUMA GULE  
P.O. Box A891  
Swazi Plaza

G2129 9-12-2005

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**NOTICE**

**ESTATE LATE: BHEKITHEMBA S. DLUDLU ESTATE NO. EL75/2005**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

ELIZABETH SKHONDZE  
P.O. Box 48  
Matata

G2137 9-12-2005

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**NOTICE**

**ESTATE LATE: ANGELINE MNISI ESTATE NO. EH157/1999**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

THULI MNISI  
P.O. Box A306  
Swazi Plaza

G2136 9-12-2005

1165

**NOTICE**

Notice is hereby given that **I, Mr Ronert Mbongeleni Malinga of Shiselweni Region** intend to apply to the Honourable Minister of Justice of the Kingdom of Swaziland for authorisation to assume the surname **Hlatshwayo** after the fourth publication of this notice in each of four consecutive weeks in the Times of Swaziland and The Swazi Observer being the newspapers circulating in the region where I reside and designated for this purpose by the Regional Secretary for the **Shiselweni Region** and in the government Gazette.

The reason I want to assume the surname **Hlatshwayo** is because it is my natural surname.

Any person or persons likely to object to my assuming the surname **Hlatshwayo** should lodge their objections in writing with me at the address given below and with the Regional Secretary for **Shiselweni Region**.

P.O. Box 36  
Magubheleni  
Via Nhlangano

G2135 4x20-01-2006

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**NOTICE**

NOTICE IN TERMS OF REGULATION 40(b) OF ACT NO.37 OF 1968

APPLICATION FOR THE TITLE DEED

Notice is hereby given that we intend to apply for a certified copy of Deed of Transfer No. 206/1975 registered on the 16<sup>th</sup> July 1975 held by **Trans World Radio**

CERTAIN : Lot No. 434 situate in Acadia Avenue and Magnolia Road in Coates Valley Town, Manzini District, Swaziland;

MEASURING : 1442 (One Four Four Two) square metres;

Any person having objection to the issue of such copy is hereby required to lodge it in writing with the Registrar of Deeds within three (3) weeks from the date of the last publication of this notice.

DATED AT MANZINI ON THIS THE 7<sup>TH</sup> DECEMBER, 2005.

MASINA MAZIBUKO AND COMPANY  
Applicant's Attorneys  
2<sup>nd</sup> Floor President Place  
P. O. BOX 592  
Manzini

G2131 9-12-2005

1166

**NOTICE**

**ESTATE LATE: THAMSANQA PHESHEYA DLAMINI ESTATE NO. EH85/2005**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

SIPHIWE LANGA DLAMINI  
P.O. Box A812  
Swazi Plaza

G2139 9-12-2005

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**NOTICE**

**ESTATE LATE: MCAWUZENI WILMOTH DLAMINI ESTATE NO. EM16/2003**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

PATRICK FANA DLAMINI  
P.O. Box 296  
Mhlambanyatsi

G2146 9-12-2005

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**NOTICE**

**ESTATE LATE: MDUDUZI PETROS NDWANDWE ESTATE NO. EH194/2004**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

PHETSILE HAPPINESS NDWANDWA  
P.O. Box 122  
Mhlambanyatsi

G2147 9-12-2005

**NOTICE**

**ESTATE LATE: THULANI SAUL HLATSHWAYO ESTATE NO. EM180/2001**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

THEMBEKILE HLATSHWAYO  
P.O. Box 1602  
Manzini

G2152 9-12-2005

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**NOTICE**

**ESTATE LATE: ARTHUR K. DLAMINI ESTATE NO. EP95/2002**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

THULI DLAMINI  
P.O. Box 190  
Piggs Peak

G2150 9-12-2005

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**NOTICE**

**ESTATE LATE: ANTHONY CIFICA ESTATE NO. EH259/2005**

Notice is hereby given in terms of Section 52 bis of the Administration of Estate Act No. 28/1902 that the First and Final Liquidation and Distribution Account in the above estate will be open for inspection at the office of the Master of the High Court of Swaziland Mbabane and at the office of the Regional Administrator for the District of Shiselweni for a period of Twenty One (21) days from the date of publication of this notice.

Any person objecting to the account may lodge his/her objection in writing in duplicate with the Master of the High Court at any time before the expiry of the said period.

ELIZA RUTH CIFICA  
P.O. Box 77  
Ezulwini

G2153 9-12-2005

1168

**NOTICE**

**ESTATE LATE: STANFORD MLULAMISI HLOPHE  
ESTATE NO. ES257/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

NTOMBI HLOPHE  
P.O. Box 1002  
Nhlangano

G2141 9-12-2005

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**NOTICE**

**ESTATE LATE: ENOCK MFANISELWA SIBANDZE  
ESTATE NO. ES261/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

NCANE SIBANDZE  
P.O. Box 336  
Nhlangano

G2142 9-12-2005

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**NOTICE**

**ESTATE LATE: DAVID NGWATI MAGAGULA  
ESTATE NO. EL187/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

LITHA THOLAKELE MAGAGULA  
P.O. Box 1  
Nsoko

G2143 9-12-2005

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**NOTICE**

**ESTATE LATE: VUSI DANIEL KUNENE  
ESTATE NO. EM441/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

THOBILE KUNENE  
P.O. Box 1270  
Manzini

G2144 9-12-2005



**NOTICE**

**ESTATE LATE: KWANDZAKWEBANTFU DLAMINI  
ESTATE NO. EM399/2003**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

ZODWA TFWALA  
P.O. Box 23  
Ntfontjeni

G2145 9-12-2005

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**NOTICE**

**ESTATE LATE: MBHUNU JAMES HLAWE  
ESTATE NO. EP90/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

TIMOTHY M. HLAWE  
P.O. Box 26  
Tshaneni

G2148 9-12-2005

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**NOTICE**

**ESTATE LATE: ALBERT MATUKA MAZIBUKO  
ESTATE NO. EH233/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

SIPHO MAZIBUKO  
P.O. Box 213  
Siteki

G2149 9-12-2005

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**NOTICE**

**ESTATE LATE: JOSEPH MALUNGISA NKAMBULE  
ESTATE NO. EL123/2001**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

BUSISIWE NKAMBULE  
P.O. Box 19  
Siteki

G2151 9-12-2005

**NOTICE**

**ESTATE LATE: JOSEPHINE TOBHITOBHI DLAMINI  
ESTATE NO. EM432/2005**

Debtors and Creditors in the above-mentioned estate are hereby asked to lodge their claims and pay their debts with the undersigned within thirty (30) days after the date of publication of this Notice.

ESTHER SOLANI DLAMINI  
P.O. Box 46  
Mpaka

G2140 9-12-2005

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**NOTICE**

Notice is hereby given that we intend applying for the cancellation of the entries in the Deeds Office register relating to:-

- (a) Mortgage Bond No.67/1986 dated the 11<sup>th</sup> March, 1986 for an amount of E200 000.00 (Two Hundred Thousand Emalangeni);
- (b) Mortgage Bond No.931/1991 dated the 28<sup>th</sup> November, 1991 for the amount of E320 000.00 (Three Hundred and Twenty Thousand Emalangeni);
- (c) Mortgage Bond No.312/1980 dated the 15<sup>th</sup> September, 1980 for the amount of E30 000.00 (Thirty Thousand Emalangeni);
- (d) Mortgage Bond No. 274/1982 dated the 27<sup>th</sup> August, 1982 for the sum of E30 000.00 (Thirty Thousand Emalangeni) all passed by ANTONIO NHANTUMBO (Born on the 15<sup>th</sup> December, 1938) in favour of **First National Bank of Swaziland Limited** over the undermentioned property, namely:-

CERTAIN : Erf No. 246, situate in the Town of Manzini, District of Manzini, Swaziland;

MEASURING: 2855 (Two Eight Five Five) square metres

Any person having an objection to the cancellation of such entries in the Deeds Office Register is hereby requested to lodge such objection in writing with the Registrar of Deeds within three (3) weeks of the last publication of this notice.

