



SWAZILAND

GOVERNMENT GAZETTE

VOL. LVI]

MBABANE, Friday, JULY 20th, 2018

[No. 116

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GENERAL NOTICE NO. 31 OF 2018

THE TOWN PLANNING ACT, 1961
(Act No. 45 of 1961)

THE VARIATION OF APPROVED SCHEME NOTICE, 2018
(Under Section 21)

In exercise of the powers conferred by Section 21 of the Town Planning Act, 1961, the Minister for Housing and Urban Development issues the following notice -

Citation and Commencement

1. (1) This Notice may be cited as the Variation of an Approved Scheme Notice, 2018.
- (2) This Notice shall come into force on the date of publication.

Variation of Portion 1039 (a Portion of Portion W) of Farm No. 2, Fonteyn

2. The members of the public are notified for general information that the Minister has varied Portion 1039 (a Portion of Portion W) of Farm No. 2, Fonteyn from Low Density Residential (R-1) to Medium Density Residential (R-2).

PHIWAYINKHOSI MABUZA
MINISTER FOR HOUSING AND URBAN DEVELOPMENT

GENERAL NOTICE NO. 32 OF 2018

THE TOWN PLANNING ACT, 1961
(Act No. 45 of 1961)

THE VARIATION OF APPROVED SCHEME NOTICE, 2018
(Under Section 21)

In exercise of the powers conferred by Section 21 of the Town Planning Act, 1961, the Minister for Housing and Urban Development issues the following notice -

Citation and Commencement

1. (1) This Notice may be cited as the Variation of an Approved Scheme Notice, 2018.
(2) This Notice shall come into force on the date of publication.

Variation of Portion 10 of Farm No. 273, Manzini

2. The members of the public are notified for general information that the Minister has varied Portion 10 of Farm No. 273, Manzini from High Density Residential (R-4) to Commercial (C-2).

Variation of Remainder 275, Manzini

3. The members of the public are notified for general information that the Minister has varied Remainder 275, Manzini from High Density Residential (R-4) to Public Facility (PF).

Variation of Remainder of Portion 2 of Farm 281, Manzini

4. The members of the public are notified for general information that the Minister has varied Remainder of Portion 2 of Farm 281, Manzini from High Density Residential (R-4) to Public Facility (PF).

Variation of Lot No. 1251 Manzini Township Extension No. 12

5. The members of the public are notified for general information that the Minister has varied Lot No. 1251 Manzini Township Extension No. 12 Public Facility (PF) to Light Industry (IND).

PHIWAYINKHOSI MABUZA
MINISTER FOR HOUSING AND URBAN DEVELOPMENT

NOTICE

APPLICATION FOR LOST TITLE DEED

Notice is hereby given that we intend to apply for a certified copy of: **Deed of Transfer No. 42/1991** dated **20th March 1991** held by the Government of Swaziland under Certificate of Consolidated Title No. 66/1967 dated 7th April 1967 in respect of:

CERTAIN : Remainder of Lot No. 516, situate in Matsapha Town, District of Manzini, Swaziland, extension No. 3, 1717 Hectares, District of Manzini, Swaziland;

MEASURING : 3, 1917 (Three comma One Nine One Seven) hectares.

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 MBABANE ON THIS THE 6th DAY OF JULY, 2018.

CURRIE-WRIGHT ASSOCIATES

Applicant's Attorney
P. O. Box 23
Mbabane

T915 2x20-07-2018

NOTICE

APPLICATION FOR LOST TITLE DEED

Notice is hereby given that we intend to apply for a certified copy of: **Deed of Transfer No. 228/1978** dated **29th September 1978** held by the Estate of the: **LATE THOMAS BURTT BAYLY** in respect of:

CERTAIN : Remainder of Lot No. 1230 Situate in Mbabane extension No. 11 (Thembelihle Township), District of Hhohho, Swaziland;

MEASURING : 2,1988 (Two comma One Nine Eight Eight) 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 MBABANE ON THIS THE 31st DAY OF MAY, 2018.

CURRIE-WRIGHT ASSOCIATES

Applicant's Attorney
Plot 626, Ingwe House
Mabandla Street
P. O. Box 23
Mbabane

T916 2x20-07-2018

NOTICE

APPLICATION FOR LOST TITLE DEED

Notice is hereby given that we intend to apply for a certified copy of: **Deed of Transfer No. 276/1971** dated **24th September 1971** held by the Estate of the: **LATE THOMAS BURTT BAYLY** in respect of:

CERTAIN : Portion 709 (a Portion of Portion 362) of Farm Dalriach No. 188, situate in the District of Hhohho, Swaziland;

MEASURING : 8,7628 (Eight comma Seven Six Two Eight) 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 MBABANE ON THIS THE 31st DAY OF MAY, 2018.

CURRIE-WRIGHT ASSOCIATES

Applicant's Attorney
Plot 626, Ingwe House
Mabandla Street
P. O. Box 23
Mbabane

T917 2x20-07-2018

NOTICE

Notice is hereby given that we intend applying for a certified copy of: **Deed of Deed of Transfer No. 466/2003** dated the **29th July, 2003** made in favour of:

JULIAN NOMSA MLANGENI

(born on the 25th day of April, 1969)
I.D. No. 6904251100332

in respect of the undermentioned property:

CERTAIN : Portion 92 (a portion of Pooion 28) of the Farm Peebles Block (North) No. situate in the District of Manzini, Swaziland;

MEASURING : 6319 (Six Three One Nine) 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, Mbabane, within **three (3) weeks** of the last publication of this notice.

M. J. MANZINI & ASSOCIATES

Attorneys for Applicant
Sengwayo House
636 Riverside Crescent /Drive
P. O. Box A204
Swazi Plaza
Mbabane

T920 2x20-07-2018

NOTICE

NOTICE is hereby given that I intend applying for a certified copy of: **Deed of Transfer No. 712/2003** made in favour of: **IMVUNULO RETAIL GROUP (PROPRIETARY) LIMITED** in respect of:-

CERTAIN : Lot No. 149 situate in Hlathikhulu Township in the Shiselweni District, Swaziland;

MEASURING : 495 (Four Nine Five) square metres;

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

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

T923 2x20-07-2018

NOTICE

ESTATE LATE: MBONI JOSIAH BHEMBE FILE NO. EL102/2017

Notice is hereby given in terms of **Section 51 (2) of the Administration of Estates Act No. 28/1902** that the **First and Final Liquidation and Distribution Account** will lie open for inspection at the office of the Master of the High Court of Swaziland, **Siteki** 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 or her objection in writing with the Executor and with the Master of the High Court of Swaziland at **any time before the expiry of the said period.**

LOMHLANGANO BHEMBE, TOGO BHEMBE
& JEMINAH MAGAGULA
P. O. Box 2187
Manzini
7624 0885

T935 20-07-2018

NOTICE

ESTATE LATE: MANDLENKOSI MOSES MATSE FILE NO. EM114/2018

Debtors and Creditors in the above-mentioned estate are hereby required to lodge their claims and pay their debts to the undersigned within **thirty (30) days** from date of publication of this notice.

KHETSIWE AGNES MATSE
P. O. Box 1066
Manzini

T934 20-07-2018

NOTICE

ESTATE LATE: SIBUSISO JEROME SKHOSANA FILE NO. EL9/2017

Notice is hereby given in terms of **Section 51 (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account** will lie open for inspection at the office of the Master of the High Court of Swaziland, **Siteki** 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 or her objection in writing with the Executor and with the Master of the High Court of Swaziland at **any time before the expiry of the said period.**

ERIC SIKHOSANA
P. O. Box 8
Siphofaneni
7604 0463

T936 20-07-2018

NOTICE

ESTATE LATE: ERIC TICK MAX FILE NO. EL16/2012

Notice is hereby given in terms of **Section 51 (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account** will lie open for inspection at the office of the Master of the High Court of Swaziland, **Siteki** 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 or her objection in writing with the Executor and with the Master of the High Court of Swaziland at **any time before the expiry of the said period.**

SAMKELISO T. MARK
P. O. Box 4740
Manzini
7860 3400

T937 20-07-2018

NOTICE

ESTATE LATE: ZEBLON ZIYANE MABUZA FILE NO. EM151/2018

Debtors and Creditors in the above-mentioned estate are hereby required to lodge their claims and pay their debts to the undersigned within **thirty (30) days** from date of publication of this notice.

NONDUDUZO NOELENE MABUZA
P. O. Box 194
Mankayane

T938 20-07-2018

NOTICE

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 506/14

In the matter between:

SWAZILAND DEVELOPMENT & SAVINGS BANK

Plaintiff

And

THE PARKLANDS GROUP (PTY)

1st Defendant

THANDI MAZIYA

2nd Defendant

NOTICE OF SALE

NOTICE is hereby given that pursuant to a **Writ of Attachment** issued in the above matter, the undermentioned property will be sold by Public Auction by the Deputy Sheriff, outside the High Court Building, **Mbabane** at **11:30 hours** on **Friday** the 3rd day of August, 2018.

CERTAIN : Portion 158 (a portion of Portion 147) of Farm No. 50, situate in the District of Hhohho, Swaziland;

MEASURING : 1,3194 (One Comma Three One Nine Four) hectares;

HELD : Under Deed of Transfer No. 258/2003 dated 16th day of April, 2003, subject to the terms and conditions contained therein;

RESERVE PRICE : E20,000,000.00 (Twenty Million Emalangeni);

IMPROVEMENTS : Conference centre, restaurant building, shop complex, chalets, store rooms, parking, etc.

AND

CERTAIN : Portion 52 of Farm Tubungu No. 300 situate in the District of Manzini, Swaziland;

MEASURING : 9999 (Nine Nine Nine Nine) square metres.

HELD : Under Deed of Transfer No. 132/1996 dated the 2nd May 1996, subject to the conditions contained therein;

RESERVE PRICE : E1,600,000.00 (One Million and Six Hundred Thousand Emalangeni);

IMPROVEMENTS : Single story building with two (2) bedrooms, lounge, kitchen, and sanitary rooms.

Conditions of Sale are available for inspection at the office of the Sheriff in the High Court Building in Mbabane, in the Hhohho District.

Further particulars may be obtained from the undersigned.

DATED AT MBABANE THIS 15th DAY OF JUNE, 2018.

REGISTRAR OF THE HIGH COURT
MBABANE

T940 20-07-2018

NOTICE

ESTATE LATE: JULIUS BONGINKOSI SHIBA FILE NO. EH70/2018

Debtors and Creditors in the above-mentioned estate are hereby required to lodge their claims and pay their debts to the undersigned within **thirty (30) days** from date of publication of this notice.

SHIBA DAVID MPINI &
SONTO GCINAPI TSABEDZE
P. O. Box 38
Mliba
7645 0931

T939 20-07-2018

NOTICE

ESTATE LATE: SHADRACK VUSUMUZI TSABEDZE FILE NO. EL49/2018

Debtors and Creditors in the above-mentioned estate are hereby required to lodge their claims and pay their debts to the undersigned within **thirty (30) days** from date of publication of this notice.

JOSEPH M. TSHABEDZE
P. O. Box 43
Mpaka

T941 20-07-2018

NOTICE

ESTATE LATE: TIMOTHY MASULUZANE DLAMINI FILE NO. EP51/2018

Debtors and Creditors in the above-mentioned estate are hereby required to lodge their claims and pay their debts to the undersigned within **thirty (30) days** from date of publication of this notice.

DLAMINI SANDILE
P. O. Box 34
Ntfontjeni
7661 2019

T943 20-07-2018

NOTICE

ESTATE LATE: SANNAH MKHONTA / SHONGWE FILE NO. EH25/2016

Notice is hereby given in terms of **Section 51 (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account** will lie open for inspection at the office of the Master of the High Court of Swaziland, **Siteki** 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 or her objection in writing with the Executor and with the Master of the High Court of Swaziland at **any time before the expiry of the said period.**

NKOSINATHI SIBUSISO MKHONTA
P. O. Box 1368
Mbabane

T942 20-07-2018

NOTICE

ESTATE LATE: PHINEAS MADLOZI KUNENE FILE NO. EL4/2018

Debtors and Creditors in the above-mentioned estate are hereby required to lodge their claims and pay their debts to the undersigned within **thirty (30) days** from date of publication of this notice.

SICELO K. KUNENE
P. O. Box 53
Manzini

T9xx 20-07-2018

NOTICE

ESTATE LATE: BUSI AGNES MNISI FILE NO. EM127/2018

Debtors and Creditors in the above-mentioned estate are hereby required to lodge their claims and pay their debts to the undersigned within **thirty (30) days** from date of publication of this notice.

NCOBILE CALSILE MATSEBULA
P. O. Box 5878
Manzini

T944 20-07-2018

NOTICE

IN THE HIGH COURT OF ESWATINI

HELD AT MBABANE

CASE NO. 858/2018

In the matter between:

Ex PARTE ATTORNEY GENERAL

Applicant

COURT ORDER

CORAM: MASEKO J

APPEARANCES

FOR APPLICANT: MS N. XABA

Having heard Counsel for the Applicant in the Ex parte Application and having perused the papers filed of record:

IT IS HEREBY ORDERED THAT:-

1. A rule nisi do hereby issue and returnable on the 27th July 2018 calling upon any person and or legal person and or any interested party to show cause on the 16th July 2018 why the immovable property described hereunder;

CERTAIN : Portion 131 of farm no. 75 situate in the Hhohho District;

MEASURING : 1,4942 (One Decimal Four Nine Four Two) Hectares;

EXTENDING : As certificate of Registered Title No. 890/2017, with diagram annexed thereto, made in favour of the Appearer's Principal on the 27th November, 2017. Should not be corrected by the competent authority to read;

CERTAIN : Portion 137 of Farm no. 75 situate in the Hhohho District;

MEASURING : 1,4942 (One decimal Four Nine Four Two) Hectares;

EXTENDING : As Certificate of Registered Title No. 890/2017, with diagram annexed thereto, made in favour of the Appearer's Principal on the 27th November 2017.

2. The Applicant is granted leave to serve this order by publishing it in the Government gazette and in a newspaper (s) circulating in the Kingdom of Eswatini.

BY ORDER OF COURT

GIVEN UNDER MY HAND AND SEAL AT MBABANE THIS 18th DAY OF JUNE, 2018.

REGISTRAR OF THE HIGH COURT
MBABANE

ESTATE NOTICE

**ESTATE LATE: DOREEN ANNIE NUNN
MASTER'S REFERENCE NO. EM166/2018**

Debtors and creditors in the above mentioned estate are hereby called upon to lodge their claims and pay their debts to the undersigned within thirty (30) days of the date of the publication of this notice.

PETER ETHELBERG NUNN
P. O. Box 48
Eveni
HI03

T946 20-07-2018

NEXT OF KIN NOTICE

**ESTATE LATE: GAVIN BIRD
MASTER'S REFERENCE NO. EH 113/2018**

Kindly take note that a meeting of next of kin of Gavin Bird will be held at the office of the Master of the High Court at **10:00am** on **WEDNESDAY** the **8th** of **AUGUST 2018**, Mbabane, District of Hhohho.

