



# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

### REPUBLIC OF SOUTH AFRICA

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#### PROKLAMASIES

*van die Staatspresident van die Republiek van Suid-Afrika*

No. R. 213, 1977

TREEKSOWERHEDE IN DIE GEBIED VAN DIE SWAZI - GEBIEDSOWERHEID. — TOEWYSING VAN HUL BEVOEGDHEDE, WERKSAAMHEDE EN PLIGTE AAN, EN DIE OORGAAN VAN HUL ASSETS, LASTE, REGTE EN VERPLIGTINGS OP DIE SWAZI-GEBIEDSOWERHEID

Kragtens die bevoegdheid my verleen by—

(i) artikel 7 (1) (g) van die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), wys ek hierby aan die Swazi-gebiedsowerheid toe, behoudens die bepalings van enige regulasies, toepaslike wetgewing en die opdragte van die Minister van Bantoe-administrasie en -ontwikkeling, die bevoegdhe, werksaamhede en pligte verleen aan streeksowerhede in die gebied van genoemde Swazi-gebiedsowerheid ingevolge die bepalings van subparagrafe (i) tot en met (vi) van artikel 5 (1) (b) van genoemde Wet op Bantoe-owerhede, 1951, en in die Bylae hiervan uiteengesit;

(2) artikel 25 van die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), verklaar ek hierby dat—

(a) ondanks andersluidende bepalings in enige ander wet vervat, al die bates, laste, regte en verpligtings van streeksowerhede in die gebied van die Swazi-gebiedsowerheid, behoudens sodanige voorwaardes as wat die Minister van Bantoe-administrasie en -ontwikkeling mag bepaal, op die Swazi-gebiedsowerheid oorgaan en vir hom bindend word; en

(b) alle roerende en onroerende eiendom van voornoemde streeksowerhede, sonder betaling van hereregte, seëlregte of ander vordering, op die Swazi-gebiedsowerheid oorgaan, maar steeds behoudens enige vordering, verpligting of trust wat ten opsigte van sodanige eiendom bestaan of wat dit andersins wettiglik raak.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Vyftiende dag van April Eenduisend Negehoenderd Sewe-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

59387—A

#### PROCLAMATIONS

*by the State President of the Republic of South Africa*

No. R. 213, 1977

REGIONAL AUTHORITIES IN THE AREA OF THE SWAZI TERRITORIAL AUTHORITY.— ASSIGNMENT OF THEIR POWERS, FUNCTIONS AND DUTIES TO, AND VESTING OF THEIR ASSETS, LIABILITIES, RIGHTS AND OBLIGATIONS IN THE SWAZI TERRITORIAL AUTHORITY

Under and by virtue of the powers vested in me—

(1) by section 7 (1) (g) of the Bantu Authorities Act, 1951 (Act 68 of 1951), I hereby assign to the Swazi Territorial Authority, subject to the provisions of any regulations, relevant law and to the directions of the Minister of Bantu Administration and Development, the powers, functions and duties vested in regional authorities in the area of the said Swazi Territorial Authority in terms of the provisions of subparagraphs (i) to (vi), inclusive, of section 5 (1) (b) of the said Bantu Authorities Act, 1951, and set forth in the Schedule hereto;

(2) by section 25 of the Bantu Administration Act, 1927 (Act 38 of 1927), I hereby declare that—

(a) notwithstanding anything to the contrary in any other law contained, all the assets, liabilities, rights and obligations of regional authorities in the area of the Swazi Territorial Authority shall, subject to such conditions as the Minister of Bantu Administration and Development may determine, vest in and become binding upon the Swazi Territorial Authority; and

(b) all property, movable and immovable, of the aforementioned regional authorities shall vest without payment of transfer duty, stamp duty or any other charge in the Swazi Territorial Authority, but subject always to any charge, obligation or trust existing in respect of or otherwise lawfully affecting such property.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Fifteenth day of April, One thousand Nine hundred and Seventy-seven.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

5742—1

## BYLAE

## BEVOEGDHEDE, WERKSAAMHEDE EN PLIGTE VAN STREEKSOWERHEDE IN DIE GEBIED VAN DIE SWAZI-GEBIEDSOWERHEID WAT AAN DIE SWAZI-GEBIEDSOWERHEID TOEGEWYS IS