DATED AT MBABANE ON THIS THE 8<sup>TH</sup> DAY OF DECEMBER, 2005

ROBINSON BERTRAM  
Attorneys for Applicant, Ingcongwane Building  
P. O. Box 24  
Mbabane  
H100

G2154 2x 16-12-2005

# **SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE**

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VOL. XLIII]

MBABANE, Friday, DECEMBER 9<sup>th</sup>, 2005

[No.127

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**PUBLISHED BY AUTHORITY**

# PART C

S1

## LEGAL NOTICE NO.185 OF 2005

### THE CO-OPERATIVE SOCIETIES ACT, 2003 (Act No. 5 of 2003)

### THE CO-OPERATIVE SOCIETIES REGULATIONS, 2005 (Under Section 107)

In exercise of the powers conferred by Section 107 of the Co-operative Societies Act, 2003, the Minister for Agriculture and Co-operatives makes the following Regulations-

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3. Application for registration
4. Registration of Co-operatives
5. Refusal of registration
6. Compulsory by – laws
7. Amendments and registration of by –laws.

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9. Disposal of produce
10. Register of members' shares, deposits and loans
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## **PART I**

### **PRELIMINARY**

#### ***Citation and commencement***

1. These Regulations may be cited as the Co-operative Societies Regulations, 2005, and shall come into force on publication in the Gazette.

## **PART II**

### **REGISTRATION OF SOCIETIES**

#### ***Register***

- 2 (1) The Commissioner shall keep or cause to be kept a register for the purpose of registering societies and their by-laws in terms of section 7 of the Act.
- (2) All original entries in the register shall be made by or under the direction of the Commissioner and shall be signed by the Commissioner.
- (3) The Commissioner shall sign every alteration, interlineation or erasure in the register.
- (4) The register shall, at all reasonable times, be open to inspection by the public.

#### ***Application for registration***

3. (1) Subject to section 8 of the Act, an application for registration of society shall be submitted to the Commissioner in the form prescribed in the first schedule and shall be signed in accordance with the requirements of that form.
- (2) The application for registration shall be accompanied by documents listed in section 8 (3) of the Act.

#### ***Registration of co-operatives***

4. Upon the registration of a society, the Commissioner shall forward to it the following-



- (a) a certificate of registration, issued under the Commissioner's hand, in the form, duly completed, of Form A contained in the First Schedule;
- (b) a copy of the by-laws of the society as approved and registered by the Commissioner;
- (c) copy of the Co-operative Societies Act and relevant documents;
- (d) orders and instructions.

***Refusal to Register a Society***

5. Where the Commissioner refuses to register a society or its by-laws, the Commissioner shall record in writing the reason for such refusal as provided for in section 9 (3) to (6) of the Act.

***Compulsory by-laws***

6. (1) Subject to the Act and these Regulations, a society shall make by-laws for the regulation of its affairs and the promotion of its stated objects and shall provide the following matters in the by-laws, the-
- (a) name and the registered address of the society;
  - (b) area to which membership of the society is confined (common bond);
  - (c) objects for which the society is established and the purposes for which its funds may be applied;
  - (d) qualifications for membership, the terms of admission of members and the mode of their election, suspension and removal;
  - (e) rights and liabilities of members;
  - (f) manner of raising capital, including the maximum rate of interest payable on deposit and the disposal of accumulated funds;
  - (g) mode of appointment, vacation of office, suspension and removal of officers of the society and the duties and powers of such officers;
  - (h) holding of general meetings, the procedure at general meetings, the powers of general meetings including the procedure for the alteration or amendment of the by-laws, and, where necessary representation and voting at general meetings;
    - (i) consequences of default in payment of any sum due on account of loans or any sum due to the society;
  - (j) consequences of default in the delivery of produce to the society under by-laws or contract;
  - (k) authorisation of one or more officers to sign documents on behalf of the society;
  - (l) disposal of surplus assets after any winding up of the society.

(2) If the objects of the society include the creation of funds (savings pool) to be lent to members or to provide advances against the agricultural products, handcraft or minerals of members, additional policies shall be made in respect of the conditions under which loans or advances may be made to members namely-

- (a) the purposes of loans or advances;
- (b) the maximum amount which may be lent to a member or the maximum percentage of the local market value which may be advanced to members against the agricultural produce, handcraft, minerals delivered to the society;
- (c) the security for repayment of loans;
- (d) the maximum period for which loans may be made;
- (e) any extension of the term and renewal of loans;
- (f) the rate of interest chargeable on loans or the method of computing that rate of interest; and
- (g) the calculation of benefits.

#### ***Amendment and Registration of By-Laws***

7. (1) Amendments that have the approval of the Commissioner may be adopted by a majority of two thirds of the members present at a general meeting in respect of which due notice of the intention to discuss the by-laws or amendments has been given.
- (2) Where a by-law is amended, the registered society shall send to the Commissioner-
  - (a) three copies of the proposed amended by-laws for registration;
  - (b) a duly completed forming terms of Form B in the first schedule;
  - and
  - (c) the registered copies of the by-laws held by the society and the regional office.

### **PART III**

#### **RIGHTS AND DUTIES OF CO-OPERATIVES**

##### ***Change of address***

8. A society shall within fourteen days of its change of address, notify the Commissioner of the change, and the Commissioner shall register such change in terms of section 17 of the Act.

##### ***Disposal of produce to or through a registered society***

9. (1) Where a registered society has, in terms of section 22 of the Act, contracted with its members for the disposal of their produce, every member of the registered society shall deliver to the society at such place as the committee shall direct, such amount of articles produced or obtained by the member as may be prescribed in the by-laws or in the relevant contract.

- (2) A member who is proved or adjudged in terms of the by-laws or under the provisions of section 98 of the Act, to be guilty of a breach of the by-laws or the relevant contract, as the case may be, shall pay to the society, as liquidated damages such sum as may be specifically assessed or ascertained in the manner prescribed by the by-laws or by the relevant contract and that sum shall be a debt due to the society.
- (3) Under no circumstances shall the sum exceed twice the value of the amount of produce involved in the dispute.

***Register of Members' shares, deposits and loans***

- 10. (1) Every registered society shall keep a register to be called a "Register of Members" in accordance with section 18 of the Act.
- (2) Every registered society that accepts deposit from its members shall maintain a register of deposits.
- (3) Every registered society that makes loans to members shall maintain a register showing when loans are due for repayment, the names of the sureties and the amount of their liability.

***Inspection***

- 11. (1) For the purpose of inspection, every registered society shall comply with the provision of section 19 of the Act.
- (2) A society or an officer that fails to comply with the provisions of section 19 (1), commits an offence and shall be liable to the penalties prescribed under section 112 (1) of the Act or in the case of a continuing offence a further fine not exceeding ten Emalangeni for each day the offence continues.

***Fines on Members***

- 12. Before the imposition of a fine on co-operative society's members, the member shall be entitled to be heard in accordance with section 23 (1) of the Act.

***Notice of Intention to Sue Society***

- 13. Civil summons shall not be issued out of any court of law against a registered society unless the party applying for the summons has given at least fourteen days written notice to the Commissioner of the intention to do so.

***Transfer of Shares***

- 14. (1) Subject to the requirements of this regulation as to registration and any by-laws, a member may transfer a share to any other member, including a person accepted for membership according to the by-laws of the society.
- (2) If the by-laws require a member to hold more than one share, it is necessary, before registration of the transfer, for the transferee to acquire by the transfer and allotment, the number so required.

- (3) A transfer of the share is not valid for any purpose unless the secretary has on the direction of the committee, registered the transfer.
- (4) Subject to section 24 of the Act, the committee shall, only in special circumstances, give a direction under sub-regulation (3) where the transferer is indebted to the registered **Society**.

#### ***Nominee***

- 15. (1) A member of the registered society shall, in accordance with section 18 of the Act, unless the Commissioner otherwise directs in writing, nominate a person to whom the membership, share or other interest in the capital of the society shall, on the member's death, be transferred and to whom shall be paid the sum specified in the Society's by-laws.
- (2) The appointment of a new nominee or a change of nominee shall be made in writing and signed by the member in the presence of two attesting witnesses.
- (3) Every appointment or change of a nominee shall be recorded in the register of members.
- (4) For the purpose of a transfer to a nominee the value of any share or interest shall be the actual sum paid for that share or interest by the member.
- (5) A nominee may become a member only if qualified under the by-laws and acceptable to the society.
- (6) Where money is paid to a nominee who is a minor, a receipt given either by the minor or the minor's guardian shall be sufficient discharge to the registered society making the payment.

#### ***Copies of Entries***

- 16. (1) For the purposes of section 30 of the Act, a copy of an entry in a book of a registered society shall bear a certificate in writing at the foot of that copy, that-
  - (a) the copy is a true copy of the entry; and
  - (b) the book containing the entry is, at the date of the certificate, in the custody of the society.
- (2) The certificate shall be dated and signed by the secretary of the registered society or such other officer, as the management committee shall approve for the purpose.