HENWOOD & COMPANY
P. O. Box 4206
MBABANE
H100

T947 20-07-2018

NOTICE

ESTATE LATE: JULIA HLEZIPHI DLAMINI FILE NO. EH33/2018

Notice is hereby given in terms of **Section 51 (2) of the Administration of Estates Act No. 28/1902** that the **First and Final Liquidation and Distribution Account** will lie open for inspection at the office of the Master of the High Court of Swaziland, **Siteki** 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 or her objection in writing with the Executor and with the Master of the High Court of Swaziland at **any time before the expiry of the said period.**

SIPHELELE & NONHLANHLA DLAMINI
P. O. Box 8781
Mbabane

T950 20-07-2018

NOTICE

IN THE HIGH COURT OF SWAZILAND

HOLDEN AT MBABANE ON THE 4th DAY OF JULY, 2018 BEFORE THE HONOURABLE LORDSHIP JUSTICE T. MLANGENI

CIV. T. NO. 1003/2018

In the ex-parte petition of:

SWM MANUFACTURING (PROPRIETARY)
LIMITED

Petitioner

AND IN THE MATTER of a Petition
for Voluntary winding-up of the Petition
in terms of the Companies Act of Swaziland
Act 8/2009

INTERIM COURT ORDER

CORAM : Justice T. Mlangeni

For the Applicant : Mr. M. Mntungwa

For the Respondent : No appearance

HAVING HEAD COUNSEL FOR THE APPLICANT IT IS HEREBY ORDERED AS FOLLOWS;

1. Your Petitioner's non compliance with the Rules of Court and more particularly to those rules relating to time periods is hereby condoned and this application is enrolled to be heard as one of urgency and *ex parte*.
2. The Petitioner is hereby provisionally wound-up in the hands of the Master of the High Court of Eswatini and that a *rule nisi* is hereby issued returnable on the **27th JULY, 2018** calling upon all interested parties to show cause why an order in the following terms should not be made final:-
3. That **SIBUSISO MOTSA**, practicing as an accountant, is appointed Provisional Liquidator with powers of the Company's Act.
4. The Order be published in one publication of the Times of Swaziland or Swazi Observer and on one publication in the Swaziland Government Gazette.
5. The costs of this petition form part of the costs of the liquidation.

BY ORDER OF THE COURT

GIVEN UNDER MY HAND AT MBABANE THIS DAY OF JULY, 2018.

REGISTRAR OF THE HIGH COURT
MBABANE

NOTICE

IN THE HIGH COURT OF ESWATINI

HELD AT MBABANE

CASE NO. 1498/2017

In the matter between:

NEDBANK (SWAZILAND) LIMITED

Plaintiff

And

PATRICK NDUMISO KUNENE

Defendant

NOTICE OF SALE

NOTICE is hereby given that pursuant to a **Writ of Execution** issued in the above matter, the undermentioned property will be sold by Public Auction by the Deputy Sheriff for the District of Manzini, outside the Regional Administrator's Office, **Manzini**, at **2:30 p.m.** on **FRIDAY** the **10th** day of **AUGUST, 2018**.

CERTAIN : Lot No.1324 Manzini Extension No.13 (Madonsa Township), District of Manzini, Swaziland;

MEASURING : 1000 (One Zero Zero Zero) square metres;

RESERVE PRICE : E1 152 000-00 (One Million One Hundred and Fifty-Two Thousand Emalangeni);

IMPROVEMENTS : House comprise of an entrance hall/passage, lounge, dining area, kitchen, pantry, guest toilet, bathroom, 2 bedrooms, guest bedroom, en-suite, master bedroom, dresser, en-suite, laundry/utility room, toilet, double garage, open verandah and porch;

Conditions of Sale are available for inspection at the office of the Sheriff in the High Court Building in Mbabane and at the offices of the Regional Administrator, Manzini.

Further particulars may be obtained from the undersigned and the plaintiff's attorneys.

DATED AT MBABANE ON THIS THE 12th DAY OF JULY, 2018.

SHERIFF OF SWAZILAND
c/o The Registrar of the High Court
Mbabane

NOTICE

ESTATE LATE: PETROS MNGUNI SIKONELA FILE NO. EP37/2018

Notice is hereby given in terms of **Section 51 (2) of the Administration of Estates Act No. 28/1902 that the First and Final 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 the date of publication of this notice.

Any person objecting to the account may lodge his or her objection in writing with the Executor and with the Master of the High Court of Swaziland at **any time before the expiry of the said period.**

SUSAN LOTINDZABA SIKONELA
P. O. Box 289
Piggs Peak

T951 20-07-2018

NOTICE

ESTATE LATE: VUSUMUZI JAMES MBATHA FILE NO. EM48/2016

Notice is hereby given in terms of **Section 51 (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account** will lie open for inspection at the office of the Master of the High Court of Swaziland, **Manzini branch behind the Post Office (Old DC)** 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 or her objection in writing with the Executor and with the Master of the High Court of Swaziland at **any time before the expiry of the said period.**

CEBILE SITHOLE
P. O. Box 3479
Manzini

T953 20-07-2018

NOTICE

ESTATE LATE: DUMSANI GEHAAS MANANA FILE NO. EM161/2018

Debtors and Creditors in the above-mentioned estate are hereby required to lodge their claims and pay their debts to the undersigned within **thirty (30) days** from date of publication of this notice.

PHILISIWE MANANA
P. O. Box C2184
Hub
Manzini

T954 20-07-2018

NOTICE

ESTATE LATE: JAMES KALULUMA ZINGANI FILE NO. EM161/2015

Notice is hereby given in terms of **Section 51 (2) of the Administration of Estates Act No. 28/1902 that the First and Final Liquidation and Distribution Account** will lie open for inspection at the office of the Master of the High Court of Swaziland, **Manzini branch behind the Post Office (Old DC)** 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 or her objection in writing with the Executor and with the Master of the High Court of Swaziland at **any time before the expiry of the said period.**

CLEMENT CHILECHO ZINGANI
P. O. Box 3773
Mbabane

T955 20-07-2018

NOTICE

ESTATE LATE: MUSA DOROTHY MBULI (NEE MDLULI FILE NO. EH152/2015

Notice is hereby given in terms of **Section 51 (2) of the Administration of Estates Act No. 28/1902 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 the date of publication of this notice.

Any person objecting to the account may lodge his or her objection in writing with the Executor and with the Master of the High Court of Swaziland at **any time before the expiry of the said period.**

AKHONA THANDO FAKUDZE
P. O. Box A848
Swazi Plaza

T956 20-07-2018

NOTICE

ESTATE LATE: MANDLA HOPPY NTSANGASE FILE NO. EM155/2018

Debtors and Creditors in the above-mentioned estate are hereby required to lodge their claims and pay their debts to the undersigned within **thirty (30) days** from date of publication of this notice.

HAPPY THEMBI NTSANGASE
P. O. Box 34
Mankayane

T957 20-07-2018

NOTICE

ESTATE LATE: ZANEMPI MAFATSELO MAGAGULA FILE NO. EP61/2018

Debtors and Creditors in the above-mentioned estate are hereby required to lodge their claims and pay their debts to the undersigned within **thirty (30) days** from date of publication of this notice.

VICTORIA FLORENCE DLAMINI
P. O. Box 30
Ntfontjeni
7649 8831

T958 20-07-2018

NOTICE

ESTATE LATE: PETROS SWANGO MAVIMBELA FILE NO. EH47/2018

Notice is hereby given in terms of **Section 51 (2) of the Administration of Estates Act No. 28/1902** that the **First and Final Liquidation and Distribution Account** will lie open for inspection at the office of the Master of the High Court of Swaziland, **Siteki** 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 or her objection in writing with the Executor and with the Master of the High Court of Swaziland at **any time before the expiry of the said period.**

MR SIFISO VUSUMUZI MAVIMBELA
P. O. Box 8
Mbabane

T952 20-07-2018

SUPPLEMENT TO

THE

SWAZILAND GOVERNMENT

GAZETTE

VOL. LVI]

MBABANE, Friday, JULY 20th, 2018

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THE POLICE SERVICE ACT, 2018

(Act No. 22 of 2018)



I ASSENT

MSWATI III
King of Eswatini

28th June, 2018

**AN ACT
ENTITLED**

AN ACT to provide for the establishment and administration of the Royal Eswatini Police Service, appointment of a Police Service Commission, appointment and discipline of police officers, establishment of such necessary funds and other incidental matters.

ENACTED by the King and the Parliament of Eswatini.

**PART I
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PART I
PRELIMINARY

Short title and commencement.

1. (1) This Act may be cited as the Police Service Act, 2018.

(2) This Act shall come into force on the date of publication in the Government Gazette.

Interpretation.

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

“Administrative Boards or a Board” means the board or boards referred to under section 47 to assist the National Commissioner or Commission in carrying out the administrative and disciplinary duties of the National Commissioner;

- “arms” include firearms as defined in the Arms and Ammunition Act 1964 or its successor;
- “badge” means any object or figure or design and includes badges of ranks and insignias used by the Police Service as a mark of recognition as a member of the Police Service;
- “Board” means a Board constituted in terms of section 47.
- “Commission” means the Police Service Commission established under section 18 of this Act;
- “constable” means a police officer below the rank of sergeant;
- “Constitution” means the Constitution of the Kingdom of Eswatini Act, 2005.
- “court” means, as the case may be, the High Court or the Magistrates Court;
- “Fund” means the Rewards and Fines Fund established under section 82;
- “inspectorate” means an officer of the rank of inspector;
- “junior officer” means a police officer of the rank of constable;
- “lost and found property” means property the owner of which is not known, but does not include motor vehicles as defined under the Theft of Motor Vehicles Act, 1991 or stock as defined under the Stock Theft Act, 1982;
- “member of the Police Service” means any person by whatever rank or title designated who has been appointed to and is serving in the Police Service;
- “Minister” means the Minister responsible for the Police Service;
- “office” means a police officer;
- “pay” means the salary of a police officer in that police officer’s substantive rank and does not include any allowance which has not been declared to be pensionable;
- “police lines” means an area set aside for occupation by police officers;
- “police officer” means a member of the Police Service;
- “Police Service” means the Royal Eswatini Police Service established under section 3;
- “prescribed” means prescribed by Regulations;
- “secretary” means the secretary established under section 17 (4);
- “sergeant” means a member of the Police Service immediately above the rank of constable;
- “senior officer” means the National Commissioner, Senior Deputy National Commissioner, Deputy National Commissioner; Senior Assistant Commissioner, Assistant Commissioner, Senior Superintendent, Superintendent, Assistant Superintendent, or any rank as may be determined by the Minister by Notice in the Gazette;
- “special constabulary” means a constabulary appointed in terms of section 8;

“standing orders” means orders issued or approved by the National Commissioner in term of section 11;

“subordinate officer” means a sergeant or any other rank as the Minister may determine by Notice in the Gazette;

“uniform” means any article or articles of wearing apparel, being distinctive in design and colour, decorations, medals and ribbons intended to be used by members of the Police Service.

PART II

ESTABLISHMENT, CONSTITUTION AND ADMINISTRATION

Establishment of the Royal Eswatini Police Service

3. There is established a police service for the Kingdom of Eswatini which shall be known as the Royal Eswatini Police Service to provide policing and security services in and throughout the kingdom of Eswatini.

National Commissioner-in-Chief.

4. (1) The King and Ingwenyama is the Commissioner-in-Chief of the Royal Eswatini Police Service.

(2) The King shall appoint the National Commissioner of Police, Senior Deputy National Commissioner and Deputy National Commissioner.

(3) The King may make such orders and appointments as may be expedient for the administrative and operational framework of the Police Service.

Constitution of the Police Service.

5. (1) The Royal Eswatini Police Service shall consist of senior officers, inspectorate, subordinate, junior officers and, where necessary, a police constabulary as provided for in section 8 or police officers constituted in ranks as provided for in this Act or as specified in the Schedule.

(2) The constitution of the Police Service shall, from time to time, be determined by the National Commissioner after consultation with and approval by the Minister.

(3) The rank structure of the Police Service shall be in the order of seniority shown in the Schedule and the Minister on the recommendation of the National Commissioner, may, by notice published in the Gazette, amend the Schedule.

Reference to National Commissioner of Police.

6. Any reference in any written law or any other legal document to the National Commissioner of Police, or Commissioner of Police shall be read and construed as reference to the Commissioner of Police as appointed under section 189 of the Constitution.

Badges of ranks, shoulder insignia and headdress.

7. (1) The badges of ranks or shoulder insignia and headdress in the Police Service is prescribed in the Second Schedule to this Act or as the Minister may, on the recommendation

of the National Commissioner, determine by Notice published in the Gazette.

(2) Police nurses shall wear cloth epaulettes of the colour approved by the Council in terms of the Nurses and Midwives Act of 1965 or its successor and shall affix the insignia and badges of ranks as specified in subsection (1).

Appointment of a special constabulary.

8. (1) The Minister, on application by the Commission, may authorise generally or specially, the National Commissioner to appoint in writing as many fit and proper persons as may be deemed necessary to act as the special constables for a specified time, where there are not in any locality sufficient regular members of the Police Service available to perform police duties or a particular duty—

- (a) on the occurrence of any riot or disturbance of the public peace;
- (b) in any public emergency;
- (c) there are reasonable grounds for anticipating such occurrence or emergency;
- (d) it is necessary for the arrest, detention or transportation of persons liable to detention in police custody or some other place; or
- (e) the Minister believes, after consultation with and approval by the Cabinet, there is or there is likely to be an occurrence that necessitates the engagement of the constabulary.

(2) Special constable appointed under this section shall—

- (a) have the same powers, privileges and protection;
- (b) unless the letter of appointment states the duties to be or not to be performed, be liable to perform the same duties;
- (c) be amenable to the same penalties; and
- (d) be subordinate to the same authorities,

as the regular members of the Police Service.

(3) A member of the special constabulary shall be paid such remuneration or allowances as the Minister may determine after consultation with the Minister responsible for Finance.

(4) A member of the special constabulary shall wear such uniform, rank insignia and accoutrements as the National Commissioner may determine in consultation with the Minister.

Functions of the Police Service.

9. (1) The Police Service shall be employed in and throughout the Kingdom of Eswatini twenty-four hours seven days a week to—

- (a) protect life and property;

- (b) prevent, investigate and detect crime;
- (c) collect and collate intelligence likely to affect public peace and the security of the State;
- (d) render assistance to members of the public where possible or appropriate including mediation and counselling in domestic violence and other matters;
- (e) repress internal disturbances;
- (f) maintain security, peace and public tranquillity;
- (g) apprehend offenders and bring or cause offenders to be brought to justice;
- (h) duly enforce all laws of Eswatini as empowered by this Act and such other laws;
- (i) assist in relief and humanitarian efforts, as may be possible or authorised;
- (j) generally preserve the peace, order and maintain law and order in and throughout Eswatini and perform any other related duties; and
- (k) execute all lawful orders.