1. Die daarstelling, instandhouding, bestuur van en beheer oor opvoedkundige inrigtings, en die bevordering van skool- en ander onderwys.
2. Die aanlê en instandhouding van paaie, brûe, afvoerkanaale, damme, vore en werke wat die Swazi-gebiedsowerheid nodig ag vir gesondheidsdoeleindes of ter versekering van bevredigende watervoorraade of voorkoming of bestryding van gronderosie.
3. Die bestryding van veesiektes deur die aanlê, instandhouding en bediening van dipbakke en op enige ander wyse wat die Swazi-gebiedsowerheid nodig ag.
4. Die oprigting, instandhouding, bestuur van en beheer oor hospitale, klinieke en ander soortgelyke inrigtings.
5. Die verbetering van boerdery- en landboumetodes oor die algemeen.
6. Bosaanplanting.

No. R. 214, 1977

## INSTELLING VAN KANGWANE- WETGEWENDE VERGADERING

Nademaal die Swazi-gebiedsowerheid, ingestel by Goewermentskennisgewing R. 2249 van 28 November 1975, behoorlik geraadpleeg is soos bepaal by die Grondwet van die Bantoeuistlande, 1971 (Wet 21 van 1971);

So is dit dat ek, kragtens die bevoegdheid my verleen by artikels 1, 2 en 5 van genoemde Grondwet van die Bantoeuistlande, 1971, hierby—

(a) met ingang van 1 Oktober 1977 (hieronder genoem die vasgestelde datum) 'n wetgewende vergadering instel vir die gebied omskryf in Bylae I hiervan, wat bekend sal staan as die KaNgwane-Wetgewende Vergadering;

(b) bepaal dat die KaNgwane- Wetgewende Vergadering, behoudens die bepalings van paragraaf (d), met ingang van die vasgestelde datum saamgestel word op die wyse uiteengesit in Deel II van Bylae II hiervan;

(c) bepaal dat, behoudens die bepalings van paragraaf (d) en (e), die Uitvoerende Raad vir genoemde gebied met ingang van die vasgestelde datum saamgestel word op die wyse uiteengesit in die bepalings van Deel V van Bylae II hiervan;

(d) bepaal dat enige persoon wat onmiddellik voor die vasgestelde datum 'n Lid, Voorzitter, Ondervoorzitter, Hoof-Uitvoerende Beampte of ander lid van die Uitvoerende Komitee van die Swazi-gebiedsowerheid is, 'n Lid, Voorzitter, Ondervoorzitter, Hoof-Uitvoerenderaadslid of Uitvoerenderaadslid, na gelang van die geval, van die KaNgwane- Wetgewende Vergadering is;

(e) bepaal dat die ampstermyn van enige persoon wat kragtens paragraaf (d) 'n ampsdraer van die KaNgwane- Wetgewende Vergadering is, op die datum verstryk waarop sy ampstermyn met betrekking tot die Swazi-gebiedsowerheid sou verstryk het indien dié owerheid nie ontbind was nie en dat, vir die berekening van die datum ooreenkomstig hierdie paragraaf, 'n sessie van die KaNgwane- Wetgewende Vergadering geag word 'n sessie van die Swazi-gebiedsowerheid te wees;

(f) bepaal dat die sessies van, die prosedure by sittings van, aangeleenthede met betrekking tot die Voorzitter en Ondervoorzitter van, en die hou van rekords en Notules en ordelyste deur die KaNgwane- Wetgewende Vergadering ooreenkomstig die bepalings vervat in Dele III, IV, VI en VIII van Bylae II, gereël word;

## SCHEDULE

## POWERS, FUNCTIONS AND DUTIES OF REGIONAL AUTHORITIES IN THE AREA OF THE SWAZI TERRITORIAL AUTHORITY ASSIGNED TO THE SWAZI TERRITORIAL AUTHORITY

1. The establishment, maintenance, management and control of educational institutions, and the advancement of scholastic and other education.
2. The construction and maintenance of roads, bridges, drains, dams, furrows and any works which the Swazi Territorial Authority may consider necessary for purpose of sanitation or for ensuring satisfactory water supply or for preventing or combating soil erosion.
3. The control of stock diseases by the construction, maintenance and operation of dipping tanks and in any other manner the Swazi Territorial Authority may consider necessary.
4. The establishment, maintenance, management and control of hospitals, clinics and other similar institutions.
5. The improvement of farming and agricultural methods generally.
6. Afforestation.