#### ***Security in respect of Officer or Employees***

- 17. (1) For the purposes of sections 31 and 59 of the Act, a registered society may require any officer or employee whose duties involve the handling or custody of its funds or any property, to furnish such amount and manner of security for the honest and diligent performance of his duties, as it considers necessary.
- (2) For the purposes of section 32, and subject to any by-law-
  - (a) the contract between the society, member and the employer shall remain in force until the last instalment is paid;

- (b) in the event the services of the employee are terminated by either party, before any other deductions from the employee's terminal benefits are made, preference shall be given to the amount due to the society.

#### **PART IV**

#### **RIGHTS AND LIABILITIES OF MEMBERS OF THE SOCIETY**

##### ***Membership of a Society***

- 18. (1) A person admitted in accordance with section 33 of the Act shall be a member of that society.
- (2) Except with written permission of the Commissioner, no company or association whether or not incorporated shall become a member of a registered society.

##### ***Registration of Members' name in Register***

- 19. The admission to membership, after the registration of the society's by-laws, shall be as follows-
  - (a) the member's name shall be entered into the register;
  - (b) the member shall sign the member's name or affix a mark in the presence of two officers of the society.

##### ***Termination of membership***

- 20. A registered society shall remove from its membership any person who is found to have been admitted contrary to sections 33 and 37 of the Act.

##### ***Withdrawal of a Member***

- 21. (1) A member who is not in debt to the registered society or is not surety for an unpaid debt, may withdraw from the society after giving to the secretary one month written notice, or any longer period required by the by-laws of the society.
- (2) Where a member has contracted in terms of section 22 of the Act, the required notice shall be given so that membership may terminate only at the close of the financial year of the society.
- (3) A member withdrawing from the society may, after the period determined in the by-laws for the continued liability of a past member-
  - (a) if the by-laws so permit, receive payment without interest, of any money paid by him or his predecessor in interest towards the purchase of shares;
  - (b) subject to section 27 of the Act, transfer his shares to a member of society willing to accept them or to any other person acceptable by the society as a member.

##### ***Removal and Expulsion of Member***

- 22. (1) A member who ceases to be qualified for membership in accordance with the by-laws of a society shall be removed by the committee.

- (2) A member may be expelled by the vote of two thirds of the members present at the general meeting on the following grounds-
  - (a) where the member is convicted of a criminal offence involving dishonesty or resulting in imprisonment for not less than six months;
  - (b) where the member has or tendered a gratuity or commission to a person employed by the society;
  - (c) for any action of the member that is held by the committee and a general meeting to be dishonest or contrary to the stated objects or interests of the society or of the co-operative;
  - (d) for failure to pay a sum due from the member to the society within the period allowed; or
  - (e) for any other reason stated in the by-laws.
- (3) A member who is removed from a registered society is not entitled to demand, as of right, the repayment of any money paid by the member towards the purchase of shares in the society, but, subject to regulation 21 (3) (b) may transfer such member's shares to any person acceptable by the society as a member.
- (4) A member of a registered society who is expelled by the resolution of a general meeting is not entitled to any repayment of the value of the member's shares which may be forfeited to the society if the by-laws so provide.

#### ***Limitation of Membership***

23. Except with the approval of the Commissioner given prior to registration, a registered society shall not fix any limit to the number of its members.

### **PART V**

#### **MANAGEMENT OF SOCIETIES**

##### ***General Meeting***

24. (1) The control of the affairs of a registered society is hereby vested in the general meeting of the members summoned in accordance with the by-laws of the society in accordance with section 47 of the Act and the by-laws.
- (2) A first meeting of members shall be held as soon as practicable after receipt by the society of its certificate of registration but not later than one month after the receipt.
- (3) The first meeting shall have all the powers of an annual general meeting of the society.
- (4) The notice convening the meeting shall specify the date, time, place and agenda of the meeting and be made known in the manner customarily used in the area in which the society is situated or in accordance with the by-laws.
- (5) A member of a registered society has a right to attend a general meeting and to vote on all questions at the meeting and decisions of the general meeting shall be binding on all members even on those absent or dissenting.

- (6) Subject to regulation 25, a member shall exercise the member's vote in person.

***Votes of Members***

25. (1) Subject to this regulation, no member of any registered society shall have more than one vote in the conduct of the affairs of the society.
- (2) In the case of an equality of votes, the chairman shall have a casting vote in addition to his original vote.
- (3) In the case of societies in which a registered society is a member, that society may have such voting power as are stipulated or as are provided in the by-laws of the society of which that registered society is a member.

***Voting by Proxy***

26. Unless the by-laws so provide, voting by proxy shall not be allowed.
- (2) A registered society, which is a member of any other registered society, may, subject to the by-laws of that other registered society, appoint any of its members as delegates in terms of section 40(4) of the Act to vote in the conduct of the affairs of that other registered society.

***Annual general meeting***

27. (1) Within one month after receipt by it of a report on audit under section 67 of the Act the committee shall convene the annual general meeting.
- (2) At least fourteen days' notice shall be given before the holding of an annual general meeting.
- (3) In the event the committee fails to convene the annual general meeting, the Commissioner may at any time after the audit of accounts has been completed, cause the committee to convene the annual general meeting or the Commissioner may convene the annual general meeting, which shall proceed as if the committee had convened it.
- (4) The functions of the annual general meeting are to-
- (a) confirm the minutes of the previous meeting and of any intervening special general meeting;
  - (b) consider the reports of the committee and the balance sheet and accounts together with the report on the audit under section 67 of the Act;
  - (c) adopt the accounts if necessary upon obtaining the advice of the Commissioner as prescribed in Schedule 2, Form C;
  - (d) dispose of surplus funds in accordance with the by-laws;
  - (e) appoint, suspend or remove members of the committee;
  - (f) fix the maximum liability to be incurred, in terms of section 90 of the Act;
  - (g) fix, in the case of the Credit Co-operative Society, the maximum amount of credit to be allowed to a member;

- (h) hear and determine any complaints brought by a member, before the meeting, who is aggrieved by a decision of the committee, at least seven days notice should be given before the date of the meeting;
- (i) declare or issue bonus shares;
- (j) consider and approve any proposed amendments to the by-laws;
- (k) consider and approve the annual budget for the forth coming financial year;
- (l) confirm the appointment of one panel of audit firms to audit its accounts;
- (m) transact any other general business of the registered society.

#### ***Special General Meeting***

28. (1) A special general meeting may be convened by the Chairman or the committee when necessary for the conduct of the business of the society and shall be convened upon the receipt, by the society, of a written demand signed by such number of members as may be prescribed in the by-law of the society.
- (2) At least seven days' notice shall be given before the holding of a special general meeting.
- (3) If, contrary to sub-regulation (1), the Chairman and the committee fail to convene a meeting within fourteen days of the receipt of the demand, the members concerned shall convene the meeting by notice which shall contain the object of the proposed meeting and a statement to the effect that the meeting is convened on the failure of the Chairman and of the committee to convene the meeting which had been demanded under this regulation.
- (4) Notwithstanding this regulation, the Commissioner or a person authorised by the Commissioner may, at anytime, summon a special general meeting of the registered society in such manner and at such time and place as the Commissioner may direct and may also decide which matters shall be discussed at that meeting.
- (5) A meeting summoned in terms of sub-regulation (4) has the like power of a meeting called in accordance with the by-laws of the registered society.

#### ***Quorum at General Meeting***

29. (1) Subject to sub-regulation (2), the quorum for a general meeting shall be provided in the by-laws of the registered society but shall not be less than one-fifth of the membership of the registered society or five members, whichever is the greater.
- (2) When a general meeting is summoned by the Commissioner the members present at that meeting shall be deemed to constitute a quorum.
- (3) If within one hour after the fixed time for a general meeting, not summoned by the Commissioner, the members present are not sufficient to constitute a quorum then the meeting shall-
- (a) if convened on the demand of members, be deemed to be no meeting; and
  - (b) in all other cases, stand adjourned to the same day in the next week at the same time and place and the secretary shall publish, within twenty four hours, a notice to that effect



- (4) If within one hour after the time appointed for the adjourned meeting, a quorum is still not formed, the members present shall be deemed to constitute a quorum.