(2) The Police Service or part of its members may be employed outside Eswatini for the investigation of criminal cases and on peace keeping missions under such conditions as are fully set out in the Regulations, treaty, international agreement or other mutual agreement.

(3) A member of the Police Service shall have all the powers and duties which are conferred and imposed upon the Police Service by the Constitution, this Act and any other law in force in Eswatini.

(4) In the performance of their duties, where necessary, members of the Police Service may carry firearms in accordance with the provisions of the Arms and Ammunition Act, 1964, or its successor, and use such fire arms for achieving the functions conferred on the Police Service by this Act or any such other law.

(5) In carrying out its functions, the Police Service may affiliate to other internationally recognized police bodies or organizations and may enter into partnerships

Guiding principles and values of the Police Service.

10. (1) A member of the Police Service shall at all times serve the community and protect all persons against illegal acts, consistent with the high degree of responsibility required by their occupation or profession.

(2) In the performance of their duties, members of the Police Service shall respect and protect human dignity, maintain and uphold the human rights of all persons.

(3) A member of the Police Service may not inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any member of the Police Service invoke superior orders or exceptional circumstances as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

(4) A member of the Police Service shall not commit any act of corruption and shall oppose and combat all forms of corruption and corrupt practices and to achieve such objectives they may join or assist other agencies set up to fight corruption and such other related corrupt practices.

(5) Every member of the Police Service shall remain loyal to the Police Service and shall provide police service as an essential service.

General powers of the National Commissioner.

11. (1) Subject to any lawful superior orders, the command and overall superintendence of the Police Service shall vest in the National Commissioner who, subject to this Act and the Constitution or any other law, shall also be responsible for the administration and discipline of the Police Service.

(2) The National Commissioner shall, subject to this Act and the general directions of the Minister, have the command, superintendence, direction and control of the Police Service and such other services where the provisions of section 15 are in operation.

(3) The National Commissioner shall be subject to the provisions of the Constitution and be responsible to the Minister or such other higher authority for maintaining peace and good order throughout Eswatini.

(4) The National Commissioner in consultation with the Minister, may establish any unit or department, issue or approve such orders including standing orders, policies and directives for the general control, administration, operation, discipline, regulation and orderly conduct of the Police Service as the National Commissioner may deem necessary.

(5) For purposes of this Act and for proper administration of the Police Service the Commission delegates to the National Commissioner the power to—

- (a) recruit, appoint, train or promote any fit and proper person to be a member of the Police Service below the rank of inspector;
- (b) subject to the Constitution, select candidates for promotion by the Commission to the rank of Inspector and above but below the rank of Deputy National Commissioner;
- (c) select and appoint any fit and proper person who possesses special skill and experience to perform a specific duty or task under such terms and conditions as may be approved by the Commission;
- (d) transfer or post police officers from one duty station to another and within sections or departments; and
- (e) take preliminary investigation or disciplinary inquiry against any officer on disciplinary offences, breaches of regulations, instructions or orders including failure to observe working hours.

(6) The National Commissioner shall, in carrying out the disciplinary powers conferred on the National Commissioner under the Constitution and under this Act, be assisted by Boards established in terms of section 47.

(7) The National Commissioner shall with diligence, honesty, professionalism and in terms of this Act or other applicable law make recommendations on appointments, promotions, confirmation of appointments, termination of appointments, removal from office of officers of the rank of inspector and above, but below the rank of the Deputy National Commissioner to the Commission for consideration.

Delegation of Powers of the National Commissioner.

12. (1) Any power conferred upon the National Commissioner under this Act may, subject to the directions of the National Commissioner, be exercised by the Senior Deputy National Commissioner or such other officer who may be duly authorised in such position.

(2) Subject to this Act, the National Commissioner may from time to time delegate to any officer of or above the rank of Inspector any function, power or duty conferred upon the National Commissioner by this Act or any other law.

(3) Any delegation of right, function, power or duty under this section shall be made in writing.

General powers and duties of police officers.

13. (1) Every police officer shall be an officer of the court with a responsibility for the service and execution of summons, warrant or other process or lawful order or directive on behalf of the King and *Ingwenyama*, National Commissioner, Attorney General and the Director of Public Prosecutions or any other appropriate authority.

(2) A summons, warrant or other process directed to the National Commissioner or any other police officer may be served or executed by any other police officer and every such other police officer shall have the same rights, powers and authority for the service or execution of such summons, warrant or process as if it was originally directed to such police officer.

(3) Every police officer shall—

- (a) promptly obey and execute all lawful orders and warrants issued to such police officer by any competent authority;
- (b) collect and communicate intelligence affecting the public peace;
- (c) protect life and property;
- (d) prevent and detect crime;
- (e) repress internal disturbances;
- (f) maintain security and public tranquillity;
- (g) apprehend all persons whom the police officer is legally authorised to apprehend and for whose apprehension sufficient grounds exist;
- (h) bring offenders to justice, enforce all written laws with which the police service is directly charged;

- (i) collect, preserve and submit evidence, manually, electronically and other acceptable or admissible means, connected with crime or intelligence to the National Commissioner, courts or such other institutions and authorities; and
- (j) generally, maintain the peace.

(4) In the performance of their functions under subsection (2) and notwithstanding the provisions of any law to the contrary, any police officer may search without warrant any person, premises, other place, vehicle, vessel or aircraft or any receptacle of whatever nature, at any place in the Kingdom of Eswatini, and seize anything found by that police officer upon such person or upon or at or in such premises, other place, vehicle, vessel, aircraft or receptacle provided it is—

- (a) stolen property or anything with respect to which any offence has been or is suspected on reasonable grounds to have been committed;
- (b) anything as to which there are reasonable grounds for believing that it will afford evidence as to the commission of any offence;
- (c) anything as to which there are reasonable grounds for believing that it is intended to be used for purpose of committing an offence.

(5) Anything seized under subsection (4) shall, immediately or as soon as practicable, be taken to the nearest charge office or police station to be dealt with in accordance with section 52 of the Criminal Procedure and Evidence Act, 1938 or the relevant section of its successor.

(6) Subject to subsection (7), where a woman is searched under this section the search shall only be conducted by a female police officer and shall be made with strict regard to decency.

(7) Where there is no female police officer immediately available to conduct the search, the search shall be conducted by any female so requested or especially designated for the purpose by any police officer.

(8) For the purpose of exercising the powers conferred under subsection (3), any police officer may, by means of an appropriate indication, direction or in any other manner, order the driver of a motor vehicle or other moving object on a public road to bring it to a stop.

(9) A police officer, notwithstanding anything contained in any other law, may display, set up or erect on or next to the road such sign, barrier or object as is reasonably necessary to bring the order under subsection (8) to the attention of the driver and to ensure that the vehicle or other moving object shall come to a stop.

(10) Where an order to stop is ignored by a driver who has been ordered to stop by a police officer, such police officer or other police officers may use reasonable force or other reasonable means to bring the vehicle or other moving object to a stop.

(11) Notwithstanding the provisions of any law to the contrary, the National Commissioner or any member of the police service designated by the National Commissioner may, in the performance of any function under subsection (4) publish or cause to be published or in any other manner display or cause to be displayed any photograph or sketch of any person wanted in connection with an offence or investigation.

(12) Notwithstanding the provisions of any law to the contrary, the National Commissioner or any member of the Police Service may, if it appears expedient or necessary in the interest of public order, defence, public safety or for the purpose of protecting the rights and freedoms of other persons stop or prevent the holding of any public meeting or public procession.

(13) Members of the Police Service shall, in the performance of their duties under subsection (4), keep such books and records and render such returns as the National Commissioner may from time to time direct.

Employment of the Police Service in emergency.

14. (1) The King and *Ingwenyama* or Minister may, in a state of emergency or in such similar situations, direct the Police Service to perform emergency related duties, public service duties and other similar duties within Eswatini as may be prescribed.

(2) Where the Police Service or such members of the Police Service are so employed as provided under this section, they shall, for the purpose of administration and discipline, remain under the command of the National Commissioner or such other senior officer of the Police Service so designated by the National Commissioner.

Assistance by other Forces and Services.

15. (1) For the performance of duties under this Act, where circumstances so require, the National Commissioner after consultation with the Minister may request the assistance of the Umbutfo Eswatini Defence Force, His Majesty's Correctional Services and the Eswatini National Fire and Emergency Service or other related Services.

(2) Where the Service or Force mentioned in subsection (1) are assisting the Police Service, unless the contrary is stated, such Services or Forces shall in all respects exercise the powers and duties of police officers in terms of section 13 of the Act and shall enjoy the same protection as members of the Royal Eswatini Police Service.

(3) The Services referred to in subsection (1) shall, when so employed be under the control and direction of the National Commissioner or such other senior officer of the Police Service so designated by the National Commissioner.

Protection from legal proceedings.

16. Every member of the Police Service shall have protection in the case of an action or suit brought against that member for an act done or omitted to be done in the honest execution of the duties of that member in terms of this Act or any other law.

PART III
POLICE SERVICE COMMISSION

Establishment and constitution of the Police Service Commission.

17. (1) There is established an independent and impartial service commission to be known as the Police Service Commission for the better management and exercise of powers and functions conferred by the Constitution, this Act and any other law not in conflict with this Act.

(2) The Commission shall consist of a chairperson and not less than four members who shall be appointed by the King on the recommendation of the Minister after consultation with the National Commissioner, on such terms and conditions as the Minister may determine.

(3) In making the recommendations to the King for the appointment of a member of the Commission, the Minister shall proceed on basis of suitable qualifications, competence and relevant experience and the Minister shall endeavour to recommend a person who can effectively discharge the responsibilities of the office of the Commission.

(4) The Commission, with the assistance of the Minister after consultation with the National Commissioner, shall set and maintain a competent and qualified secretariat consisting of support staff and a secretary who shall be a member of the Police Service of the rank of Assistant Commissioner or above but below the rank of Deputy National Commissioner as may be seconded by the National Commissioner from time to time.

Independence of the Commission.

18. In the performance of its functions under this Act, the Commission shall be independent and such independence shall be an aspect of the exercise of any delegated powers.

Disqualification for Appointment.

19. (1) A person shall not qualify for appointment as a member of the Commission if that person—

- (a) does not qualify to be elected as a member of Parliament;
- (b) holds a public office, is a Minister, Assistant Minister, a member of Parliament or is a member of the King's Advisory Council or similar body;
- (c) is declared bankrupt either within or outside Eswatini or is an un-rehabilitated insolvent;
- (d) has been convicted of an offence involving dishonesty, moral turpitude, money laundering or has been convicted of a serious offence including, but not limited to, an offence listed in the Schedule to the Serious Offences (Confiscation of Proceeds) Act, 2001 or the Money Laundering and Financing of Terrorism (Prevention) Act, 2011 or their successors;
- (e) has been certified insane or is patently of unsound mind;
- (f) is a member of a body which, in the opinion of the Minister, is a staff association, a trade union or has as its object or one of its objects the control or influence over salaries, wages or other terms and conditions of service of any employees; or
- (g) is a member of the Police Service.

(2) A person shall not be disqualified from membership in terms of subsection (1) (b), (f) or (g) where that person resigns or retires from that occupation within a period of three months from the date of appointment.

Tenure of office and removal from office.

20. (1) The tenure of office of an inaugural chairperson and each member shall, be six and four years respectively.

(2) The chairperson and a member shall be eligible for re-appointment for a single term of four years.

(3) The chairperson or member may vacate office—

- (a) by written resignation to the Minister on notice of three months;
- (b) at the expiration of the term of appointment or such shorter appointment agreed to by the parties and contained in the letter of appointment;
- (c) on abandonment of post or absence on leave without authority and thus missing three consecutive meetings of the Commission; or
- (d) on the death of that chairperson or member.

(4) A member of the Commission shall be removed from office by the King where a tribunal appointed under subsection (5) recommends that the member ought to be removed from office for—

- (a) inability to exercise the functions of office (by reason of infirmity of body or mind or any other cause); or
- (b) misbehaviour.

(5) Where the Minister in the case of the chairperson or the chairperson in the case of any other member submits to the King that the question of removing a member of the service commission under subsection (4) ought to be investigated, then—

- (a) the King shall appoint a tribunal consisting of a chairperson (selected by the Chief Justice from persons who hold or have held or qualify to hold high judicial office) and two other persons recommended by the line Minister; and
- (b) the tribunal shall enquire into the matter and report on the facts to the King and recommend whether the member ought to be removed under subsection (4).

Vacancies and temporary appointments.

21. (1) If the office of the chairperson of the Commission is vacant or the chairperson is, for any reason, unable to perform the functions of the office, the Minister may appoint, for a period not exceeding one month, any member to act as chairperson.

(2) If the office of the member of the Commission is vacant or any member is for any reason, unable to perform the functions of the office, the Minister after consultation with the National Commissioner, may for purposes of forming a quorum appoint a person qualified to be a member for a period not exceeding one month to fill that vacancy.

(3) The provisions of section 21(2) shall not apply to a person appointed to act as chairperson or as a temporary member of the Commission.

Oath or affirmation of members.

22. (1) A member of the Commission shall not enter upon the duties of office until that member has taken and subscribed the oath or affirmation of allegiance and another for the due execution of office as set out in the Second Schedule of the Constitution.

(2) The Secretary and such other officers of the Commission as the chairperson may require so to do shall, on first appointment, take an oath or make an affirmation in such form as may be prescribed by the Minister.

(3) An oath or affirmation by a member shall be administered by a commissioner of oaths.

Powers and functions of the Commission.

23. (1) The functions of the Commission shall include appointments (including promotions and transfers) and selection of candidates for appointment, confirmation of appointments, termination of appointments, disciplinary control and removal from office of officers within the Police Service and the other employees mentioned under subsection (4), taking into account the delegation specified under section 12.

(2) The Commission may, in carrying out its duties under subsection (1), do so in consultation with the National Commissioner.

(3) The Commission shall exercise its powers as may be contained in this Act or other law and have jurisdiction, subject to section 11, over all officers of the Police Service below the rank of Deputy National Commissioner and the other employees mentioned under subsection (4).

(4) The Commission in consultation with the National Commissioner may employ, on such terms and conditions as deemed fit, other suitable persons to be employees to, or support the police service in order to achieve its objectives and consolidate its functions.

(5) The Commission shall, in consultation with the National Commissioner, appoint fit and proper persons of integrity and honesty to the employment and service of the Police Service.

(6) For the performance of its functions, the Commission may in consultation with the National Commissioner, among other things—

- (a) inspect the offices of the Police Service and other relevant offices;
- (b) examine official documents, books or other records;
- (c) obtain information and advice from any public officer or other Government employee; and
- (d) do all such things, including the taking of evidence on oath and the administration of oaths, as are incidental or conducive to the exercise of the functions of the Commission.

(7) The Commission may require any public officer or other Government employee whose evidence appears to be material to the determination of any enquiry or investigation conducted by the Commission, to attend at such time and place as may be specified by the Commission, to give evidence or produce any official document, book or other record in the possession or control of that person which relates to a matter in question at any inquiry or investigation.