No. R. 214, 1977

## ESTABLISHMENT OF KANGWANE LEGISLATIVE ASSEMBLY

Whereas the Swazi Territorial Authority, established by Government Notice R. 2249, dated 28 November 1975, has been duly consulted as provided for in the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

Now, therefore, under and by virtue of the powers vested in me by sections 1, 2 and 5 of the said Bantu Homelands Constitution Act, 1971, I hereby—

(a) establish, with effect from 1 October 1977 (hereinafter referred to as the fixed date), a legislative assembly for the area defined in Schedule 1 hereto to be known as the KaNgwane Legislative Assembly;

(b) determine that the KaNgwane Legislative Assembly shall, subject to the provisions of paragraph (d), with effect from the fixed date, be constituted in the manner set out in Part II of Schedule II hereto;

(c) determine that, subject to the provisions of paragraphs (d) and (e), the Executive Council for the said area shall, with effect from the fixed date, be constituted in the manner set out in the provisions contained in Part V of Schedule II hereto;

(d) determine that any person who immediately prior to the fixed date is a Member, Chairman, Deputy Chairman, Chief Executive Officer or other Member of the Executive Committee of the Swazi Territorial Authority shall be a member, Chairman, Deputy Chairman, Chief Executive Councillor or Executive Councillor, as the case may be, of the KaNgwane Legislative Assembly;

(e) determine that the period of office of any person who in terms of paragraph (d) is an office-bearer of the KaNgwane Legislative Assembly shall expire on the date on which his period of office in relation to the Swazi Territorial Authority would have expired if that authority had not been dissolved, and that, for the purpose of calculating the date in terms of this paragraph, a session of the KaNgwane Legislative Assembly shall be deemed to be a session of the Swazi Territorial Authority;

(f) determine that the sessions of, the procedure at sittings of, matters relating to the Chairman and Deputy Chairman of, and the keeping of records, Votes and Proceedings, and order papers by the KaNgwane Legislative Assembly, shall be regulated in accordance with the provisions contained in Parts III, IV, VI and VIII of Schedule II;



(g) bepaal dat Deel VIII van Bylae II op lede van die KaNgwane- Wetgewende Vergadering van toepassing is;

(h) bepaal dat die bepalings van Deel VIII van Bylae II van toepassing is op die gebruik van ampelike tale in KaNgwane;

(i) bepaal dat die bepalings van Deel VII van Bylae II met betrekking tot kapteins, in KaNgwane geld;

(j) bepaal dat die bepalings van Deel I van Bylae II op Bylae II van toepassing is; en

(k) met ingang van die vasgestelde datum, Hoofstuk IV van die Bylae van Proklamasie R. 267 van 1975 herroep.

Hierdie Proklamasie heet die KaNgwane-grondwet-proklamasie, 1977.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Vyftiende dag van April Eenduisend Negehoonderd Sewe-en-sewentig.

J. DIEDERICH, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

#### BYLAE I

#### GEBIED VAN DIE KANGWANE- WETGEWENDE VERGADERING

Die gebied bestaande uit—

(a) die gebiede van die volgende streeksowerhede:

(i) Die Mlondozi-streeksowerheid, waarvan die instelling bekendgemaak is by Goewermentskennisgewing 1865 van 3 Oktober 1975, soos gewysig by Goewermentskennisgewings R. 2349 van 12 Desember 1975 en R. 661 van 15 April 1976;

(ii) die Legogote Nsikazi-streeksowerheid, waarvan die instelling bekendgemaak is by Goewermentskennisgewing 1826 van 2 November 1962, soos gewysig by Goewermentskennisgewings 1525 van 3 September 1971 en R. 1622 van 3 September 1976;

(iii) die Nkomazi-streeksowerheid, waarvan die instelling bekendgemaak is by Goewermentskennisgewing 2134 van 31 Desember 1959; en

(iv) die Mswati-streekowerheid, waarvan die instelling bekendgemaak is by Goewermentskennisgewing R. 2392 van 19 Desember 1975;