***Procedure at the General Meeting***

- 30.
  - (1) The Chairman shall preside at a general meeting and in the absence of the Chairman the Vice Chairman, if one has been elected, shall preside.
  - (2) In the absence of both of them, or if they are unwilling to act, or if they are not present within fifteen minutes after the time appointed for holding the meeting, the members present may choose one among themselves to preside.
  - (3) Unless otherwise provided by the by-laws of the registered society, a question submitted for decision at the meeting shall be decided by a majority of votes.
  - (4) At a general meeting, a resolution put to the vote shall be decided on a show of hands unless voting by a ballot is demanded by at least five members present, at the general meeting, before the resolution is put to vote, in which case, the voting shall be by ballot.
  - (5) In respect of a resolution put to the vote, the Chairman shall declare whether it has been carried or lost, and whether on a show of hands or unanimously or by a particular majority, and an entry to that effect in the minute book shall, after confirmation be conclusive evidence of anything contained in the entry.
  - (6) Where a general meeting is adjourned to another day, the agenda and business transacted at the adjourned meeting shall be that, and only that, proposed for the original meeting.

***Minutes of a General Meeting***

- 31.
  - (1) All business discussed or decided at a general meeting shall be recorded in a minute book and signed by the Secretary, and shall, on confirmation, be signed by the Chairman of the meeting at which the minutes were confirmed.
  - (2) The minutes shall contain-
    - (a) the name of the Chairman, members of the committee present at the meeting and the names of those who were absent;
    - (b) the names of the officers in attendance at the meeting;
    - (c) the number of members of the society present;
    - (d) the total number of members of the society;
    - (e) the time fixed for the meeting and the time of commencement of the meeting and all resolutions and decisions made at the meeting.
  - (3) Unless the Commissioner otherwise directs, the society shall within fourteen days send copies of the minutes, certified in the like manner as prescribed in these regulation 16.

***The Committee***

32. (1) Members of the committee shall be appointed and removed by the majority vote of members present at a general meeting.
- (2) The committee shall consist of at least three members including the Chairman, Secretary and Treasurer.
- (3) A list of the members of the committee containing particulars such as name, residential address, identity number, date of membership and occupation shall be submitted to the Commissioner in accordance with section 8 of the Act.
- (4) Notice of any change as to the particulars of members of the committee shall be given to the Commissioner within fourteen days of elections.
- (5) At least half of the members of the management committee shall step down at the end of each term and a member of the management committee shall not serve more than two consecutive terms.
- (6) Notwithstanding the provisions of section 50 (2), the general meeting shall have the power to remove the management committee at anytime if it is deemed necessary.
- (7) In the case of an equality of votes on any matter considered by the committee, the chairman may exercise the casting vote, in addition to the deliberative vote.
- (8) A quorum for a meeting of the committee shall be as provided in the by-laws of the society but shall not be less than three members including one member of the Executive Committee.
- (9) Compulsory orientation of the new management committee within two months.

***Eligibility***

33. (1) A member of a registered society is not eligible to become a member of the committee where the member-
- (a) is not qualified in terms of section 51 of the Act;
- (b) holds an office of profit under the society;
- (c) undertakes, for the member's private profit, any trade or business in which the society itself is engaged.
- (2) Section 51 (1) (a) of the Act shall not apply to a school registered society.

***Duties of the committee***

34. In addition to the functions stipulated under section 49, the management committee shall also-
- (a) in a credit society, ensure that loans are properly applied to the purpose for which they were made and that proper securities have been taken and verified for any loans made in accordance with the by-laws

- (b) in a marketing or trading society, ensure the observance of by-laws and contracts binding members to deal with the society as per section 22.

***Member of Committee Vacates Office***

35. A member of the committee shall vacate office in terms of section 57 of the Act or where the member is removed from office by the general meeting.

***Committee Minute Book***

36. (1) For the purpose of Section 58, all affairs of a registered society shall be recorded in the minute book.
- (2) Minutes of proceedings with regard to the consideration of loans to members are secret and shall not be disclosed to unauthorised person.

***Borrowing Powers***

37. The committee may borrow money on behalf of the registered society to an amount not exceeding such total amount as may have been fixed in accordance with section 90 of the Act.

***Banking and Investment***

38. (1) For the purpose of section 92, a registered society may open a banking account with a registered financial institution in the country.
- (2) The bank account shall be co-signed by members of the committee and the Secretary or manager as may be prescribed in the by-laws.
- (3) Surplus funds of a registered society may be invested with a reputable financial institution approved by the Commissioner.

***Honorarium and Allowances***

39. (1) Members of the Management Committee shall be entitled to both an honorarium and allowances, provided the officer is not in gainful employment in the registered society as provided in Section 52.
- (2) For the purpose of section 52(3) where allowance refers to reimbursement for out of pocket costs, the member shall be entitled to receive honoraria but where it refers to remuneration then the officer shall not receive honorarium.

***Appointment of the Manager***

40. (1) The committee shall appoint a competent manager who shall be able to prepare final accounts up to the balance sheet and fix the remuneration for the services of the Manager subject to any scale approved for the purpose by the general meeting.
- (2) The Manager shall be responsible to the committee.
- (3) The committee or Manager may appoint other competent employees as may be necessary.
- (4) Subject to the compliance with section 98 (1) (c) of the Act, the committee may suspend or dismiss any of the employees of the society for any irregularities in the

performance of his duties.

- (5) The manager shall not be eligible to be elected into the Board if he holds a gainful employment in the society or has not declared his position vacant.

***Internal Audit Committee***

41. (1) The general meeting shall elect a committee called the supervisory committee in the usual manner prescribed for the election of the other committees of the society.
- (2) Functions, meetings and powers of the committee shall be as laid down in section 64 of the Act

**PART IV**

**ACCOUNTS, AUDIT AND INQUIRY**

***Preparation of Accounts***

42. (1) A registered society shall keep such books of accounts and use such books and submit such returns as the Commissioner may require of it.
- (2) The committee of a registered society, or such officer or officers as may be appointed for this purpose by the committee, shall prepare in such form and for such period as the Act may require-
  - (a) a trading account;
  - (b) an account showing the income and expenditure or an account of like nature acceptable as per accounting practice;
  - (c) income statement account or an appropriation account; and
  - (d) a balance sheet.
- (3) The accounts shall be made up to the last day of the period to which they relate.
- (4) The committee may, with the approval of the general meeting, cause bad debts to be written off the books of the registered society.
- (5) In the accounts, due provision shall be made for depreciation in the value of the property of the society and for other provisions as prescribed in the Act.
- (6) The accounts of such primary societies as are affiliated to, or are members of a secondary society may be combined with the accounts of that secondary society in such manner as may be approved by the Commissioner and these accounts shall be deemed to be the accounts of the primary society.
- (7) The accounts of that secondary society shall in that event, include the summarised balance sheet of the primary societies.

***Balance Sheet***

43. A registered society shall, during the office hours, exhibit its annual balance sheet to a person

interested in its funds as a member, depositor or creditor.

***Audit of a Registered Society and Duties of an Auditor***

44. (1) Every registered society, which has its accounts audited by the Commissioner shall pay such audit fees as the Commissioner may prescribe.
- (2) The society shall notify the Commissioner of the appointment of the auditor by submitting a copy of the instrument of appointment.
- (3) A registered society intending to employ the services of an auditor approved under section 67 (1) of the Act shall ensure that-
- (a) such auditor is within the panel of audit firms approved by the general meeting; and
- (b) a proper instrument of appointment is executed stipulating the period of such appointment, fees, scope of audit and any other relevant matter.
- (3) The society shall prepare a list of books and documents to be handed to the auditor and removed from the premises of the society and a copy of the list shall be acknowledged by the auditor and kept by the society.
- (4) The Commissioner shall at all times have access to the audit working notes of such appointed auditor.
- (5) In pursuance of section 66 of the Act the auditor of a society shall report to the Commissioner any society of which the auditor is auditing, which has not submitted the trading, profit and loss accounts and balance sheet, together with any other documents which are required to be submitted for the purpose of audit within a period of fourteen days after the completion of the period stipulated for the preparation of statements and documents.
- (6) The failure of the society to comply with the period specified in sub-regulation (5) shall be reported to the Commissioner by the auditor.
- (7) The Auditor shall complete the audit of any society within a period of two months after receiving financial statements and other documents required for the purpose of the audit.
- (8) The Auditor shall immediately after the completion of the audit submit to the Commissioner the audited financial statements and the management report (letter).
- (9) In pursuance of section 69 of the Act, the Auditor shall report any irregularities in the accounts and other relevant records of the society to the Commissioner, immediately.
- (10) For the Commissioner to make proper observation on the accounts and balance sheet of the society and its subsidiary(s), if any, pursuant to section 71 (1) of the Act, the Commissioner may request the society to furnish him with additional information and documents.
- (11) If a society, committee or officer fails to produce books of accounts or fails to cause them to be produced for audit, they shall respectively, be held to have committed an offence and liable, on conviction, to a fine of not less than five hundred Emalangeni, or in the case of a continuing offence a further fine not exceeding fifty Emalangeni for each day the offence continues.