(8) In the performance of its duties, the Commission may seek advice from any person including a police officer and legal advice from the Attorney General.

(9) The Commission shall not, under subsection (7), insist on the production or submission of a document or thing where the National Commissioner states in an affidavit that the matter, document or thing falls under or might compromise the security of Eswatini and therefore should not be produced or submitted to the Commission.

(10) The Commission may hear appeals which are as a result of the operation of section 11 (5) and other appeals.

(11) Where a recommendation is made by the Commissioner to the Commission in terms of section 11, the Commission shall make its decision within fourteen (14) days or such reasonable period from date of receipt of the recommendation.

(12) The Commission may, in consultation with the Minister, make regulations for the better carrying out the functions of the Commission including the regulation of the shared responsibilities and limits thereof between the Commission and the National Commissioner.

(13) The Commission in consultation with the National Commissioner may recommend, request or agree with the Civil Service Commission on the transfer of officers between the jurisdictions of the two Commissions.

Complaints against the Police Service.

24. (1) Any person who has a complaint against a police officer or the Police Service shall first lodge such complaint to the National Commissioner who shall immediately attend to it and thereafter notify the complainant of the decision, opinion, facts of the matter or action taken or to be taken.

(2) Where the complainant under subsection (1) is not satisfied with the response or there is no response from the National Commissioner that person, after the lapse of a reasonable time, may submit the complaint to the Commission for its consideration and determination.

(3) When so requested by the Commission, the National Commissioner shall submit a comprehensive report relating to the complaint to the Commission within the time so specified on the request.

(4) A complaint shall be either, orally given or written, relating to the conduct of a police officer or the Police Service whether by commission or omission submitted by a member of the public or the representative of that member of the public.

(5) A person lodging a complaint shall, when so required by the National Commissioner or the Commission, attest under oath to the truthfulness of the facts forming the complaint.

Complaints by police officers.

25. (1) A police officer who has reasonable cause for complaint against another police officer or against any other person or thing may make a written statement and lodge it with the person who is in charge of that officer, in default of which the next superior officer, who shall immediately attend to it and thereafter notify the complainant of the decision, opinion, facts of the matter or action taken or to be taken.

(2) The person in charge of the complainant or the superior officer shall on receipt of the statement send a copy to the National Commissioner whilst attempting to solve the cause of complaint if the complaint falls within the jurisdiction of the person in charge of the complainant or the superior officer.

(3) Where the complainant under subsection (1) is not satisfied with the response or there is no response from the officer to whom the statement was given or intended for, after the lapse of a reasonable period, may submit the complaint to the office of the National Commissioner directly for the consideration and determination of the National Commissioner.

(4) Where the complainant is not satisfied with the response or determination of the National Commissioner, the complainant may submit the statement of complaint to the Commission for its determination.

(5) An officer in receipt of a statement of complaint, if that officer is to forward such statement to a superior officer or authority, may attach to the statements any observations or comments before forwarding the statement.

Delegation.

26. (1) The Commission may delegate any of its powers or functions to the National Commissioner, head of department or section, any other person, body of persons or line managers in respect of certain grades or ranks of officers.

(2) Where there is need for further delegation of functions, that delegation shall be subject to the manner prescribed in subsection (1).

(3) Except where the delegated powers are not in terms of this Act or the manner prescribed under subsection (2), the Commission shall not exercise the delegated powers under section 11.

(4) The Commission may at any time, that is, prior to the performance of such function or at any time before the final determination of the matter in question by the person to whom such function has been delegated, inform that person that it intends to exercise or is exercising such function.

(5) The Commission in agreement with the National Commissioner and after consultations with the Ministry responsible for the employment of public servants may, in the performance of any of its functions appoint any person or body of persons with the appropriate expertise to assist the Commission or the Police Service in the discharge of certain functions.

(6) A person employed under this section to assist the Police Service shall be under the direction and control of the National Commissioner and shall be governed by the General Orders and other laws applicable to public servants.

(7) The powers of direction, and control referred to under subsection (6) include the power of transfer, posting and recommendations for termination of employment.

(8) A person or body of persons mentioned in subsection (6) shall before assumption of duty be sworn to the oath of secrecy or subscribe to the oaths of allegiance (where appropriate) and due execution of office and shall enjoy the protection provided under section 28 and the privilege of communication provided under section 29.

Quorum and voting.

27. (1) The quorum for any meeting of the Commission shall be the Chairperson and two other members.

(2) The decisions of the Commission shall be the decision of the majority of votes of the members present and voting and the Chairperson shall, in addition, have a casting vote whenever there is a tie of votes.

Protection of Commission from legal proceedings.

28. Every member of the Commission shall have such and the like protection and privilege in case of any action or suit brought against that member for any act done or omitted to be done in the bona fide execution of the duties of member as is by law given to the acts done or words spoken by a judge of the High Court in the exercise of the judicial office of the judge.

Privilege of communication.

29. A person shall not in any legal proceedings be permitted or compelled to produce or disclose any communication, written or oral, which has taken place between the Commission or any member or officer of the Commission, and the Government, or the Minister, or any officer of the Government, or between any member or officer of the Commission and its chairman, or between members or officers of the Commission, in exercise of, or in connection with the exercise of, the functions of the Commission, unless a judge of a superior court orders otherwise.

Legal representation.

30. Any person appearing before the Commission shall be entitled to legal representation at the expense of that person.

Offence to unduly influence Commission.

31. (1) Without prejudice to any other law, any person who—

- (a) otherwise than in the course of the official duty of that person improperly, whether directly or indirectly by that person or by any other person and in any manner whatsoever influences or attempts to influence any decision of the Commission; or
- (b) in connection with the exercise by the Commission of its functions or duties wilfully gives to the Commission any information which that person knows to be false,

commits an offence and, on conviction, shall be liable to a fine not exceeding five thousand Emalangeni or to a period of imprisonment not exceeding two years.

Annual Reports.

32. The Commission shall, as soon as possible after the end of each financial year or whenever so required, submit a report to the Minister in respect of the discharge of its functions during the past year and the Minister shall lay every such report before both Houses of Parliament for consideration during budget debates or at any other time if it is so required.

Secretariat of the Commission.

33. (1) The Commission shall set up and maintain a competent and qualified secretariat consisting of a Secretary appointed in terms section 17(4) and support staff as may be determined by the Commission in consultation with the Ministry responsible for the employment of public servants.

(2) The functions of the secretariat shall include—

- (a) providing technical and administrative support to the Commission;
- (b) keeping proper files and correspondence of the Commission;
- (c) keeping proper records of minutes of the Commission;
- (d) convening and preparing for meetings of the Commission as the chairman may direct;
- (e) advertising new or vacant posts as the Commission may direct;
- (f) carrying out any other function which the Commission or chairperson may direct.

PART IV
APPOINTMENT, TRAINING AND DISCHARGE

Appointment or enlistment to the Police Service.

34. (1) A police officer employed or enlisted to the Police Service shall serve a probationary period of two (2) years or such period as may be prescribed.

(2) There shall be a fixed entry point in salary and salary grade for every person who is recruited in the Police Service as a trainee police officer.

(3) Subsection (1) shall not be construed as excluding the employment or recruitment on short or long-term contracts of persons with expert knowledge or in possession of certain academic qualifications on a salary and salary grade different from the salary scale intended under subsection (1).

(4) The Commission shall, on receipt of the recommendation from the National Commissioner and on completion of the probationary period or such extended period, either admit such police officer to the permanent and pensionable establishment of the Police Service or terminate the employment or services of that officer either on the persuasion of the recommendation or on the basis of independent findings of the Commission.

(5) The Commission shall not appoint, unless there are compelling reasons for so doing, an officer to act for a continuous period in excess of six (6) months to a vacant post but may confirm or terminate the appointment before or at the expiry of the six (6) months period.

Training.

35. (1) A person shall, upon appointment or enlistment in the Police Service, undergo training at a police training institution before that person may qualify as a police officer.

(2) A person who is appointed or enlisted to the Police Service as a police officer shall, during training, be paid a salary and such allowance as may be applicable from time to time.

(3) A person who has qualified as a police officer in terms of subsection (1), may undergo further training outside Eswatini.

Termination of appointment.

36. The Commission or National Commissioner subject to section 11, may at any time terminate the appointment of an employee or officer serving on probation if the Commission or National Commissioner considers that such employee or officer is unlikely to become an efficient police officer or fails or unlikely to meet the expected standards of fitness or proficiency.

Resignations.

37. (1) Any police officer, except the National Commissioner, Senior Deputy National Commissioner and the Deputy National Commissioner, who intends to resign from the Police Service shall—

- (a) submit a written resignation letter to the National Commissioner and Commission;
and
- (b) serve a one month notice and in lieu of the notice shall pay to the Government an amount equal to a salary of a period of one month.

(2) A police officer may resign from the Police Service, subject to approval by the Commission or National Commissioner, at any time during the first year of service without serving a notice.

Principles relating to appointments and promotions.

38. (1) The Commission may, appoint or promote to a vacant post, in terms of this Act, an officer who qualifies for such, appointment or promotion.

(2) As soon as the National Commissioner knows that a vacant office exists or shall exist in the Police Service, the National Commissioner shall notify the secretary of the Commission and make any recommendations as may be necessary.

Acting paid appointments.

39. (1) As soon as the National Commissioner knows that an office in the Police Service which attracts acting allowance is or shall become vacant, either substantively or temporarily during the absence of the holder and the National Commissioner considers that it should be filled in an acting paid capacity the National Commissioner shall make a report to the secretary of the Commission with recommendations.

(2) The Commission may consider a recommendation for acting paid appointment on the basis of official qualifications, merit, commitment, fitness, suitability, experience and seniority.

(3) If a recommendation is made for an acting paid appointment of an officer in an office with the possibility of that officer's subsequent promotion to that same office being considered or recommended, the acting paid appointment shall be considered by the Commission on the basis of the principles applicable to promotions.

(4) If a recommendation is made that an officer who is not the senior eligible officer, should be appointed to act in a temporary vacant office, the Commission shall consider it on the basis of the principles mentioned in subsection (2).

(5) Notwithstanding anything contained in this section, where for reasons of urgency it is not in the public interest for the normal procedure for acting paid appointments to be followed, the chairperson of the Commission may approve and make such an appointment without regard to that procedure subject to approval and endorsement of the decision of the chairperson by the Commission.

(6) Where the Commission fails or refuses to endorse the decision of the chairperson under subsection (5), the acting paid appointment shall with immediate effect cease to be valid.

(7) Where for reasons of urgency it is not in the public interest for the normal procedure for acting or acting paid appointments to be followed, the National Commissioner may appoint temporarily a senior eligible officer to act in such a temporary vacant post without attracting acting paid appointment and subsection (2) shall apply.

(8) Where the National Commissioner has acted in terms of subsection (7), the National Commissioner shall immediately make a report to the secretary of the Commission for the information or determination by the Commission.

(9) The National Commissioner shall, in all cases, when making a recommendation for promotion or acting appointment, state whether the officer recommended is the senior eligible officer, and if that officer is not senior, give detailed reasons in support of the supersession of all officers' senior to the officer recommended.

(10) Nothing in this Act shall be construed as preventing the Commission from appointing an officer to act in a senior rank provided that where the officer acts for a period of fifteen (15) days or more shall be entitled to be paid acting allowance.

(11) The Commission shall not appoint an officer to act for a continuous period in excess of six (6) months to a vacant post but may confirm or terminate the appointment before or at the expiry of the six (6) months period.

Admission to the Police Service through false pretences and fraud.

40. (1) Any person who, by means of a false certificate or other document or by any false representation or statement whatsoever, obtains or attempts to obtain admission to the Police Service commits an offence, on conviction, shall be liable to a fine not exceeding three thousand Emalangeni (E3,000) or to imprisonment for a period not exceeding three (3) years or both fine and imprisonment.

(2) A person who knowingly recruits another person to the Police Service on false documents, statement, misrepresentation or knows that fraud is being committed in the recruitment exercise but does nothing to expose or stop such fraud, commits an offence and on conviction shall be liable to the same punishment specified under subsection (1).

(3) A person recruited through bribery or other form of corruption shall in addition to the prescribed punishment for bribery or corruption lose all benefits that may purportedly have accrued to that person and a person who recruits into the Police Service another person through bribery shall in addition to the punishment prescribed for bribery lose all benefits that may purportedly have accrued to that person.

Declaration on attestation.

41. (1) A person on joining the Police Service shall make and sign a declaration before a senior officer in such form as may be prescribed and simultaneously acknowledge the appointment as member of the Police Service on such form.

(2) The person shall, before making the declaration required under subsection (1), answer truly any questions put to that person in respect of previous employment or service, career and any other employment, criminal record and conviction of that person in Eswatini or elsewhere.

(3) Any person who makes a dishonest or false statement knowing it to be false in reply to any question put to that person under subsection (2) to obtain or to attempt to obtain admission to the Police Service commits an offence and shall be liable, on conviction, to a fine not exceeding two thousand Emalangeni (E2,000) or to imprisonment for a period not exceeding twelve (12) months or to both fine and imprisonment.

(4) Nothing contained in this section shall be construed as preventing the dismissal of a person from the Police Service, after conviction, of making a dishonest or false statement.

Restriction on resignation and retirement.

42. (1) In time of war, disturbance of the public peace, riot or other emergency or apprehended emergency, a police officer shall not be at liberty to resign or retire from the Police Service until the breach of peace no longer prevails or the situation has abated.

(2) Notwithstanding subsection (1), the Minister may, whether or not on application made by a police officer who intends to resign or retire, give general directions or consider each and every case on its merits or the particular circumstances of each case.

(3) Subject to subsection (4), the Commission may, notwithstanding that an officer has reached the retirement age, engage such officer for an extended period on such terms as may be agreed upon by the contracting parties and such extended period may be determined by National Commissioner in consultation with the Commission.

(4) The Commission shall not engage an officer who has reached the retirement age unless there are compelling reasons for so doing such as the circumstances mentioned under subsection (1) and other exigencies of the police service as the National Commissioner may submit to the Commission.

(5) An officer who defies the provisions of subsection (1) without a justifiable cause commits a professional misconduct and shall be subject to disciplinary proceedings which shall be determined by the Commission.

Suspensions.

43. (1) Where a police officer commits or is accused of a criminal offence under this Act or any other law or where disciplinary action or proceedings are or about to be instituted against that officer—

- (a) in the case of the Commission, the Commission may, subject to section 11, suspend such officer from duty pending the institution and determination of such action or proceedings against that officer; or

- (b) in the case of the National Commissioner, the National Commissioner may suspend an officer below the rank of inspector from duty pending the institution and determination of such action or proceedings against that officer.

(2) Where a police officer is suspended and is charged with a criminal offence, the officer shall be placed on half pay or such other amount as the Commission or National Commissioner may determine.

(3) Where a police officer is suspended as a result of disciplinary proceedings emanating from a misdemeanour (excluding a criminal offence) may receive the full or such portion of that officer's salary, not being less than half, as the Commission or National Commissioner may determine.