(b) die volgende Suid-Afrikaanse Bantoetrustplase:

(g) determine that Part VIII of Schedule II shall apply to members of the KaNgwane Legislative Assembly;

(h) determine that the provisions of Part VIII of Schedule II shall apply to the use of official languages in KaNgwane;

(i) determine that the provisions of Part VII of Schedule II relating to chiefs, shall apply in KaNgwane;

(j) determine that the provisions of Part I of Schedule II shall apply to Schedule II; and

(k) repeal, with effect from the fixed date, Chapter IV of the Schedule to Proclamation R. 267 of 1975.

This Proclamation shall be called the KaNgwane Constitution Proclamation, 1977.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Fifteenth day of April, One thousand Nine hundred and Seventy-seven.

N. DIEDERICH, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

#### SCHEDULE I

#### AREA OF THE KANGWANE LEGISLATIVE ASSEMBLY

The area comprising—

(a) the areas of the following regional authorities:

(i) The Mlondozi Regional Authority, the establishment of which was made known by Government Notice 1865, dated 3 October 1975, as amended by Government Notices R. 2349, dated 12 December 1975, and R. 661 dated 15 April 1976;

(ii) the Legogote Nsikazi Regional Authority, the establishment of which was made known by Government Notice 1826, dated 2 November 1962, as amended by Government Notices 1525, dated 3 September 1971, and R. 1622 dated 3 September 1976;

(iii) the Nkomazi Regional Authority, the establishment of which was made known by Government Notice 2134, dated 31 December 1959; and

(iv) the Mswati Regional Authority, the establishment of which was made known by Government Notice R. 2392, dated 19 December 1975;

(b) the following South African Bantu Trust farms:

| <i>Naam en nommer van plaas</i> | <i>Distrik</i> | <i>Omvang</i>                                                             |
|---------------------------------|----------------|---------------------------------------------------------------------------|
| Louieville, 325 JU.....         | Barberton..... | Resterende gedeelte.                                                      |
| Ooruitzicht, 374 JU.....        | Barberton..... | In geheel.                                                                |
| Oudgenoeg, 738 JT.....          | Barberton..... | In geheel.                                                                |
| Hooggenoeg, 731 JT.....         | Barberton..... | In geheel.                                                                |
| Jeluk, 732 JT.....              | Barberton..... | In geheel.                                                                |
| Doornhoek, 157 IT.....          | Barberton..... | In geheel.                                                                |
| Laaggenoeg, 158 IT.....         | Barberton..... | In geheel.                                                                |
| Kortbegrip, 168 JT.....         | Carolina.....  | Gedeeltes 1 en 2 en resterende gedeelte.                                  |
| Grootboom, 167 IT.....          | Carolina.....  | In geheel.                                                                |
| Dunbar, 383 JU.....             | Barberton..... | In geheel.                                                                |
| Aviaanskloof, 387 JU.....       | Barberton..... | In geheel.                                                                |
| Hooggenoeg, 160 IT.....         | Barberton..... | In geheel.                                                                |
| Overberg, 1 IU.....             | Barberton..... | In geheel.                                                                |
| Oodorst, 2 IU.....              | Barberton..... | In geheel.                                                                |
| Cromdraai, 4 IU.....            | Carolina.....  | In geheel.                                                                |
| Diepgezet, 388 JU.....          | Barberton..... | In geheel.                                                                |
| Nooitgezien, 3 IU.....          | Barberton..... | In geheel.                                                                |
| Kranskop, 5 IU.....             | Carolina.....  | In geheel.                                                                |
| Maanhaar, 6 IU.....             | Carolina.....  | In geheel.                                                                |
| Steynsburg, 166 IT.....         | Carolina.....  | In geheel.                                                                |
| Bothiertoe, 7 IU.....           | Carolina.....  | In geheel.                                                                |
| Kalverkraal, 8 IU.....          | Carolina.....  | In geheel.                                                                |
| Tjakastad, 730 JT.....          | Carolina.....  | In geheel, met uitsluiting van die resterende gedeelte.                   |
| Theespruit, 156 IT.....         | Barberton..... | In geheel.                                                                |
| Toningklip, 154 JT.....         | Carolina.....  | Gedeelte 3.                                                               |
| Varnhemburg, 155 IT.....        | Carolina.....  | Gedeeltes 1 en 2, resterende gedeelte en westelike helfte van Gedeelte 3. |
| Varnhemburg, 155 IT.....        | Carolina.....  | Gedeelte 4 en oostelike helfte van Gedeelte 3.                            |
| Brandybal, 171 IT.....          | Carolina.....  | In geheel.                                                                |