***Expert Engaged by Internal Audit (Supervisory Committee)***

45. (1) Where, in pursuance with section 64(5) of the Act, the internal audit committee of a society appoints a competent person to examine the accounts or other activities of the society, expenses incurred shall be approved by the general meeting.
- (2) The person appointed under sub-regulation (1) shall not be the same person whose services have been or shall be employed to audit the accounts of the society in accordance with section 67 of the Act.
- (3) Fees paid to any person appointed under sub-regulation (1) shall be reported to the general meeting.
- (4) The internal audit committee shall meet and table its recommendations not less than twice every year in any registered society and the reports shall be submitted to the Commissioner.

***Dissolution of Committee***

46. (1) In pursuance of section 74 of the Act, where the Commissioner is of the opinion that the committee is not performing its duties properly the Commissioner may, after giving the committee the opportunity to state its objections, if any, to its dissolution and after considering those objections at a general meeting called by the Commissioner, by order in writing direct that the affairs of the society shall be managed and administered by a suitable person appointed as provided in the Act and these Regulations.
- (2) For the purpose of section 73, where the inquiry has been conducted by the supervisory committee on alleged mismanagement or contravention of some provision in the Act and by-laws of the society, the Commissioner and the members shall be notified of the meeting within fourteen days before the date of the general meeting where the findings would be tabled by the supervisory committee
- (3) The Commissioner may intervene in writing at least seven days before the set date of the general meeting.
- (4) A direction under sub-regulation (1) shall have effect for such period not exceeding two financial years as may be specified in the order containing the directives.
- (5) The Commissioner may in his discretion amend the order for the purpose of extending the period during which the direction of extending the period involved shall not exceed four years.
- (6) Where the decision to dissolve the Committee has been made by the supervisory committee it shall have effect for such period not exceeding one financial year and not subject to renewal.
- (7) Where the person appointed in terms of sub-regulation (1) has failed to manage and administer the affairs of the society that person may be removed after a recommendation of the supervisory committee to the Commissioner and to the general meeting.
- (8) A person so appointed to administer and manage the affairs of society may-
- (a) recover the assets and discharge the liability of the society and take such steps as

may be necessary in its interest;

(b) exercise all powers and privileges of a duly constituted committee.

(9) The person appointed under this regulation to manage and administer the society shall prior to the expiry of the term of office make arrangements for the appointment of a new committee in accordance with the by-laws of the society.

(10) Notwithstanding the foregoing, the Commissioner may, upon an application by a registered society or on the Commissioner's own motion-

(a) nominate a member of a committee;

(b) remove or replace a member so appointed,

and such member shall be additional to the elected members with no voting powers and shall not be considered for purposes of a quorum.

## **PART VII**

### **PROPERTY AND FUNDS OF A CO-OPERATIVE**

#### ***Funds***

47. (1) The funds of a registered society shall be applied only to the promotion of the stated objects of the society, the operation of the society and any other purpose mentioned in the Act and these Regulations and the by-laws of the society.
- (2) The Commissioner, in consultation with the committee, may allow a registered society to purchase shares in a company incorporated and registered under the Company Act of Swaziland if the Commissioner is satisfied that the purchase is necessary and shall be to the advantage of the society.

#### ***Loans from Non-Members***

48. (1) In pursuance of section 90 of the Act, a registered society shall fix in a general meeting the maximum amount it may incur in loans from non members, subject to confirmation by the Commissioner who may reduce the amount whereupon the reduced amount shall be deemed to be the maximum amount so confirmed.
- (2) A society shall not receive loans from non members in the excess of the maximum amount so confirmed.

#### ***Bonds or Debentures***

49. The issue of bonds or debentures by a registered society shall be subject to such conditions as the Commissioner may prescribe.

#### ***Dividends and Distribution of Profits***

50. (1) In pursuance of section 94 of the Act the rate of dividend paid on shares shall not exceed five percent per annum.
- (2) A registered society shall pay a dividend if the rate of interest on loans granted by it to members exceeds ten percent per annum.

- (3) Where a registered society has made sufficient profits, a bonus on wages or on the value of the products of a member or a bonus or rebate on patronage, calculated in proportion to the amount of business done by each member with the society, may be distributed annually to members from the surplus funds after-

(a) the deduction of all expenditure; and

(b) making provision for bad and doubtful debts, depreciation and allocation to the reserve fund.

- (4) A registered society shall not distribute its accumulated profits to members if its financial statements have not been audited by an approved auditor appointed in terms of section 67 of the Act and Regulation 45(2) and have not been approved by the Commissioner.

#### ***Reserve Fund***

51. (1) The reserve fund of a registered society created in pursuance of the provisions of section 93 of the Act, may, unless the Commissioner directs that the entire or part of that fund shall be invested in terms of section 92 of the Act, be utilized either in the business of the society, or in capital expenditure, as the Commissioner may approve.
- (2) The reserve fund shall not be withdrawn and no member is entitled to a specific share in it.

#### ***Annual Budget***

52. (1) In pursuance of section 66 of the Act, every registered society shall prepare an annual budget in such form as to indicate clearly all items of income and expenditure and shall be submitted to the Commissioner for his input and advice thereof which shall thereafter be submitted for approval by the general meeting.
- (2) The budget shall be submitted not later than one month before the commencement of the period to which the budget relates.

### **PART VIII**

#### **CO-OPERATIVE CENTRAL FUND**

##### ***Administration of Central Co-operative Fund***

53. (1) In pursuance of section 96 of the Act the funds in the Central Cooperative Fund held and administered by the Commissioner may be deposited or invested in-
- (a) any bank in Swaziland;
- (b) any securities of the Government of Swaziland;
- (c) any public issued shares;
- (d) any Co-operative society carrying on the business of financing;
- (e) in any other form of investment as is deemed fit by the Commissioner and which is for the benefit of the co-operative movement.



- (2) The Commissioner may utilise the Central Co-operative Fund and any income from the deposits or investments for the benefit and development of the Co-operative movement.
- (3) The accounts of the Central Co-operative Fund shall at all times be kept in the credit and under no circumstances shall it be overdrawn.
- (4) The Assistant Commissioner Audit of the Department of Co-operatives shall keep proper accounts and other records in respect of the operation of the Central Co-operative Fund and shall prepare statement of accounts in respect of each financial year.
- (5) The accounts of the Central Co-operative Fund shall be audited annually by an auditor from an approved firm appointed by the Commissioner.
- (6) Upon registration of the National Co-operative Federation, the Commissioner shall transfer the administration of the fund to the Federation.
- (7) The Federation shall perform all the above listed functions in this regulation in the utilisation of the Fund.
- (8) Registered societies shall have access to the Co-operative Central Fund by lodging an application for a loan with the fund's controlling body in a manner and form to be determined by the body.
- (9) Where the sum applied for is in excess of one hundred thousand Emalangeni, the approval of the Commissioner or any other public officer authorised by the Commissioner shall be required.

#### ***Administration of the Fund by Federation***

54. Where the administration of the Central Co-operative Fund is under the administration of the Federation, the Commissioner or any other officer authorised by him shall be a signatory to the Fund.

#### ***Contribution to the Fund***

55. For the purposes of section 96 (2), the amount of such annual contribution shall not exceed either 10% of the net annual profit of the society or 1% of the gross annual turn over of the society, whichever is the greater but shall not be less than one hundred Emalangeni.

### **PART IX**

#### **SETTLEMENT OF DISPUTES**

##### ***Reference of Disputes***

56. (1) In pursuance of section 98 of the Act the following may register a dispute-
  - (a) a committee of a registered society;
  - (b) by a resolution of a general meeting of a registered Society;
  - (c) by a party to the dispute; or
  - (d) where the dispute concerns a sum due from a member of the committee to

the society, a member of the society.