(4) When a police officer is suspended from duty under this section, the powers, privileges and benefits enjoyed by that officer as a member of the Police Service shall, during the suspension, be held in abeyance and the officer shall continue to be subject to discipline and penalties and to the same authority as if the officer had not been suspended.

(5) Where a police officer is suspended from duty under this section and is not in custody, the Commission or National Commissioner may order that pending the institution and determination of the proceedings, the officer—

- (a) is confined to the quarters or other place of residence of that officer during such hours as the Commission or National Commissioner may decide;

- (b) is prohibited or restricted from certain places or areas which have relevance to the proceedings as the Commission or National Commissioner may decide.

(6) The Commission or National Commissioner shall not suspend an officer from duty for a period exceeding six (6) months.

(7) The High Court, on application on behalf of the Commission or National Commissioner, may extend, on just reasons, the period of suspension from duty with or without an order as to salary and finalisation of the proceedings or give any order it deems fit.

(8) Notwithstanding anything contained in this Act or other law, the Commission or National Commissioner may suspend a police officer from duty without pay where the officer is remanded in custody.

(9) If the Commission or National Commissioner finds that the police officer did not commit the act complained of and was suspended under subsection (3), the suspension shall be lifted, and the Police Service shall pay to the officer the difference that was withheld during the suspension.

(10) Where a police officer is suspended because the officer was remanded in custody and is subsequently acquitted of the charge and any other related charges for which the officer was placed in custody, the suspension shall be lifted, and the Police Service shall not be obliged to pay any wages or salary to the officer for the period the officer was in custody unless the High Court orders that the officer should be paid whether a portion or the full salary which was withheld.

(11) Where a police officer is remanded in custody as a result of a complaint laid by the Commission or National Commissioner in relation to the employment of that officer, naming

the officer as an accused, and is subsequently acquitted of that charge or any other related charges, the High Court shall determine and make an order whether the charge was justified in the circumstances and an order to payment or non-payment of any salary withheld during the period in custody and during the suspension.

Retirement and reduction of rank.

44. (1) The Commission subject to section 11 may in consultation with the National Commissioner retire a police officer—

- (a) on reduction of the Police Service;
- (b) on the recommendation of a Government medical officer or a board or panel of medical officers, if any, on medical findings that the police officer is mentally or physically unfit for further service and that such unfitness is likely to be permanent;
- (c) who has attained the retiring age;
- (d) who has not reached the retirement age, but fails, in the opinion of the Commission to maintain a satisfactory standard of efficiency;
- (e) upon a recommendation of a Board; or
- (f) on public interest notwithstanding a recommendation of a Board to dismiss that public officer.

(2) The Commission or National Commissioner may reduce a police officer from the officer's substantive rank to a lower rank on voluntary election by the officer in lieu of another punishment or sanctions or on other reasonable grounds.

(3) A police officer shall not be retired or reduced in rank under subsection (1) and (2) unless the officer is given notice of the intended retirement or reduction in writing.

Dismissals.

45. (1) The Commission subject to section 11, or National Commissioner may dismiss a police officer where—

- (a) the conduct or work performance of the police officer has, after written warning, been such that the Police Service or the Commission cannot reasonably be expected to continue to employ the police officer;
- (b) the police officer is guilty of a dishonest act, violence, threats or ill treatment towards the Police Service or the Commission, or towards any member of or towards a family member of the Police Service or the Commission;
- (c) the police officer wilfully causes damage to the buildings, machinery, tools, raw materials or other objects connected with the Police Service undertaking in which he is employed;
- (d) the police officer, either by imprudence or carelessness, endangers the safety of the Police Service or any person employed or resident therein;

- (e) the police officer has wilfully revealed secrets or matters of a confidential nature to another person which is, or is likely to be, detrimental to national security, the Commission and the Police Service;
- (f) the police officer has been absent from work for more than a total of three working days in any period of thirty days without either the permission of the Police Service or the Commission or a certificate signed by a medical practitioner certifying that the police officer was unfit for work on those occasions;
- (g) the police officer refuses either to adopt safety measures or follow the instructions of the National Commissioner or other authorised police officer, or the Commission in regard to the prevention of accidents or disease;
- (h) the police officer has been committed to prison and thus prevented from fulfilling the police officer's obligations under the contract of employment of the police officer;
- (i) the Police Service or the Commission is unable to continue employing the police officer without contravening this Act or any other law;
- (j) the police officer is convicted of a serious offence, in terms of police standards and expectations, by the High Court or the Magistrate's Court.
- (k) the police officer displays a habitual inattention or disregard to orders or general incompetence or fails to obey orders or fails to co-operate with other members of the Police Service or manifests a quarrelsome disposition or want or lack of courage, ability or zeal.
- (l) the police officer has been recommended for dismissal under section 60;
- (m) for any other reason which entails for the Police Service or the Commission similar detrimental consequences to those set out in this section.

Appeals against retirement, reduction and dismissal.

46. (1) A police officer aggrieved by a recommendation of the National Commissioner, a Board or other authorised person may appeal to the Commission, within fourteen (14) days after becoming aware of such recommendation, stating in writing the facts in support of the appeal.

(2) The National Commissioner, a Board or other authorised person shall, on becoming aware of the appeal, forward to the Commission any record of the proceedings and a statement in support of the decision being appealed against.

(3) The Commission shall determine the matter either on the documents before it or require the parties to appear before it to give any additional facts and answer any questions that may arise.

(4) On determining the matter, the Commission may make any order it deems fit including confirmation, dismissal or substitution of the decision of the National Commissioner, Board or other authorised person.

(5) Where the National Commissioner is aggrieved by the decision of the Commission, the National Commissioner may lodge an appeal with the Minister within fourteen (14) days after becoming aware of such decision, stating in writing the facts in support of the appeal.

(6) The Minister on receipt of the appeal may either confirm, dismiss, order a retrial or vary the decision of the Commission.

PART V DISCIPLINE

Administrative Boards.

47. (1) The National Commissioner in the exercise of the powers vested on the Commissioner by section 189 (3) of the Constitution and this Act, shall establish administrative boards in all or selected police stations including Regional Police Headquarters, Police Headquarters and at other posts as the National Commissioner deems it necessary and with similar or varying powers and responsibilities.

(2) The National Commissioner may delegate, in terms of the Constitution, general or specific powers and responsibilities to a board.

(3) Nothing in this Part shall be construed as derogating the powers and functions of the Commission of hearing appeals, reviewing proceedings, termination of appointments, disciplinary control and removal from office of officers within the Police Service.

Method of dealing with offences.

48. (1) A breach or an offence committed by a police officer in regard to which proceedings are not instituted in a court may be dealt with in accordance with this Part.

(2) A breach or an offence committed by a police officer in regard to which proceedings have been finalised in a court may, in selected and appropriate cases, be dealt under this Part.

(3) In proceedings before an administrative board or other authority under this Part, different offences may be charged in the alternative.

Disciplinary offences.

49. (1) A police officer commits a disciplinary offence if the officer—

- (a) disobeys orders, that is, if any police officer disobeys, or without good and sufficient cause omits or neglects to carry out any lawful order, verbal, written or in any other form but comprehensible;
- (b) is insubordinate or oppressive in conduct, that is, if a police officer—
 - (i) is disrespectful in word, act or demeanour to any other police officer senior in rank to that officer;
 - (ii) is oppressive or tyrannical in conduct towards an officer who is junior in rank or any other officer;
 - (iii) uses obscene, abusive or insulting language to another officer;

- (iv) assaults or indecently assaults another officer;
 - (v) intentionally or negligently makes any false complaint against another officer;
 - (vi) fails to report a complaint or report made against another officer;
 - (vii) disturbs, is inattentive or otherwise misbehaves when on parade, under instruction or receiving orders;
 - (viii) being under arrest or in confinement, leaves or escapes from the arrest or confinement before being set at liberty by proper authority or the National Commissioner; or
 - (ix) being liable to arrest or confinement evades or puts up resistance to such arrest or confinement.
- (c) neglects duty, that is, if a police officer—
- (i) having a duty to attend to, or to take action on any matter, neglects to do so, without good cause;
 - (ii) idles, gossips, sits or lies down without authority or reasonable cause when on duty;
 - (iii) without authority or reasonable cause sleeps when on duty;
 - (iv) fails to work on any patrol in accordance with orders, leaves any beat or beat point or other place of duty without permission or sufficient cause;
 - (v) permits a prisoner or a person under arrest to escape;
 - (vi) knows the whereabouts of a suspect, offender or a fugitive of law, fails to take reasonable steps to ensure that person is brought to justice or is dealt with in terms of the law;
 - (vii) having a duty to report any matter fails to do so;
 - (viii) knowing or in possession of any evidence, information or other matter relating to a criminal or disciplinary charge or investigation against any other person, or knowing or having a reasonable belief that some other person has knowledge of such matters, fails or refuses to disclose such information to the National Commissioner or other proper authority;
 - (ix) neglects or refuses to assist in the lawful apprehension or arrest of a person;
 - (x) without reasonable cause, omits to make a necessary entry in or erases from, obliterates or defaces an entry in or from an official document, book, paper, computer or other storage device or equipment;
 - (xi) refuses, or without good and sufficient cause, omits to make or send a report, return or message which it is the duty of the officer to make or send; or

- (xii) neglects to assist or without just cause refuses to assist a person injured or taken ill in public or elsewhere;
- (d) is involved in discreditable conduct, that is, if a police officer–
- (i) acts in a disorderly manner or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Police Service;
 - (ii) lends money or offers any present to a senior officer or borrows money from or accepts any present from any junior in rank;
 - (iii) incurs or accumulates debts in or out of the Police Service without reasonable prospect or intention of repaying the same or is unable to discharge and having incurred or accumulated any debt, makes no reasonable effort to pay the same; or
 - (iv) if called upon by the National Commissioner to furnish a full and true statement of that police officer’s financial position, fails or neglects to do so;
- (e) is absent without leave or late for duty, that is, if a police officer–
- (i) without reasonable cause or excuse is absent without leave from duty, patrol, place of duty, parade, court or from any other duty;
 - (ii) being temporarily or permanently quartered, stationed or accommodated in any police camp to which the officer has been posted, is visiting or is attached for duty, leaves such camp without authority or permission; or
 - (iii) being temporarily or permanently quartered in any accommodation outside any police camp to which the officer has been posted, is visiting or is attached for duty, or being quartered or accommodated in the camp of a formation or unit to which the officer is not posted for duty, is absent from such quarters or accommodation for a period of more than twelve hours without permission or justifiable excuse or leaves contrary to any local order in force or applicable.
- (f) commits or is involved in falsehood or prevarication, that is, if a police officer–
- (i) knowingly makes or signs a false statement in any official book or document;
 - (ii) intentionally or negligently makes any false, misleading or inaccurate statement in connection with the officer’s duties;
 - (iii) without good and sufficient cause destroys or mutilates any official document or record or alters or erases any entry therein; or
 - (iv) prevaricates before a court, inquiry, hearing, disciplinary proceedings or other proceedings;
- (g) breaches confidence, that is, if a police officer–
- (i) divulges without authority a matter which it is the officer’s duty to keep it secret;

- (ii) gives notice, directly or indirectly, to any person against whom warrant, or summons has been or is about to be issued except in the lawful execution of such warrant or summons;
 - (iii) without proper authority communicates or publishes to the press, media or to an unauthorised person any matter concerning the police service;
 - (iv) without proper authority shows to any person outside the police service any book written or printed document, item or equipment, or any other thing whatsoever, the property of or in possession of the police service.
 - (v) in any manner whatsoever makes or joins in making any anonymous communication to any person or organisation relating to any matter concerning the Government or the police service;
 - (vi) makes a frivolous or vexatious complaint or makes a complaint in an irregular manner on any matter concerning the police service; or
 - (vii) signs or circulates a petition or statement with regard to any matter concerning the police service except through the proper channels of correspondence to the National Commissioner.
- (h) is involved in corrupt practices, that is, if any police officer—
- (i) fails to account for or to make a true and prompt return of any money or property received in an official capacity;
 - (ii) without the authority of the National Commissioner accepts any fee or reward for any service performed in the course of duty of that officer;
 - (iii) without the authority of the National Commissioner accepts from any company, organisation or individual other than a personal friend, a gift, entertainment or other advantage or fails to report as soon as reasonably practicable the receipt of such gift, entertainment or advantage to the National Commissioner;
 - (iv) a police officer serving at any point of entry shall not accept any gift or gratuity for that police officer or another law enforcement agent;
 - (v) fails to return as soon as practicable to the giver of the gift so received by the officer or a member of the family which may not be accepted without contravening subparagraph (iii) or fails to report forthwith to a police officer senior in rank or the National Commissioner, the gift or offer of a gift, entertainment or other advantage which may not be accepted without contravening subparagraph (iii); or
 - (vi) solicits any gift, entertainment or other advantage for the benefit of the officer or the family of the officer which may not be accepted without contravening subparagraph (iii);
- (i) unlawfully uses, or abuses, the exercise of authority, that is, if a police officer—
- (i) without good and sufficient excuse makes an unlawful, unnecessary, unjustifiable or unwarranted arrest;

- (ii) uses violence or unnecessary, unjustifiable or unwarranted force or intimidates a prisoner or other person with whom the officer may be in contact with in the execution of duty; or
 - (iii) is bad-mannered or discourteous to a member of the public;
- (j) malingers, that is, if a police officer–
- (i) feigns or exaggerates any sickness or injury with a view to evading duty; or
 - (ii) while absent from duty on account of sickness neglects or without good and sufficient cause omits to carry out an instruction of a medical officer or a member of the hospital staff or acts or behaves in a manner likely or calculated to retard or delay the officer’s return to duty;
 - (iii) intentionally or negligently induces or brings upon the person of that officer a disease, infirmity or the officer wilfully maims or injures the body of that officer, a member of the Police Service or a member of the public, whether at the instance of such a member or not, or intentionally or negligently allows or permits another person to maim or injure the body of that officer with the intention to render that officer or such other member unfit for duty;
- (k) is in discreditable appearance, that is, if a police officer whilst on duty–
- (i) or off duty but in uniform, without reasonable cause is improperly dressed, dirty or untidy in person, dress, clothing or accoutrements (including, and without good cause, wearing of a uniform mentioned in dress-orders over or under civilian clothing and such is visible;
 - (ii) in plain clothes is without reasonable cause dirty or untidy in clothing or appearance; or
 - (iii) contravenes the standards which may from time to time be established with regard to the length of hair or beard.
- (l) causes damage to or improperly uses Government property, that is, if a police officer–
- (i) intentionally or by carelessness causes any waste, loss or damage to any article of clothing, accoutrements, book, document or other property of the Government or the Police Service whether or not issued or entrusted to the care of that police officer or any other person;
 - (ii) fails to report any such loss or damage however caused;
 - (iii) uses without proper authority any property of the Government or property in the possession of or used by the Police Service;
 - (iv) without lawful authority or excuse, knowingly or negligently gives or supplies uniform or items of uniform, decoration, medal or badge to any person not authorised to use or wear;
- (m) commits an offence as a result of intentional consumption of liquor or drugs, that is, if a police officer–