| <i>Naam en nommer van plaas</i> | <i>Distrik</i> | <i>Omvang</i>                                                                                                                            |
|---------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Eerste Hoek, 172 IT.....        | Carolina.....  | Suidelike helfte van Gedeelte 4 en van Gedeelte 2.<br>Resterende gedeelte, noordelike helfte van Gedeelte 4 en Gedeelte 2.<br>In geheel. |
| Uitgevonden, 170 IT.....        | Carolina.....  | Gedeeltes 1, 2 en 6 en Resterende Gedeelte 7.                                                                                            |
| Mooiplaats, 185 IT.....         | Carolina.....  | Resterende gedeelte.                                                                                                                     |
| Aankomst, 191 IT.....           | Carolina.....  | In geheel.                                                                                                                               |
| Lochiel, 192 IT.....            | Ermelo.....    | Gedeeltes 1, 2, 3, 4, 5, 6 en 7 en resterende gedeelte.                                                                                  |
| Belvidere, 209 IT.....          | Ermelo.....    | In geheel.                                                                                                                               |
| Roodewal, 169 IT.....           | Carolina.....  | In geheel.                                                                                                                               |
| Moddergat, 186 IT.....          | Carolina.....  | In geheel.                                                                                                                               |
| Vlakplaats, 187 IT.....         | Carolina.....  | Resterende gedeelte.                                                                                                                     |
| Tygerkloof, 193 IT.....         | Carolina.....  | In geheel.                                                                                                                               |
| Hartebeestkop, 190 IT.....      | Carolina.....  | Resterende Gedeeltes 1 en 2.                                                                                                             |
| Witklip, 188 IT.....            | Carolina.....  | In geheel.                                                                                                                               |
| Houtbosch, 189 IT.....          | Carolina.....  | Gedeeltes 1, 2 en 6 en resterende gedeelte.                                                                                              |
| Oshoek, 212 IT.....             | Carolina.....  | In geheel, met uitsluiting van Gedeelte 1.                                                                                               |
| Zwalunest, 211 IT.....          | Ermelo.....    | Gedeelte 2, resterende gedeelte.                                                                                                         |
| Bettysgoed, 213 IT.....         | Ermelo.....    | In geheel, met uitsluiting van die resterende gedeelte.                                                                                  |
| Dundonald, 210 IT.....          | Ermelo.....    | Gedeeltes 1, 2, 3, 4, 6 en 7 en resterende gedeelte.                                                                                     |
| Glenmore, 215 IT.....           | Ermelo.....    | Gedeeltes 1, 3 en 4 en resterende gedeelte.                                                                                              |
| Hereford, 217 IT.....           | Ermelo.....    | Gedeeltes 1, 3, 4, 5, 6, 8, 9, 10 en 11.                                                                                                 |
| Redhill, 216 IT.....            | Ermelo.....    | Oostelike helfte.                                                                                                                        |
| Ardentinnny, 207 IT.....        | Ermelo.....    | In geheel.                                                                                                                               |
| Mayflower, 218 IT.....          | Ermelo.....    | Gedeeltes 1, 2, 4, 5, 7, 8, 9, 10 en 11.                                                                                                 |
| Robbinsdale, 214 IT.....        | Ermelo.....    | Gedeeltes 2, 3 en 4 en resterende gedeelte.                                                                                              |
| Waverley, 240 IT.....           | Ermelo.....    | Gedeelte 2, resterende gedeelte.                                                                                                         |
| Dumbarton, 242 IT.....          | Ermelo.....    | Gedeelte 3.                                                                                                                              |
| Caithness, 239 IT.....          | Ermelo.....    | Gedeelte 1.                                                                                                                              |
| Izindonga, 238 IT.....          | Ermelo.....    | Resterende Gedeeltes 2 en 4 en Gedeeltes 1, 5 en 6.                                                                                      |
| Fernie, 243 IT.....             | Ermelo.....    | In geheel.                                                                                                                               |
| Diepdal, 244 IT.....            | Ermelo.....    | Oostelike helfte van Gedeelte 1 en resterende gedeelte en westelike helfte van Gedeelte 1.                                               |
| The Chine, 259 IT.....          | Ermelo.....    | Gedeeltes 1 en 3 en resterende gedeelte.                                                                                                 |
| Northdene, 247 IT.....          | Ermelo.....    | Gedeelte 2.                                                                                                                              |
| Daviddale, 255 IT.....          | Ermelo.....    | In geheel, met uitsluiting van Gedeeltes 3 en 5.                                                                                         |
| Syde, 258 IT.....               | Ermelo.....    | Gedeelte 11.                                                                                                                             |
| Stafford, 399 IT.....           | Ermelo.....    | Resterende gedeelte.                                                                                                                     |
| Sigambule, 216 JU.....          | Witrivier..... | Gedeelte 1 en resterende gedeelte.                                                                                                       |
| Nyamasaan, 137 JU.....          | Nelspruit..... | Gedeelte 22, resterende gedeelte van Gedeelte A, Gedeeltes B, C, D, E, F, G; en                                                          |
| Broedersvrede, 136 JU.....      | Nelspruit..... |                                                                                                                                          |