- (2) The registration of the dispute shall be in a written statement addressed to the presiding officer, which shall-
  - (a) be dated;
  - (b) specify the dispute;
  - (c) set out full particulars of the dispute;
  - (d) be signed by the party making the dispute; and
  - (e) be properly delivered.

***Hearing of Disputes at Society Level***

57. At the registered society level, the society shall hear and decide on the merits of the dispute within twenty one days from the date of registration of the dispute.

***Aggrieved Party by a Decision***

58. (1) If a party to a dispute is aggrieved by the decision of the co-operative society, that party shall within fourteen days upon receipt of the decision, lodge an appeal with the local Regional Commissioner's office.
- (2) The local Regional Commissioner's office shall within twenty one working days consider and decide on the matter so lodged before it.
- (3) If any party to the dispute is aggrieved with the decision of the local Regional Commissioner's Office the aggrieved party shall within fourteen days upon receipt of the verdict lodge an appeal with the Commissioner.
- (4) The appeal to be lodged with the Commissioner shall be contained in relevant forms obtainable from the local Regional Commissioner's office.

***Co-operative Tribunal***

59. (1) The Co-operative Tribunal established in terms of section 99 of the Act shall hear and decide disputes or appeals referred to it by the Commissioner.
- (2) The commissioner shall within twenty one days after receipt of the appeal-
  - (a) establish if the appeal is lodged in compliance with regulation 57(4);
  - (b) notify the Co-operative Tribunal panel;
  - (c) advise the parties of their right to representation;
  - (d) convey all the necessary documents to the tribunal.
- (3) The Commissioner shall advise the Co-operative Tribunal to comply with section 98 (3) of the Act.

***Proceedings before the Tribunal***

60. (1) In all proceedings before the Co-operative Tribunal the Commissioner or tribunal-
- (a) shall summon the parties and any witness whose attendance is required by a party to the proceedings either orally or by written summons;
  - (b) shall at any stage summon any other person as a witness whose evidence appears to be essential to the just decision of the dispute;
  - (c) shall administer oath or affirmation;
  - (d) may order the expenses incurred at the determining of the dispute or part thereof, to be paid either out of the funds of the society or by such party or parties to the dispute as the Commissioner deems fit.
- (2) Every witness duly summoned to attend and give evidence shall-
- (a) remain in attendance throughout unless excused by the panel;
  - (b) be required to produce any document or thing specified or described in the summons or which the witness actually has in his possession at the hearing.
- (3) Any witness appearing in answer to a summon to give evidence shall not refuse to be sworn or admonished to speak the truth or having done so, refuse to answer such questions as are put to the witness.
- (4) The panel shall hear the evidence of the parties and witnesses, after consideration of any documentary evidence produced by either side shall give a written decision which shall be communicated to both parties and filed in the office of the Commissioner and in the Co-operative Tribunal Office.
- (5) The dispute may be decided in the absence of a party duly summoned to attend.
- (6) In proceedings at the registered society level and at the Local Regional Commissioner's office a party shall not be represented by a legal practitioner.
- (7) Any person contravening this regulation commits an offence and shall, on conviction, be liable to a fine of two thousand Emalangeni or in default to payment thereof to six months imprisonment, such order shall be enforced in accordance with section 103 of the Act.

**PART X****LOANS TO MEMBERS*****Application for Loans***

61. Pursuant to section 91 of the Act a member who requires a loan from the society shall submit an application to the committee in a standard form provided by a registered society stating
- (a) the amount of the loan required;
  - (b) the purpose for which it is required;

- (c) the term desired and whether it is desired to be paid in instalments; and
- (d) the names of the proposed sureties or any other security proposed by the committee.

***Sanction of Loan***

62. (1) The committee shall consider, at a meeting, any application of a loan and may sanction a loan if it is satisfied as to the-
- (a) integrity of the applicant;
  - (b) sufficiency of the proposed security; and
  - (c) likelihood of advantage to the borrower in the way of increased production or other benefit.
- (2) A person other than members of the committee and other officers of the Society shall not be present at any meeting of the committee at which an application for a loan is under consideration.
- (3) A member of the committee who applies for a loan or who is proposed as surety for a loan shall withdraw while the relevant application is being considered.
- (4) Where there is a difference of opinion concerning the sanctioning for loans, the voting shall be taken by ballot. The officer in attendance shall preside over the process.
- (5) The proceedings at the committee meetings, at which applications for loans are under consideration, shall be kept a secret, and a member of the committee or officer of the registered society who contravene this regulation is liable to immediate expulsion or dismissal.
- (6) All loans application proceedings shall be recorded in a minute book for that specific committee to be signed by the chairperson of that committee in the subsequent meeting.

***Security for Loans***

63. (1) Unless the committee accepts other security, a loan may be guaranteed by two sureties approved by the committee.
- (2) A member of a registered society shall not guarantee a loan by the society to another member if that member is a surety for an outstanding loan made to the first mentioned member.

***Purpose of Loan***

64. (1) A loan shall not be made except for a purpose approved, in each case, by the committee.
- (2) A member shall apply the amount of the loan to the purpose approved by the committee.

***Restriction on Loan to a Defaulter***

65. Where a member is in default in the payment of a loan or of an instalment of a loan and does not satisfy the committee that the default is for sound reason, that member shall not be entitled to receive another loan from the registered society.

***Extension of Loan***

66. If for whatever reason a member is of the opinion that the member shall not be able to discharge the member's obligations to the registered society and the Secretary is duly notified in writing before repayment of the loan becomes due, the committee may extend the time fixed for repayment on such conditions as it deems fit.

***Misapplication of Loan***

67. Where the committee is satisfied that a member of the registered society who has obtained a loan has contravened regulation 62 (2) the committee may by notice in writing to the debtor, demand full payment of the loan before the agreed date of payment.

***Recovery of Loan***

68. Where a loan or an instalment of a loan has not been paid on the date on which it becomes due and an extension of time has not been given under regulation 64, the committee shall, subject to compliance with section 98 of the Act take steps for the recovery of the loan.

**PART XI**

**MISCELLANEOUS**

***Inspection of Documents***

69. A member of the public may on payment of the prescribed fee, inspect in the office of the Commissioner any of the documents, namely-
- (a) the register kept by the Commissioner;
  - (b) the certificate of registration of a society;
  - (c) the registered by-laws of a society and any registered amendments to those by-laws;
  - (d) an order cancelling the registration of a society;
  - (e) an order directing the winding up of a society;
  - (f) any other special or general order made in respect of a registered society; and
  - (g) the accounts of a registered society submitted by it in accordance with these Regulations.

***Second Schedule (Fees)***

70. The fees specified in the schedule for fees shall be payable in respect of the matter to which they relate.

***Power of Exemption***

71. The Minister may by order, exempt any registered society or class of societies from any of the provisions of these regulations, or may direct that such regulations shall apply to any society or class of societies with effect from such date or with such modifications as he may determine.

***Guidelines and directives of the Commissioner***

72. In pursuance of section 6 of the Act, the Commissioner may issue further guidelines and directives which shall be complied with by the societies management to ensure the efficient management of registered societies and the proper application of these regulations.

***Report by a Person Representing a Society at any Forum***

73. (1) Any person who has been appointed to represent a registered society at any meeting, seminar or any other forum at the expense of the society within or outside the country shall submit a brief report of the meeting, seminar or any other forum that the person attended to the general meeting of the society.
- (2) Where such person fails to submit the report the person shall re-embers all the expenses as have been incurred at such meeting and the society may recover any such expenses from the person as if it were a debt owing by that person to the society.

***Irregular Resolutions of Societies to be Deleted***

74. Any resolution or action of an officer or committee of society or a society which is outside the object or scope of the society as defined in the Act and these Regulations and by-laws of the society shall be void, and the Commissioner may order the record of such resolution or action to be deleted from the records of the society.

***General Offences***

75. (1) It shall be an offence under these Regulations if-
- (a) a registered society or its officer or employee or member neglects or refuses to do any act or furnish information required for the purposes of these regulations by the Minister, the Commissioner or a person duly authorised in that behalf by the Minister or Commissioner, as the case may be;
  - (b) a registered society or its officer, employee or member makes a false return or furnishes a false information; or
  - (c) a registered society or its officer, employee or member does or causes to be done an act or thing prohibited by or under these regulations.
- (2) Every registered society which, or an officer, employee or member of the society or other person who contravenes these regulations commits an offence and shall, on conviction be liable to a fine not exceeding twenty five thousand Emalangeni or to imprisonment for a term not exceeding five (5) years or to both or to any sentence provided in section 112(2) of the Act.