- (i) whilst on or warned for duty or at any time in public place renders the person of that police officer unfit for duty through the consumption of intoxicating liquor or drugs; or
 - (ii) whilst on or warned for duty partakes in any intoxicating liquor without authority;
 - (iii) whilst on duty, is drunk or intoxicated as a result of consumption of liquor or drugs;
 - (iv) whilst on duty, or off duty but in uniform, except when in the executions of the officer's duties, visits or enters and remains where liquor is offered for sale for consumption on the premises or where liquor is being consumed;
- (n) engages, without authority, in any employment or business other than police duties;
- (o) discharges a firearm through negligence or without orders or just cause;
- (p) neglects or fails to report that the officer, member of the family of that officer or other person living or staying with the officer in any police lines, camp or quarter is suffering from a contagious disease;
- (q) participates in politics, that is, if a police officer–
- (i) joins or associates with an organisation or movement of a political character;
 - (ii) canvasses any person in support of, or otherwise assists an organisation or movements of a political character towards its goals;
 - (iii) displays or wears rosettes, favours, clothing, symbols, posters, placards or like articles having a political significance;
 - (iv) except within the course of the officer's duties, attends a political meeting or assembly when in uniform or any part of such uniform is likely to identify the officer as a member of a political party or organization;
 - (v) asks questions from the floor at a political meeting, except where the organisation or person has been granted permission to hold such meeting by the appropriate authority or where the officer is explaining Government policy in the course of the officer's duty or where the officer seeks to vote at a Parliamentary or municipal election or at a referendum;
 - (vi) publishes views of a political character or causes them to be published in speeches, broadcasts, internet, electronic media, letters to the press, articles, leaflets, posters, placards, books or otherwise;
 - (vii) does an act of which by that act the public or any member of the public could reasonably believe the officer belongs to a political organisation or is promoting its goals;
 - (viii) does an act of which by that act the public or any member of the public could reasonably be induced to identify the officer with an organisation or movement of a political character;

- (r) incites or instigates or solicits members of the Police Service to embark or engage in a strike action, go-slow and/or picket action.
- (s) does any other act, conduct, disorder or neglect to the prejudice of good order and discipline not herein specified and such offence may be inquired into, tried and determined and the offender be liable to suffer such punishment according to the degree and nature of the offence in accordance with this Act or discipline of the Police Service;
- (t) engages in a strike action or lock-out, or incites other police officers or other persons to strike or work below normal or expected standards; and
- (u) connives with or knowingly being an accessory to any offence against discipline under this Act or discipline of the Police Service.

(2) An offence under this section which was committed by an officer outside Eswatini shall be deemed to have been committed or have taken place in Eswatini and such police officer shall be liable for disciplinary action.

Offences for trial by a court.

50. (1) A police officer who—

- (a) takes part in a mutiny; or
- (b) incites another police officer to take part in a mutiny,

commits an offence and, on conviction, shall be liable to imprisonment for a period not exceeding five years or to a fine not exceeding ten thousand Emalangeni (E10,000) or both.

(2) A police officer who—

- (a) being present at any mutiny or sedition amongst the police officers, does not endeavour by all possible means to suppress such mutiny or prevent such sedition;
- (b) knowing of an intended mutiny or sedition amongst the police officers, does not give information thereof without delay to a senior officer

commits an offence and, on conviction, shall be liable to imprisonment for a period not exceeding twelve months or to a fine not exceeding two thousand Emalangeni (E2,000).

(3) Any police officer who—

- (a) deserts;
- (b) persuades, procures, assists or attempts to persuade, procure or assist any police officer to desert; or
- (c) knowing that any police officer has deserted or intends to desert, does not give information thereof promptly to a senior officer,

commits an offence and, on conviction, shall be liable to imprisonment for a period not exceeding twelve months or to a fine not exceeding two thousand Emalangeni (E2,000).

(4) Subject to subsection (5) a police officer shall not be found guilty of the offence of desertion unless the court is satisfied that there was an intention on the part of such officer not to return to the police service:

(5) Any proof that a police officer has been absent from duty without leave for a period of fourteen (14) days or more shall be evidence of an intention not to return to the Police Service.

(6) In this section “mutiny” means a combination of between two or more police officers or between persons, two at least of whom are police officers—

- (a) who conspire or connive to overthrow or resist lawful authority in the police service;
- (b) who conspire or connive to disobey such authority in such circumstances as to make the disobedience subversive of discipline or with the object of avoiding any duty or service or impeding the performance of any duty of service.
- (c) being under arrest leaves or escapes from the arrest before being set at liberty by proper authority; or
- (d) being liable to arrest resists such arrest either by escaping, evading or uses physical force.

Powers of arrest and remand of police officers.

51. (1) A senior officer, station commander or a member of the inspectorate may arrest without warrant or order the arrest without warrant of a police officer (not being a police officer higher in rank) whom the officer has reasonable grounds to believe has committed or is accused of an offence against discipline.

(2) A police officer, on receipt of an order under subsection (1), may apprehend a police officer who is the subject of the order without warrant and shall forthwith bring the apprehended officer before a senior officer, station commander or a member of the inspectorate senior in rank to the arresting officer who may confine such police officer in any building set apart as a guard room or cell.

(3) The power to arrest and detain a police officer shall only be exercised where the officer is—

- (a) drunk or under the influence of intoxicating liquor or drugs;
- (b) violent or threatening violence;
- (c) disorderly, disobeys orders or summons to appear before a trial Board.
- (d) suspected on reasonable grounds to have been absent from duty without leave or is about to be absent without leave or desert duty; or
- (e) suspected on reasonable grounds to be likely to cause injury or be a danger to that officer’s person, another person or property.

(3) An officer arrested and detained under this section shall be informed as soon as reasonably practicable of the reasons for the arrest and detention and may not be detained for a period longer than is absolutely necessary and shall in any case not be detained for a period exceeding 48 hours.

Administrative Boards to try disciplinary actions.

52. (1) There is hereby established the following Administrative Boards for the trial of disciplinary offences—

- (a) a Board of Enquiry appointed to hear disciplinary actions against, subject to the Constitution, officers of the rank of Assistant Commissioner and above but below the rank of Deputy National Commissioner and consisting of a chairperson and two members appointed by the Commission in consultation with the National Commissioner from persons in the public service or judicial service of status not inferior to the officer to be tried;
- (b) a Class A Board appointed by the Commission in consultation with the National Commissioner to hear disciplinary charges against a senior police officer of a rank of assistant superintendent up to and including the rank of senior superintendent and consisting of a chairperson and two other members, the chairperson will be of a rank not less than that of Assistant Commissioner, and the members shall be officers who are senior in rank to the police officer to be tried;
- (c) a Class B Board appointed by the Commission in consultation with the National Commissioner to hear disciplinary charges against members of the Inspectorate and consisting of such number of senior officers not exceeding three as the National Commissioner may direct; the chairperson shall be of the rank of Superintendent or above; and
- (d) a Class C Board appointed by the National Commissioner to hear disciplinary charges against a subordinate officer and below and consisting of a Chairperson and two senior officers and the Chairperson shall be of the rank of Assistant Superintendent or above;

(2) A Board seized with a matter may transfer it to an upper Board, regardless of the rank of the accused police officer, if it appears just to that Board by reason of the gravity of the offence or by reason of its repetition or for any other reason and believes the matter would be dealt with more properly by the upper Board.

(3) Where a lower Board transfers a matter in terms of subsection (2) it shall defer the hearing and report the facts to the Commission or National Commissioner as the case maybe, who may return the report for further enquiry, order the accused to be tried before the same Board or another Board.

(4) Where an accused police officer makes it impossible for a Board to proceed with the trial by either evading the attendance or misbehaving during the trial on more than two occasions either in the presence or absence of that accused police officer, the Board shall have discretion to continue with the trial in the absence of that accused police officer.

Conducting a disciplinary hearing or trial and taking of evidence.

53. When conducting a disciplinary hearing or a trial in terms of this Act, a Board shall not be bound the strict rules of judicial procedure but shall be guided by the rules applicable in disciplinary tribunals and shall honestly apply its mind on any issue which is the subject matter of the hearing and observe the requirements of natural justice.

Representation of accused officer.

54. At all trials under this Act before a Board the person accused shall be entitled to be represented, at the own expense of that person, by a legal practitioner admitted to practice in Eswatini or other police officer.

Power to compel attendance of witness.

55. (1) A Board may summon any person to attend as a witness at a trial by the Board, and the Board may take evidence on oath or affirmation of any witness.

(2) A senior officer may at the request of a reviewing authority summon any person to attend as a witness in any review proceedings, and any witness so attending shall be required to give evidence on oath or affirmation.

(3) Any person summoned to attend as a witness under this section shall, at the order of a Board or review authority, produce thereto any exhibit material to the matter under enquiry which might reasonably and lawfully be required.

Disobedience to summons.

56. Any person summoned as a witness under section 55 who fails to attend at the time and place mentioned in the summons and any witness who refuses to be sworn, or, having been sworn, refuses to give evidence, or to produce any book, paper or document under the control or possession of that person, lawfully required to be produced, or to answer all lawful questions put to that person commits an offence and shall be dealt with by a Magistrates Court in the like manner as if such witness had been a witness duly summoned to appear at a criminal trial before such court.

False statements.

57. If in any proceedings under this Part any witness having been duly sworn or affirmed makes a false statement knowing the same to be false, commits the offence of perjury and shall be tried and punished accordingly in a Magistrates Court.

Witnesses expenses.

58. (1) Subject to subsection (2), expenses of witnesses for travelling, meals and lodging, if necessary, shall be allowed in accordance with the scales of expenses for witnesses attending a Magistrates Court whether it is a defence or prosecution witness.

(2) A police officer or a person in the employment of the Eswatini Government shall not be entitled to the any expenses under this section unless there are compelling reasons to hold otherwise.

(3) The expenses shall be paid out from the Standing Cash Advance or such other funds as the National Commissioner in consultation with the Minister for Finance may approve.

Punishments imposed by the Boards.

59. (1) The following Boards shall be competent to award or impose orders as is provided for in respect of each Board, that is to say—

- (a) a Board of Enquiry may impose one or a combination of the following penalties or orders—
 - (i) reprimand;
 - (ii) impose a fine not exceeding one thousand Emalangeni;
- (b) a Class A Board may impose one or a combination of the following penalties or orders—
 - (i) reprimand;
 - (ii) impose a fine not exceeding eight hundred Emalangeni;
- (c) a Class B Board may impose one or a combination of the following penalties or orders—
 - (i) reprimand;
 - (ii) impose a fine not exceeding six hundred Emalangeni;
- (d) a Class C Board may impose one or a combination of the following penalties or orders—
 - (i) reprimand;
 - (ii) impose a fine not exceeding four hundred Emalangeni,
 - (iii) confinement to police lines or quarters for a period not exceeding fourteen (14) days with or without extra guards, fatigues or other duty in addition to normal duty;

(2) A Board may, in addition to punishments which may be awarded in terms of subsection (1) to a police officer after conviction, order such police officer to make restitution or make good any loss or damage to the Government or person who suffered the loss or damage.

Recommendation as to reduction and dismissal.

60. (1) A Board may, upon conviction of an offender, in addition to or in lieu of any of the penalties provided in this Act or regulations, recommend to the Commission or the National Commissioner as the case maybe that the person be dismissed from the police service or be reduced to a lower rank in the case of a police officer above the rank of constable but below the rank of Deputy National Commissioner.

(2) A police officer, notwithstanding the provisions of sections 46 or 47, who has been absent from duty for a period of thirty (30) days or more without permission or lawful excuse or whose whereabouts are not known to the National Commissioner or could not be traced by the National Commissioner shall summarily be dismissed by the Commission.

Recovery of Fines.

61. A fine imposed upon a police officer by a Board may be recovered from the earnings or salary of such officer.

Forfeiture of pay for absence without leave.

62. (1) A member of the police service may, in addition to any punishment imposed upon that officer under this Part be ordered to forfeit the officer's pay for each day or part of such a day on which the officer was so absent without leave, that is, if the officer—

- (a) without reasonable cause or excuse was absent without leave from duty; or
- (b) left without permission or lawful excuse any police lines or quarters.

(2) Where a police officer is absent from duty through illness or injury and the National Commissioner is satisfied that such illness or injury was occasioned or significantly aggravated by the officer's own serious misconduct or negligence, the National Commissioner may order that the officer's pay and allowances be withheld, wholly or in part, in respect of the period during which the officer was so absent.

Confirmation, consideration and review of conviction and sentence.

63. (1) A Board which finds a police officer guilty of a disciplinary offence under this Act or regulations made under this Act shall prepare a record of the proceedings in the prescribed manner or as the Commission and National Commissioner may require, and shall without any further representations made by the police officer—

- (a) in the case of a Board of Enquiry, Class A and Class B Board, forward the record to the Commission and a copy to the National Commissioner; and
- (b) in the case of the Class C Board, forward the record to the National Commissioner and a copy to the Commission.

(2) On receipt of a record of proceedings forwarded in accordance with subsection (1) the Commission or National Commissioner, as the case may be and subject to subsection (3), may—

- (a) within the powers of the Board concerned, vary, reverse, confirm the sentence or substitute for any punishment awarded by the Board a punishment of a different nature; and
- (b) subject to subsection (3), substitute the conviction recorded and the punishment awarded by the Board concerned with an appropriate conviction and punishment including a conviction and punishment for an offence that was not in the charge, but which was proved to have been committed.

(3) The Commission or National Commissioner, as the case maybe, shall not under subsection (2) (b) substitute a conviction and punishment in respect of a different offence which was not charged without first giving the police officer so convicted the opportunity to address the Commission or National Commissioner.

(4) The Commission shall, subject to section 11, remain vested with the final powers of discipline, review, appeal and the powers of dismissal, and to that end, on receipt of the record of proceedings or copy of the record from the National Commissioner or Board, it shall inform the National Commissioner in writing and the reasons thereof of its taking over the matter for its determination.

(5) Subject to the Constitution and this Act, an aggrieved officer may, in the first instance, lodge review or appeal proceedings against sentence provided for in section 59—

- (a) with the National Commissioner, where the disciplinary proceedings were before a Class B or Class C Board; or
- (b) with the Commission, where the disciplinary proceedings were before a Board of Enquiry and Class A Board.

(6) The powers exercisable by the National Commissioner under this section may be exercised by the Senior Deputy National Commissioner and Deputy National Commissioner as provided for in the Constitution.

(7) Where a police officer is found not guilty and acquitted by a Board the record of the proceedings shall be forwarded to the National Commissioner.

(8) The National Commissioner on receipt of the record of proceedings may, if not satisfied with the verdict or the manner the proceedings were carried out, appeal to or lodge review proceedings with the Commission.

(9) Where the Commission establishes an irregularity in the manner the proceedings were conducted or in the verdict it may order a re-trial.

PART VI **APPEALS**

Appeals.