## (c) Die gebiede van die volgende dorpe:

|                  |                                                                                                       |
|------------------|-------------------------------------------------------------------------------------------------------|
| Kabokweni.....   | Soos bepaal en afgesonder by Goewermentskennisgewing 3098 van 1969 en geleë in die distrik Witrivier. |
| kaMaqhekeza..... | Soos bepaal en afgesonder by Goewermentskennisgewing 820 van 1972 en geleë in die distrik Barberton.  |
| Kamhlushwa.....  | Soos bepaal en afgesonder by Goewermentskennisgewing 1423 van 1973 en geleë in die distrik Barberton. |
| Kanyamazane..... | Soos bepaal en afgesonder by Goewermentskennisgewing 1390 van 1968 en geleë in die distrik Nelspruit. |
| Matsulu.....     | Soos bepaal en afgesonder by Goewermentskennisgewing 1747 van 1970 en geleë in die distrik Nelspruit. |

| <i>Name and number of farm</i> | <i>District</i> | <i>Extent</i>                                                                                              |
|--------------------------------|-----------------|------------------------------------------------------------------------------------------------------------|
| Louieville, 325 JU.....        | Barberton.....  | Remaining extent.                                                                                          |
| Vooruitzicht, 374 JU.....      | Barberton.....  | The whole.                                                                                                 |
| Goudgenoeg, 738 JT.....        | Barberton.....  | The whole.                                                                                                 |
| Hooggenoeg, 731 JT.....        | Barberton.....  | The whole.                                                                                                 |
| Geluk, 732 JT.....             | Barberton.....  | The whole.                                                                                                 |
| Doornhoek, 157 IT.....         | Barberton.....  | The whole.                                                                                                 |
| Laaggenoeg, 158 IT.....        | Barberton.....  | The whole.                                                                                                 |
| Kortbegrip, 168 JT.....        | Carolina.....   | Portion 1 and 2 and remaining extent.                                                                      |
| Grootboom, 167 IT.....         | Carolina.....   | The whole.                                                                                                 |
| Dunbar, 383 JU.....            | Barberton.....  | The whole.                                                                                                 |
| Baviaanskloof, 387 JU.....     | Barberton.....  | The whole.                                                                                                 |
| Hooggenoeg, 160 IT.....        | Barberton.....  | The whole.                                                                                                 |
| Overberg, 1 IU.....            | Barberton.....  | The whole.                                                                                                 |
| Soodorst, 2 IU.....            | Barberton.....  | The whole.                                                                                                 |
| Kromdraai, 4 IU.....           | Carolina.....   | The whole.                                                                                                 |
| Diepgezet, 388 JU.....         | Barberton.....  | The whole.                                                                                                 |
| Nooitgezien, 3 IU.....         | Barberton.....  | The whole.                                                                                                 |
| Kranskop, 5 IU.....            | Carolina.....   | The whole.                                                                                                 |
| Maanhaar, 6 IU.....            | Carolina.....   | The whole.                                                                                                 |
| Steynsburg, 166 IT.....        | Carolina.....   | The whole.                                                                                                 |
| Tothiertoe, 7 IU.....          | Carolina.....   | The whole.                                                                                                 |
| Kalverkraal, 8 IU.....         | Carolina.....   | The whole.                                                                                                 |
| Tjakastad, 730 JT.....         | Carolina.....   | The whole, excluding the remaining extent.                                                                 |