***Interpretation of by-Laws***

76. (1) In the case of doubt as to the interpretation of the by-laws of a registered society, the Commissioner shall be consulted and the Commissioner's decision shall be final.
- (2) In the event of a conflict between the by-laws of a secondary/apex society and a primary society, the provision of the Act shall take precedence.

***Delegation of Powers***

77. The Commissioner may delegate the exercise of all or any of the Commissioner's powers under these Regulations to any officer in the Co-operative Department appointed by the Commissioner pursuant to section 6 (2) of the Act.

***Appeals***

78. Except as expressly provided in the Act, no appeal shall lie against any order made by the Commissioner in any matter dealt with in the Act or these Regulations.

***Repeal***

79. (1) The Cooperative Societies Regulations of 1964 are hereby repealed.
- (2) Subject to section 114 of the Act any register kept or maintained or fund held and administered pursuant to the repealed Regulations shall be deemed to be part of a corresponding register or fund under these Regulations.

M. FAKUDZE (MP)  
MINISTER FOR AGRICULTURE AND CO-OPERATIVES

**FIRST SCHEDULE****APPLICATION FOR REGISTRATION**  
(Under Regulation 3)**FORM A**

Under section 8 of the Co-operative Societies Act, 2003, we the undersigned, apply that our society be registered as a co-operative society with limited liability under the name.....Co-operative Society Limited, the address to be registered being.....

We also submit the by-laws adopted at our inaugural general meeting at which the society was formed, duly signed for registration. A copy of the minutes of the inaugural general meeting is attached.

**LIST OF APPLICANTS**

Name in Full	Identity Card Number	Age	Occupation	Place of Residence	Signature	Remarks
1.						
2.						
3.						
4.						
5.						
6.						
7.						



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FORM B

CERTIFICATE OF REGISTRATION  
( Under Regulations 4 (a) and 4 (b))

No.....

I hereby certify that.....  
.....Co-operative Society Limited is this day  
registered under the provisions of section 9 of the Co-operative Societies Act No. 5 of 2003.

Given under my hand this day of .....20.....

COMMISSIONER OF CO-OPERATIVE DEVELOPMENT

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FORM C

(THE COOPERATIVE SOCIETIES ACT, 2003)

CERTIFICATE OF PROVISIONAL REGISTRATION  
(Under Section 13)

No.....

I hereby certify that.....Co-operative Society  
Limited is this day provisionally registered under the provisions of section 13 of the Co-  
operative Societies Act No. 5 of 2003 pending compliance with section 9 of the Act.

Given under my hand this day of .....20...

COMMISSIONER OF CO-OPERATIVE DEVELOPMENT

## SECOND SCHEDULE

APPLICATION FOR REGISTRATION OF AMENDED  
BY-LAWS OF A SOCIETY  
(Under Regulation 7)

Under section 16 of the Co-operative Societies Act, 2003 we, the undersigned apply that the amendments to the by-laws of our society be registered, for which purpose we submit herewith the amended by-laws duly signed. We also submit a copy of the minutes of the general meeting where the resolution(s) for passing the amendment(s) was/were taken.

The particulars of the general meeting that passed the amendments are as follows:

- (a) The date of the general meeting.....
- (b) The number of days notices given to convene the general meeting.....
- (c) The total number of members/delegates in the society as at the date of the general meeting.....
- (d) The number of members/delegates present at the general meeting .....
- (e) The number of members/delegates who voted in support of the amendments.....
- (f) The number of members/delegates who voted against.....

.....  
Chairman

.....  
Secretary

.....  
Committee member

---

(delete whichever is inapplicable)

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FORM D

Society Logo:

Name: .....Co-operative Society Limited.

Physical Address: .....Address: .....

Telephone: .....Fax: .....

SHARE CERTIFICATE

Member No. ....

Total Value of Shares: .....

This is to certify that .....has fully paid up his/her share  
contribution of .....Shares at a value of .....

Emalangen (E.....) each totalling up to (in words).....

Emalangen (E.....).

Thus given under the provision of Section 85 of the Co-operative Societies Act, 2003.

At .....on this .....day of .....20....

.....

.....

Chairman

Secretary

THIRD SCHEDULE

REFERENCE OF DISPUTE TO THE COMMISSIONER OF  
CO-OPERATIVE DEVELOPMENT  
( Under Regulation 56)

Under Section 98 of the Societies Act 2003 and Regulation 56 of the Co-operative Societies Regulations, 2005.

To: The Commissioner of Co-operative Development

Date: .....

Name Of Society: .....

Sir / Madam,

1. I/we with particulars stated below beg to submit a reference of a dispute in paragraph 2

Between

a) Name:

Address:

Status in Registered Society:

Membership Number:

b) Name:

Address:

Status in Registered Society:

Membership Number:

c) Name:

Address:

Status in Registered Society:

Membership Number:

And

d) Name of Committee member:

Address:

Status in Registered Society:

Membership Number:

e) Name of Employee:

Address:

Status in the Society:

Membership Number if any:

f) Name:

Address:

Status in Registered Society:

Membership Number:

2. Details of the Dispute are as follows

.....  
.....  
.....

**(please attach anextures if space is insufficient)**

3. I/we the undersigned hereby refer the said dispute for your consideration and decision.

Signature:

Yours Sincerely,

.....

## FOURTH SCHEDULE

LETTER OF CONSENT/DISSENT TO THE AMALGAMATION  
OF A REGISTERED CO-OPERATIVE SOCIETY  
(Section 78)

I, ..... member number ..... being a member of

..... Co-operative Society Limited hereby-

- i) Consent/dissent that my Society ..... Cooperative  
Society Limited; amalgamate with ..... Cooperative  
Society Limited.
- ii) Agree to the transfer of all my assets and liabilities in the society as determined  
by section 78(3) of the Cooperative Societies Act 2003.
- iii) Agree to be a member of the amalgamated Society.
- iv) Dissent to the amalgamation and I undertake to discharge all my debts and liabilities  
to the society before the date of amalgamation as determined by Section 78(5).

Signature: .....

Membership No: .....

Witness(es);

Name: .....

Signature .....

Membership No .....

Address .....

.....

Date .....

(delete whichever is inapplicable)

## LEGAL NOTICE NO.186 OF 2005

CO-OPERATIVE SOCIETIES ACT, 2003  
(Act No. 5 of 2003)THE CO-OPERATIVE SOCIETIES FEES REGULATIONS, 2005  
(Under Section 108)

In exercise of the powers conferred by section 108 of the Co-operative Act 2003, the Minister makes the following Regulations-

***Citation and Commencement***

1. These Regulations may be cited as the Co-operative Societies Fees Regulations, 2005 and shall come into force on publication in the Gazette.

***Fees***

2. The fees prescribed in column 2 and 3 of the schedule shall be payable to Government revenue through the Commissioner's office in respect of the matters specified in column 1.

***Non-Application***

3. These regulations shall not apply to school registered co-operative societies.

**SCHEDULE**

(1) Matter	(2) Primary Society	(3) Apex/Federation Society
	E	E
(a) Application for registration	30.00	50.00
(b) Issue of Certificate of Reg	30.00	50.00
(c) Registration of by-laws	20.00	30.00
(d) Registration of amendments	10.00/section	10.00/section
(e) Registration of change of address	10.00	10.00
(f) Inspection of Register	20.00	30.00
(g) Inspection of public file	30.00	50.00
(h) Duplicate Certificate: -		
Without copy	100.00	200.00
With copy	50.00	100.00



## (i) Copies of by-laws/Documents

Certified with copy	10.00/sheet	20.00/sheet
Without copy	20.00/sheet	30.00/sheet
(j) Copy of the Act	30.00	50.00
(k) Supplying list of Reg Societies	50.00	100.00
(l) Filing of Ref to Tribunal	500.00	1000.00
(m) Filing Statement of Reply	200.00	300.00
(n) Sealing of Tribunal Order	100.00	150.00

M. FAKUDZE (MP)  
MINISTER OF AGRICULTURE AND CO-OPERATIVES

## LEGAL NOTICE NO.187 OF 2005

THE CO-OPERATIVE SOCIETIES ACT, 2003  
(Act No. 5 of 2003)

THE CO-OPERATIVE SOCIETIES TRIBUNAL REGULATIONS, 2005  
(Under section 107)

In exercise of the powers conferred by section 107 of the Co-operative Societies Act 2003, the Minister for Agriculture and Co-operatives makes the following Regulations:

**PART 1****PRELIMINARY*****Citation and Application***

1. These Regulations may be cited as the Co-operative Societies Tribunal Regulations, 2005 and shall come into force on publication in the Gazette.