64. (1) A police officer who has been convicted and sentenced or who has been dismissed or removed from office or whose review proceedings have been finalised under this Act may appeal against the sentence, conviction or both, dismissal or reduction in rank by the National Commissioner under this Act to the Commission.

(2) A police officer who has been convicted and sentenced or who has been dismissed or removed from office or whose review proceedings have been finalised under this Act may appeal against the sentence, conviction or both, dismissal or reduction in rank by the Commission under this Act to the Minister.

(3) The Commission or Minister may dismiss an appeal under subsection (1) or allow it in whole or in part.

(4) Notice of intention to appeal against conviction and sentence shall be given within seven days of the convicted officer being notified of the conviction and sentence or order or confirmation of an order under review.

(5) Within fourteen (14) days of noting an appeal the aggrieved officer shall lodge the appeal or review proceedings, stating the grounds for appeal or review, which shall be in writing and deliver it to the commanding officer or such other senior officer so authorised for such who shall without delay transmit the appeal to the Commission and a copy to the Commissioner.

(6) The Commission or may alter, substitute, reverse or confirm a conviction or order including the power to order a more or less severe sentence or order.

(7) If an appeal has been lodged under this section, the sentence so imposed shall not be carried out until a final decision or order has been made by the appropriate person or body.

(8) An officer who appealed or had the matter reviewed shall be entitled to a written final verdict, order or decision within fourteen (14) days of its issuance or so soon thereafter.

Appeals Procedure.

65. (1) The Commission or Minister may, when considering an appeal, require the appearance of a witness, or such additional witnesses, and may require the production of such evidence as it deems necessary.

(2) Subject to this Act, the Commission or Minister may regulate its own procedure.

Application of Part IV to proceedings before the Commission.

66. Subject to the powers conferred on the Commission by the Constitution or other Act, Part IV of this Act shall apply in respect of proceedings under this Part as it applies in respect of disciplinary proceedings before a Board.

**PART VII
GENERAL**

Establishment of the Royal Eswatini Police Service Staff Association.

67. (1) There shall be established an entity to be known as the Royal Eswatini Police Service Staff Association whose main objectives shall be, in consultation with its general membership and the National Commissioner, to make representations to relevant Government Negotiation Structures on social and welfare interests of the Police Service which includes but not limited to remuneration, salaries, allowances or any other payment, pension or conditions of service.

(2) Membership to the Royal Police Service Staff Association shall be open to members of the Police Service below the rank of Assistant Commissioner.

(3) The Royal Eswatini Police Service Staff Association shall be independent of and not associated with a body or organisation outside the Police Service, including any impediment or undue influence from non-members in the execution of its mandate.

(4) The Minister, in consultation with the National Commissioner and relevant stakeholders, shall make regulations prescribing the constitution, functions, and standards procedures of operation and activities of the Association.

Membership of political party, trade union, etc, forbidden.

68. (1) A police officer shall not be a member of any political party, or any organisation, club, association or group of a political nature.

(2) Every police officer shall not form, join or be a member of a trade union, or a body or association affiliated to a trade union, but instead may join and be a member of the Royal Eswatini Police Service Staff Association established under section 67(1).

(3) It shall be unlawful for any member of the Police Service to picket, strike, sit-in, go slow, demonstrate or do any act which prejudices or compromises the mandate of the police.

(4) A police officer who contravenes this section commits an offence against discipline and, on conviction, may be dismissed from the Police Service or given such lesser penalty as the Commission or National Commissioner may determine.

Offences by persons not being members of the Police Service.

69. (1) Any person not being a member of the Police Service commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand Emalangeni (E5,000) or to imprisonment for a period not exceeding two years or both, if that person—

- (a) by word, conduct or demeanour impersonates, pretends to be a member of the Police Service;
- (b) puts on or wears a Royal Eswatini Police uniform or a uniform or item of a uniform which by design and colour, including badges and accoutrements, resembles that of the Royal Eswatini Police and which makes any reasonable person to believe that such person is a police officer;
- (c) conspires with or induces or attempts to induce a police officer to omit to carry out the duties of that officer or any other officer or to do any act in conflict with the duty of an officer;
- (d) delivers or supplies to a police officer, whilst that officer is on duty, intoxicating liquor for social purposes or for any other reason falling outside the duties of the officer;
- (e) is a party to, aids, abets or incites the commission of an act whereby any lawful order given to a police officer may be evaded;
- (f) causes or attempts to cause dissatisfaction amongst members of the police service;
- (g) obstructs a police officer in the execution of the duties of that officer in terms of this Act or any other law;
- (h) knowingly—
 - (i) obtains, buys, exchanges or receives from a police officer or deserter, or from another person acting on behalf of such officer or deserter; or
 - (ii) obtains, buys, exchanges or receives from any person who has no authority to give, sell or exchange such;

- (iii) solicits or entices a police officer or deserter, knowing the person to be an officer or deserter, to sell, make away with or dispose of; or
 - (iv) steals or keeps in the possession of that person and without lawful excuse, arms, ammunition, vehicle or other equipment, dog or other animal, clothing, accoutrements, medals, appointments, food, rations or other appointments furnished for the use of the Police Service;
- (i) knowingly employs the police by raising a false alarm wasting police time, energy and resources;
- (j) with a corrupt mind directly or indirectly demands, or accepts or offers any advantage to a police officer whether for the benefit of that person or any other person as an inducement to, or a reward for, or otherwise on account of the police officer;
- (k) uses or directs insulting or defamatory language through descriptions, misdemeanour or gestures or by any other representation to a police officer or police officers on duty, including abuse or misuse of any official facility in the care of police officers on duty.

Prosecution of offenders.

70. Nothing in this Act shall prevent a person from being prosecuted otherwise than under the provisions of this Act in any case where such person would be liable to be so prosecuted and a person acquitted of any offence under this Act shall not be liable to be tried again for an offence arising out of the same facts.

Disciplinary action after acquittal on criminal charges.

71. Where a police officer has been acquitted on a criminal charge, such acquittal shall not operate as a bar to disciplinary proceedings being instituted against such officer arising out of the same facts if such facts disclose a disciplinary offence under this Act.

Private employment forbidden.

72. (1) A police officer shall not, without the consent of the National Commissioner, engage in any employment, private trade or business whatsoever and depending on the nature of that business which may have to be performed immediately, the officer shall immediately thereafter inform the National Commissioner of the business or engagement and further seek advice or condonation.

(2) The National Commissioner shall withhold consent where the nature of the business does or is likely to conflict with police duties.

(3) The National Commissioner shall periodically review the decision on the business, employment or trade under this section giving due regard to changing circumstances and the issue of conflict of interest.

(4) A police officer who contravenes subsection (1) shall be charged with a disciplinary offence as is provided under section 49.

Unlawful possession of property.

73. Any person who receives or who possess any animal, arms, ammunition, accoutrements, clothing, vehicle or equipment, knowing such thing to have been sold, pledged, lent or otherwise disposed of in contravention of this Act or regulations made under the Act, commits an offence and shall, on conviction, be liable to a fine not exceeding two thousand Emalangeni or imprisonment not exceeding twelve months or both.

Attachment of Government property prohibited.

74. Government property in the possession of the Police Service, a member of the Police Service or in the possession of any other person or wherever it may be found shall not be seized or attached under any writ of execution sued out against the Government, Police Service or a member of the Police Service nor shall it pass under any order made for the sequestration of the estate of a member of the police service.

No execution or attachment to be issued for Government property.

75. (1) A Court or any other person or authority shall have no power to seize, attach or sell in execution of a writ or court order or such other authority any Government property in the custody, possession of a police officer, Police Service or wherever it is found except where the sale is authorised by this Act or under the fiscal laws relating to the authorised disposal of Government property by public auction.

(2) No execution or attachment or like process shall be issued for the property or thing specified under section 74 held or in the possession of a police officer or other person which is the property of Government and any such execution, attachment or order shall have no force of law from the onset or beginning and section 4 the Government Liabilities Act, No. 2 of 1967 shall be applicable to any process of this nature.

(3) A transaction carried out in contravention of this section shall have no legal binding effect, that is to say, it shall be illegal and have no force of law from the beginning.

(4) A person who purports to attach, seize or dispose of any Government property in contravention of this section shall be liable for any damage that may be caused to the property and for any loss that may be suffered by Government or any person claiming from Government as a result of the purported attachment, seizure or sale.

Assignment of pay.

76. (1) A police officer shall not assign, without the approval of the National Commissioner, the whole or part of any pay or allowance payable by Government as remuneration to the officer.

(2) An assignment done in contravention of this section shall be illegal and shall have no force of law and the assignor shall be liable to disciplinary proceedings.

Limitations of actions.

77. (1) For the protection of persons acting in pursuance of this Act or regulations made under the Act, any civil action against any such person in respect of anything done or omitted to be done in pursuance thereof shall be commenced within six months after the cause of action arises, and a notice of demand shall be given to the Attorney General and a copy to the National

Commissioner at least two months before the commencement of the said action.

(2) Subject to any other applicable law a court may, for good cause shown and proof of which shall lie upon the applicant, extend the said period of six months.

Powers with regard to fires and other dangers

78. (1) A police officer may break without the consent of any person into and enter upon any land, premises, vehicle, place or thing of whatever description being or appearing to be or so threatened or in danger from fire or other calamity of whatever nature.

(2) Upon entering, the officer may do all acts or things deemed to be necessary for extinguishing such fire, preventing or mitigating the danger or calamity including protection to life, property or thing and rescuing any person, property or thing so found in such a place or thing.

(3) A police officer may call upon any person who is above eighteen years but below sixty (60) years for assistance in carrying out the duties being imposed by this section.

(4) In carrying out the duties being imposed by this section; a police officer may close a street or direct the removal of any person who in his opinion interferes with extinguishing of the fire.

(5) No action shall lie in any court of law against any police officer or any other person acting on the instructions of any police officer for the recovery of any damage caused in exercising the power conferred upon him by subsection (1) unless it is proved that such damage was caused negligently.

(6) Any person who, without reasonable excuse, refuses a call by any police officer to assist in quelling a fire, or to give assistance at the scene of a fire, shall be guilty of an offence, and liable on conviction to a fine of one thousand Emalangeni or to imprisonment for a period of twelve months, or to both.

(7) Any person who interferes with any member of the Police Service who is engaged in extinguishing and controlling a fire or with any person acting under the instructions of such member, shall be guilty of an offence and liable on conviction to a fine of one thousand Emalangeni (E1, 000) or imprisonment for a period of twelve months, or to both.

Protection of information with the police.

79. (1) A police officer or the Commission shall not release information which has come to the knowledge or possession of a police officer during the course of the discharge and exercise of the duties, functions and powers of a police officer under section 13 to any person without the authorisation of the National Commissioner or a court.

(2) Where the information sought to be released is contained in a written statement or document made to the police, unless it is for security reasons, it shall not be released without the prior written consent of its maker or a court after reviewing it orders that it be released.

Making of sketches and taking of photographs.

80. (1) A person shall not, without the written authority of the National Commissioner—

- (a) make a sketch or take a photograph of a person who is in lawful detention, custody or who is a fugitive of the law or lawful custody unless such sketch or photograph relates to criminal proceedings; or
- (b) publish or cause to be published a sketch or photograph of a witness or person under the age of eighteen years where the identity of the person could be exposed to members of the public;
- (c) publish or cause to be published a sketch or photograph of an accused person or expose the identity of a person suspected to have committed a crime before an identification parade is held or where the identity or appearance of such person would form part of the criminal proceeding.

(2) A person who is not certain whether that person shall be violating this section or not, may seek the permission or directions of the National Commissioner or the court before making the sketch or taking the photograph or publishing the sketch or photograph.

(3) A person who contravenes this section commits an offence and on conviction shall be liable to a fine not exceeding five thousand Emalangeni (E5, 000) or to imprisonment for a period not exceeding eighteen (18) months.

Unclaimed property.

81. (1) A police officer shall, as soon as practicable, report to the National Commissioner or to such other officer so authorised by the National Commissioner any property coming to that officer's notice, knowledge, possession or control which is reasonably believed to have been lost, stolen or abandoned.

(2) The National Commissioner or such authorised officer shall keep an appropriate record, in such a manner as the National Commissioner may prescribe, of all property reasonably believed to have been lost, stolen or abandoned whether or not it is in the possession or under the control of the Police Service.

(3) If after six (6) months the property has not been claimed, the National Commissioner shall within twenty-one days after the end of the six months make an ex parte application, giving a full description of the property, to a Magistrate for an order that the property be—

- (a) sold by public auction and the proceeds to be paid into the Police Rewards and Fines Fund; or
- (b) destroyed, if the property has no value or is worthless, dangerous, not saleable or for just reasons needs to be destroyed

(4) The Magistrate hearing the application may, if satisfied that the property has not been lawfully claimed within the period of six months or the property or thing ought to be destroyed, grant the order requested or any other appropriate order.

(5) The National Commissioner shall, on receiving an order under subsection (4)—

- (a) issue or cause to be issued a notice of sale of the property to be published once in the Government Gazette and in all or selected public notice boards in the country (and in any other media where the National Commissioner deems it necessary); and

(b) sell the property by public auction, after fourteen (14) days from the date publication of the notice, to the highest bidder at the place, date and time which shall be specified in the notice.

(6) Notwithstanding anything in this section, if a police officer in charge of a police station in an area where the property is found, is of the opinion that the immediate sale of the property which is perishable would be for the benefit of the owner when found, the police officer may at any time direct that it be sold by public auction to the highest bidder.

(7) The proceeds under subsection (6) shall be paid into the Police Rewards and Fines Fund and where a lawful claim to the ownership of such property is made by any person within six months of the date of such sale the proceeds shall be paid to such lawful claimant.

(8) Where no claim is made after the operation of subsections (5), (6) and (7), the National Commissioner may direct that a certain portion of the proceeds of the sale be given to the finder of the lost or unclaimed property.

(9) Nothing in this section shall authorise the sale or destruction of intoxicating liquor, articles, containers or anything seized under the Liquor Licences Act but in terms of that Act or the sale of a motor vehicle the disposal of which provision is made in the Theft of Motor Vehicle Act, 1991 or other law.

PART VIII **WELFARE, REWARDS AND FINES FUNDS**

Establishment of Welfare funds.

82. (1) The National Commissioner shall have power to establish a police welfare fund including but not limited to a police burial fund and sports for the purpose of catering for social needs and interests of the members of the Police Service.

(2) A member of the fund may subscribe with or without Government subsidy.

(3) The administration and control of a fund established under subsection (1) shall vest in the National Commissioner who shall periodically provide an audited financial and performance report to the Minister and the general membership of the Police Service.

Establishment of Rewards and Fines Fund.

83. (1) There is established a fund in terms of the law relating to the establishment of Government funds to be known as the Rewards and Fines Fund.

(2) All fines imposed under this Act for an offence against discipline, the proceeds of sale of unclaimed property under section 81 and any fees paid, or donations made in respect of special services provided by the Police Service shall be paid into the Rewards and Fines Fund.

(3) No payment shall be made from the Fund except upon the authority of the National Commissioner.