***Interpretation***

2. In these regulations, unless the context otherwise requires-

“assistant secretary” means an assistant secretary appointed under regulation 8;

“Chairman” means the Chairman of the Tribunal;

“dispute” means a dispute as specified in section 98 of the Act;

“panel” means the panel of members of the Tribunal;

“reference” means a reference to the Tribunal under section 98(1)(d) of the Act;

“secretary” means a secretary appointed under regulation 8;

“Tribunal” means the Co-operative Societies Tribunal established under section 99(1) of the Act.

## **PART II**

### **THE TRIBUNAL**

#### ***Chairman of the Tribunal***

3. (1) The Chairman of the Tribunal shall be appointed by the Minister from amongst the three members.

(2) A quorum of the Tribunal shall be constituted by all members.

#### ***Term of Office of Members of the Panel***

4. (1) There shall be no fixed time for members of the panel.

(2) The Minister may at any time revoke the appointment of the members of the panel without assigning any reason.

(3) A member of the panel who is not a public officer may at any time resign office by giving fourteen days notice in writing to the Minister.

#### ***Vacation of Office***

5. The office of a member of the Tribunal shall be vacant where –

- (a) the member dies;
- (b) the member is convicted on a charge involving-
  - (i) fraud, dishonesty or moral turpitude;
  - (ii) an offence under any law relating to corruption; or
  - (iii) any other offence punishable with imprisonment,
- (c) the member is declared insolvent;
- (d) the member becomes of unsound mind or is otherwise incapable of discharging the member's duties;
- (e) the member ceases to be a public officer or servant;
- (f) the member ceases to be a member of a co-operative by virtue of which the member was appointed.

#### ***Replacement for Member***

6. Where any person ceases to be a member of the Tribunal by reason of any of the provisions of these regulations another person shall be appointed in the member's place in accordance with section 99 (1) of the Act.

***Majority Opinion***

7. The decision of the Tribunal shall be by majority.

***Secretary and other Officers***

8. (1) There shall be appointed a secretary to the Tribunal and such number of assistant secretaries, officers and servants as may be necessary to enable the Tribunal to carry out its functions.
- (2) The secretary and assistant secretaries shall be appointed from amongst the officers of the Department of Cooperatives.
- (3) The secretary, assistant secretaries, officers and servants of the Tribunal shall carry out the duties specified in these regulations and such other duties as the Chairman may direct.

***Public Servants***

9. The members of the Tribunal and secretary, assistant secretary, officers and servants of the Tribunal whilst discharging their duties as such members shall be deemed to be public servants within the meaning of the Panel Code.

**PART III**

**PROCEDURE**

***Commencement of Reference***

10. A reference of a dispute shall be deemed to have commenced at the time of the filing of the reference by any party to the dispute with the Tribunal's registry.

***Reference shall be Signed***

11. (1) All reference to the Tribunal shall be in terms of Form A of the schedule.
- (2) The address endorsed on the reference shall be taken to be the address for service of the applicant.

***Filing of Reference***

12. All reference to the Tribunal shall be filed in six copies in the Tribunal's registry.

***Reference to be Sealed***

13. (1) On receipt of a reference, the secretary or any assistant secretary shall cause the copies filed to be sealed with the seal of the Tribunal and dated and signed by the secretary or assistant secretary.
- (2) The secretary or assistant secretary shall cause every reference to be entered into a book to be known as the "Tribunal Reference Book" kept by the secretary.
- (3) A number and the year in which it is filed shall distinguish each reference.

***Service of Copies of Reference***

14. After a reference has been entered into the Tribunal Reference Book, the secretary or assistant secretary shall cause one sealed and signed copy of reference to be returned to the applicant and one copy each to be served on the other parties to the dispute (respondent) and the Chairman.

***Reply***

15. (1) Within twenty-one days after the service of the respondent of the copy of the reference, the respondent shall file with the Tribunal's registry a reply giving particulars of the reply and the grounds upon which the reply is founded.
- (2) The reply shall be in Form B of the Schedule.
- (3) The Chairman may on reasonable grounds, notwithstanding sub regulation (1) allow an extension of time for the filing of the reply.
- (4) Where the Chairman refuses an extension of time, the Tribunal may proceed to hear and determine the dispute as it deems fit and proper in the interest of justice.

***Place of Hearing***

16. (1) The Chairman shall fix the date, time and place for the hearing of the dispute before the Tribunal.
- (2) The secretary or assistant secretary shall serve upon the Applicant and respondent a notice of the hearing in Form C of the Schedule not less than fourteen days before the date of hearing.

***Legal Representation***

17. A person appearing before the Tribunal shall be entitled to legal representation.

***Hearing***

18. (1) The applicant shall be entitled to adduce evidence, call any witness or produce any documents in support of his case, at the hearing before the Tribunal,
- (2) After the applicant has presented his case the respondent shall present his case and may adduce evidence, call any witness or produce any document in support of his case.
- (3) After the applicant and respondent have closed their respective cases, a brief oral or written submission may be made by the respondent and thereafter by the applicant.

***Form of Summons***

19. The summons to any person to appear before the Tribunal or to produce any document or anything in his possession shall be in Form B of the Schedule.

***Process to Bear Seal***

20. Any form or process issued by the Tribunal shall bear the seal of the Tribunal.

***Summons should be Signed***

21. The secretary or assistant secretary shall sign any summons or notice to be served on any person under these regulations.

***Non Appearance of Parties***

22. (1) Where the applicant fails to appear on the date and at the time and place fixed for the hearing of the dispute and has not given any reasonable reasons for such absence the Chairman may, if the Chairman is satisfied that the notice of the hearing has been duly served and regardless of whether the respondent is present or not, treat the dispute reference as having been withdrawn.
- (2) Where the respondent does not appear on the date and at the time fixed for the hearing of the dispute, the Chairman may, if the Chairman is satisfied that notice of the hearing has been duly served, proceed with the hearing in the absence of the respondent or may adjourn the hearing to a later date.
- (3) The Tribunal shall, before disposing of the dispute in the absence of the respondent, consider any representation submitted by the applicant.

MTITI FAKUDZE MP)  
MINISTER FOR AGRICULTURE AND CO-OPERATIVES

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SCHEDULE

FORM A

REFERENCE OF DISPUTE TO TRIBUNAL

Reference No.....of.....

To.

Secretary of Co-operative

Societies Tribunal

BETWEEN

.....Applicant.

AND

.....Respondent

STATEMENT OF DISPUTE

1.The Applicant is.....

2 The Respondent is.....

3 State the nature of the dispute

.....

.....

4 State the particulars of the dispute including the events leading to the dispute

5.State the grounds /reasons upon which the reference is founded.....

6. Attach relevant documents (if any)

7. State the relief and /or remedy sought.....

Dated.....day of .....

.....

Applicant.

.....

Secretary ,Co-operative Societies Tribunal .

Address of Applicant.....

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FORM B

REFERENCE OF DISPUTE TO THE TRIBUNAL

Reference No.....of .....

To:

Secretary of Co-operative

Societies Tribunal

BETWEEN

.....Applicant

AND

.....Respondent

STATEMENT OF REPLY

1.The reference filed by the Applicant was served on the Respondent on .....

2. The Respondent's reply to the reference is as follows:

(i). State the particulars of reply.....

.....

(ii). State the grounds upon which the reply is  
founded .....

Attach relevant documents (if any).

Dated.....day of .....

.....  
Respondent

.....  
Secretary  
Co-operative Societies Tribunal

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FORM C

REFERENCE OF DISPUTE TO THE TRIBUNAL

Reference No.....of .....

BETWEEN

.....Applicant

AND

.....Respondent

NOTICE OF HEARING

TAKE NOTICE that the reference in the above matter will be heard on the.....day  
of.....20.....at .....

(place of hearing)

.....at.....o'clock in the forenoon/afternoon

Dated.....day of.....

Secretary;  
Co-operative Societies Tribunal

To:

1.....Applicant.  
(Full name and address)

2.....Respondent.  
(Full name and address).