(4) The National Commissioner may, if appropriate and funds are available, authorise payment from the Fund for any of the following, provided that a payment shall not be made where the provision of such has been budgeted or approved from the Consolidated Fund—

- (a) the provision of assistance to the spouses and families of deceased police officers or to assist any police officer discharged from the force as medically unfit for further service;
- (b) as rewards to police officers for meritorious acts of bravery whereby life has been saved, property secured from loss or destruction or such similar acts of bravery, if such rewards are not paid for from other sources of Government revenue;
- (c) general welfare of police officers including purchase of coffins for deceased police officers;
- (d) provision of loans in special circumstances to police officers and repayable as provided for in Government financial regulations or such other law applicable to public servants;
- (e) provision for prizes and incentives for competitions involving members of the Police Service including marksmanship for police recruits;
- (f) to reward officers who are required to carry out extra duties where a charge is made in connection with the extra duties;
- (g) purchase of sports equipment and recreation requisites for police officers and such other employees in the Police Service;
- (h) payments in terms of section 81 (7); and
- (i) other payments that are authorised in the regulations made under this section.

(5) The Minister in consultation with the National Commissioner and Minister responsible for Finance may make regulations for the effective administration of the Fund.

PART IX **INSURANCE COVER FUND**

Establishment of Insurance Cover Fund.

84. (1) There shall be established an Insurance Cover Fund whose objectives will be to compensate and accord appropriate medical attention to police officers who are injured or killed in the line of duty.

(2) The Minister in consultation with the Minister responsible for finance will make and promulgate rules and regulations of accessibility and eligibility to the Fund as well as procedures for compensation and providing medical attention to officer.

Property of an officer damaged in line of duty.

85. (1) In the event the property of a police officer which is kept on the police premises is damaged through an act of sabotage or terrorism, where such act is associated with the employment of that officer in the Police Service, the officer shall be eligible to claim and be compensated for the damaged property at expense of the Government.

(2) The Minister, in consultation with the Minister for Finance and the National Commissioner will make and promulgate rules, procedures and regulations of accessibility and eligibility claim for compensation.

Damaged Private Property of officer.

86. (1) In the event private property of a police officer, which may include a privately owned homestead, is damaged through an act of sabotage or terrorism where such is proved to be associated with the employment of that police officer in the Police Service, such officer shall be eligible to compensation at expense of the Government.

**PART X
MISCELLANEOUS**

Annual and other reports.

87 (1) The National Commissioner shall submit—

- (a) quarterly Performance Reports where they become due; and
- (b) not later than the last day of March of each calendar year, a Police Annual Report, to the Minister who shall lay every such report before both Houses of Parliament for consideration during budget debates and at any other time if so required.

(2) The National Commissioner shall, after the end of each calendar year, submit a Police Annual Report and Corporate Operational Plan to the Commission and a copy to the Minister.

Rewards and recognition.

88. (1) The Commission or National Commissioner may, after consultation with the Minister make an appropriate award to any member of the Police service or other person for meritorious service in the interest of the Service.

(2) Notwithstanding the provision of Regulations 18 to 19 of The Orders, Decorations and Medals Regulations 1971, the National Commissioner may institute, constitute and create decorations and medals, as well as bars, clasps and ribbons in respect of such decorations and medals, which may be awarded by the Commissioner - in - Chief to any member of the Police Service or other person who has rendered exceptional service to the Service.

Payment for other police services.

89. (1) The National Commissioner shall determine whether a particular function, duty or service falls within the scope of the normal and generally accepted responsibilities of the Service and, if such function, duty or service does not fall within such scope, it shall subject to subsection (2), be performed only on such conditions as may be determined by the National Commissioner whether to assign police officers for free or on a specified fee in consultation with the Minister responsible for Finance.

(2) Notwithstanding the provisions of subsection (1), the National Commissioner may authorize that any function, duty or service be performed free of charge on behalf of any deserving charity or in any case considered to be of general, cultural or educational interest.

Protection of uniform, badges of rank and insignias.

90. (1) The Minister after consultations with the National Commissioner shall, by notice published in the Gazette, make a precise description and a pictorial representation or design of uniforms, badges of ranks and insignias for the exclusive use by members of the Police Service.

(2) Any person who without due authority wears or uses any uniform, decoration, medal, badge or ribbon supplied to or authorised for use by the Police Service, or any uniform, decoration, medal, badge or ribbon so nearly resembling them as to be calculated to deceive, commits an offence and, shall on conviction, be liable to a fine not exceeding ten thousand Emalangeni (E10, 000-00) or, in default of payment, imprisonment not exceeding three (3) years.

(3) Any person who falsely represents himself by act or word to be a person who is or has been entitled to use or wear such uniform, decoration, medal or badge commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand Emalangeni (E10, 000-00) or, in default of payment, imprisonment not exceeding three (3) years.

(4) Any person not serving in the Police Service, who wears or displays, with or without permission, the uniform or any dress having the appearance or other distinctive marks of any such uniform, in such manner or under such circumstances as to be likely to bring contempt or ridicule on such uniform or service of the Police Service or who employs any other person to wear or display such uniform or dress, commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand Emalangeni (E10, 000-00) or, in default of payment, imprisonment not exceeding three (3) years.

(5) Any person who –

- (a) forges, alters or tampers with a police discharge certificate, exemption certificate, passport or other official document, or uses or has in the possession of that person any such forged, altered or irregular discharge certificate, passport or other official document;
- (b) impersonates or falsely represents himself to be or not to be a person to whom such discharge certificate, exemption certificate, passport or other official document has been duly issued, or knowingly makes a false statement with intent to obtain any such discharge certificate, exemption certificate, passport or other official document, whether for himself or any person; or,
- (c) is found in unlawful possession of any discharge certificate, exemption certificate, passport or other official document;

commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand Emalangeni (E10, 000-00) or, in default of payment, imprisonment not exceeding three (3) years.

Burden of proof.

91. Where an act under section 87 is an offence done without lawful authority or excuse, the burden of proving that such act was done with lawful authority or excuse shall rest on the person accused.

Evidence.

92. Every document purporting to be an order or instrument issued by a competent police authority and to be signed by such authority, duly certified copies thereof shall be received in evidence and be deemed to be such order or instrument without further proof, unless the contrary is shown.

Unauthorised access to or modification of computer material.

93. (1) In this section—

“access to computer” includes access by whatever means to any program or data contained in the random access memory of a computer or stored by any computer on any storage medium, whether such storage medium is physically attached to the computer or not, where such storage medium belongs to or is under the control of the Service;

“contents of any computer” includes the physical components of any computer as well as any program or data contained in the random access memory of a computer or stored by any computer on any storage medium, whether such storage medium is physically attached to the computer or not, where such storage medium belongs to or is under the control of the Service;

“modification” includes both a modification of a temporary or permanent nature; and

“unauthorized access” includes access by a person who is authorized to use the computer but is not authorized to gain access to a certain program or to certain data held in such computer or is unauthorized, at the time the access is gained, to gain access to such computer, program or data.

(2) Any person who intentionally gains unauthorized access to any computer which belongs to or is under the control of the Police Service or to any program or data held in such a computer, or in a computer to which only certain or all members have restricted or unrestricted access in their capacity as members, commits an offence and shall, on conviction, be liable to a fine or to imprisonment for a period not exceeding two years.

(3) Any person who intentionally causes a computer which belongs to or is under the control of the Police Service or to which only certain or all members have restricted or unrestricted access in their capacity as members, to perform a function while such person is not authorized to cause such computer to perform such function, commits an offence and shall, on conviction be liable to a fine or to imprisonment for a period not exceeding five years.

(4) Any person who intentionally performs an act which causes an unauthorized modification of the contents of any computer which belongs to or is under the control of the Service or to which only certain or all members have restricted or unrestricted access in their capacity as members with the intention to—

- (a) impair the operation of any computer or of any program in any computer or of the operating system of any computer or the reliability of data held in such computer;
or
- (b) prevent or hinder access to any program or data held in any computer,

commits an offence and shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding ten years.

(5) Any act or event for which proof is required for a conviction of an offence in terms of this section which was committed or took place outside Eswatini shall be deemed to have been committed or have taken place in Eswatini.

(6) Notwithstanding the provisions of subsection (5)–

- (a) where the accused was in Eswatini at the time the accused performed the act or any part thereof by means of which the accused gained or attempted to gain unauthorized access to the computer, caused the computer to perform a function or modified or attempted to modify its contents;
- (b) where the computer, by means of or with regard to which the offence was committed, was in Eswatini at the time the accused performed the act or any part thereof by means of which the accused gained or attempted to gain unauthorized access to the computer, caused it to perform a function or modified or attempted to modify the contents of that computer; or
- (c) where the accused was a citizen of Eswatini the time of the commission of the offence.

General penalty.

94. Any person who contravenes any provision of this Act for which no penalty is expressly provided, shall be liable to a fine not exceeding two thousand Emalangeni or to imprisonment for a period not exceeding twelve months or to such other higher penalties as the court may deem fit.

Regulations.

95. (1) The Minister may, after consultations with the National Commissioner or the Commission or both, make regulations for the better carrying out the provisions of this Act and the general control and administration of the Police Service and without prejudice to the generality of the foregoing, may–

- (a) make provision regarding the matters which the National Commissioner is authorised to order under this Act;
- (b) provide for the establishment, constitution, functions and procedure of police associations and matters incidental thereto;
- (c) regulate the procedure for disciplinary trials held under section 49;
- (d) regulate the enlistment, promotion, pay, pensions, leave, compensation under medical insurance for death and injury in the course of duty, conditions of service, transfer, discharge and dismissal of police officers;
- (e) provide for the administration and maintenance of the Police Service specially and generally;

- (f) provide for the working relationship between the National Commissioner and the Commission and procedures both parties may have to adhere to for effective discharge of their duties and powers;
- (g) provide for payment of salaries, allowances and gratuity for the Commission;
- (h) provide for compensation to police officers whose property has been lost or damaged in relation to the police service;
- (i) prescribe anything which by this Act may be prescribed.

(2) Anything not provided for under this Act shall be governed by the law or regulations applicable to public servants.

Transitional provisions.

96. (1) Anything lawfully done under the repealed Police Act No. 29 of 1957 shall be continued under the provisions of this Act.

(2) Any Regulations made under the repealed Police Act shall continue, with such modifications as may be required to be in conformity with this Act, in force until repealed.

Repeal.

97. (1) The Police Act No. 29 of 1957 is repealed.

(2) For the avoidance of any doubt, any law related to the work of the Civil Service Commission in relation to the Police Service shall, subject to section 92, not apply.

SCHEDULE

(Under Section 7)

Rank Structure

1. The Police Service shall, unless the Minister otherwise directs on advice of the National Commissioner, consist of the following ranks—

(a) **Senior Rank-**

- (i) National Commissioner;
- (ii) Senior Deputy National Commissioner;
- (iii) Deputy National Commissioner;
- (iv) Assistant National Commissioner;
- (v) Senior Assistant Commissioner;
- (vi) Assistant Commissioner;
- (vii) Chief Superintendent;

- (viii) Senior Superintendent;
- (ix) Superintendent;
- (x) Assistant Superintendent; and
- (xi) Cadet Assistant Superintendent;

(b) Inspectorate-

- (i) Chief Inspector;
- (ii) Inspector;
- (iii) Cadet Inspector;
- (iv) Assistant Inspector; and
- (v) Cadet Assistant Inspector;

(c) Subordinate Officers-

- (i) Senior Sergeant;
- (ii) Sergeant; and
- (iii) Cadet Sergeant;

(d) Junior Officers-

- (i) Constable; and
- (ii) Cadet Constable;

(e) Constabulary-

Special constable; and

- (f) Any other ranks that may be determined by the National Commissioner of Police in consultation with the Minister and published in the Gazette.

Insignia and badges.

2. The insignia and badges of ranks in the Royal Eswatini Police Service shall be in accordance to the following ranks unless directed otherwise by the National Commissioner—

- (a) National Commissioner of Police; cross tipstaves surrounded by a wreath and surmounted by four stars and Inyoni badge;
- (b) Senior Deputy National Commissioner of Police; cross tipstaves surrounded by a wreath and surmounted by three stars and Inyoni badge;

- (c) Deputy National Commissioner of Police; crossed tipstaves surrounded by a wreath and surmounted by two stars and Inyoni;
- (d) Assistant National Commissioner of Police; crossed tipstaves surrounded by a wreath and surmounted by three stars;
- (e) Senior Assistant Commissioner of Police: crossed tipstaves surrounded by a wreath and surmounted by two stars;
- (f) Assistant Commissioner of Police: crossed tipstaves surrounded by a wreath and surmounted by one star;
- (g) Chief Superintendent: three stars surmounted by an Inyoni badge or crown;
- (h) Senior Superintendent: two stars surmounted by an Inyoni badge or crown;
- (i) Superintendent: one star surmounted by an Inyoni badge or crown;
- (j) Assistant superintendent: Inyoni badge or crown;
- (k) Chief Inspector: three stars;
- (l) Inspector: two stars;
- (m) Assistant Inspector: on star;
- (n) Senior Sergeant: four (4) stripped chevrons surmounted by a miniature Police badge;
- (o) Sergeant: force numerals and three striped chevrons;
- (p) Constable: force numerals;
- (q) Police Chaplain; shall wear such approved epaulettes and insignia and badges as may be specified the National Commissioner of Police; and
- (r) Police nurses shall wear the distinguishing device consisting of cloth epaulettes of the approved colour approved by the Council in terms of the Nurses and Midwives Act of 1965 or its successor and shall affix to the approved epaulettes the insignia and badges of ranks as specified in subsection (1).

LEGAL NOTICE NO. 121 OF 2018

THE ESWATINI TELEVISION AUTHORITY ACT, 1983 .
(Act No. 1 of 1983)

THE APPOINTMENT OF MEMBERS OF THE BOARD FOR
THE ESWATINI TELEVISION AUTHORITY (AMENDMENT) NOTICE, 2018
(Under Section 5)

In exercise of the powers conferred by Section 5 of the Eswatini Television Authority Act, 1983, the Minister for Information, Communications and Technology issues the following Notice-

Citation and Commencement

1. (1) This Notice may be cited as the Appointment of Members of the Board for the Eswatini Television Authority (Amendment) Notice, 2018 and shall be read as one with Legal Notice No. 155 of 2015.

(2) This Notice shall be deemed to have come into effect on the 1st July 2018.

Amendment of Legal Notice No. 155 of 2015

2. Legal Notice No.155 of 2015 is amended in section 2 by deleting paragraphs (g) and (h) and replacing them with new paragraphs (g) and (h) as follows-

“(g) **Andreas S. Dlamini** - **Member; and**

(h) **Moses Langwenya** - **Member”**

Term of Office

3. The term of office for the members in section 2 paragraphs (g) and (h) is for a period not exceeding three (3) years with effect from the 1st July 2018.

D. C. NDLANGAMANDLA

MINSTER FOR INFORMATION, COMMUNICATIONS AND TECHNOLOGY