| Theespruit, 156 IT.....        | Barberton.....  | The whole.                                                                                                 |
| Honingklip, 154 JT.....        | Carolina.....   | Portion 3.                                                                                                 |
| Aarnhemburg, 155 IT.....       | Carolina.....   | Portions 1 and 2, remaining extent and western half of Portion 3.                                          |
| Aarnhemburg, 155 IT.....       | Carolina.....   | Portion 4 and eastern half of Portion 3.                                                                   |
| Brandybal, 171 IT.....         | Carolina.....   | The whole.                                                                                                 |
| Eerste Hoek, 172 IT.....       | Carolina.....   | Southern half of Portion 4 and of Portion 2.<br>Remaining extent northern half of Portion 4 and Portion 2. |
| Uitgevonden, 170 IT.....       | Carolina.....   | The whole.                                                                                                 |
| Mooiplaats, 185 IT.....        | Carolina.....   | Portions 1, 2 and 6 and Remaining Extent 7.                                                                |
| Aankomst, 191 IT.....          | Carolina.....   | Remaining extent.                                                                                          |
| Lochiel, 192 IT.....           | Ermelo.....     | The whole.                                                                                                 |
| Belvidere, 209 IT.....         | Ermelo.....     | Portions 1, 2, 3, 4, 5, 6 and 7 and remaining extent.                                                      |
| Roodewal, 169 IT.....          | Carolina.....   | The whole.                                                                                                 |
| Moddergat, 186 IT.....         | Carolina.....   | The whole.                                                                                                 |
| Vlakplaats, 187 IT.....        | Carolina.....   | The whole.                                                                                                 |
| Tygerkloof, 193 IT.....        | Carolina.....   | Remaining extent.                                                                                          |
| Hartebeestkop, 190 IT.....     | Carolina.....   | The whole.                                                                                                 |
| Witklip, 188 IT.....           | Carolina.....   | Remaining Extent 1 and 2.                                                                                  |
| Houtbosch, 189 IT.....         | Carolina.....   | The whole.                                                                                                 |



| <i>Name and number of farm</i> | <i>District</i> | <i>Extent</i>                                                                     |
|--------------------------------|-----------------|-----------------------------------------------------------------------------------|
| shoek, 212 IT.....             | Carolina.....   | Portions 1, 2 and 6 and remaining extent.                                         |
| walunest, 211 IT.....          | Ermelo.....     | The whole, excluding Portion 1.                                                   |
| ettysgoed, 213 IT.....         | Ermelo.....     | Portion 2, remaining extent.                                                      |
| undonald, 210 IT.....          | Ermelo.....     | The whole, excluding the remaining extent.                                        |
| lenmore, 215 IT.....           | Ermelo.....     | Portions 1, 2, 3, 4, 6 and 7 and remaining extent.                                |
| lereford, 217 IT.....          | Ermelo.....     | Portions 1, 3 and 4 and remaining extent.                                         |
| edhill, 216 IT.....            | Ermelo.....     | Portions 1, 3, 4, 5, 6, 8, 9, 10 and 11.                                          |
| rdentinny, 207 IT.....         | Ermelo.....     | Eastern half.                                                                     |
| ayflower, 218 IT.....          | Ermelo.....     | The whole.                                                                        |
| obbinsdale, 214 IT.....        | Ermelo.....     | Portions 1, 2, 4, 5, 7, 8, 9, 10 and 11.                                          |
| vaverley, 240 IT.....          | Ermelo.....     | Portions 2, 3 and 4 and remaining extent.                                         |
| umbarton, 242 IT.....          | Ermelo.....     | Portion 2, remaining extent.                                                      |
| aitness, 239 IT.....           | Ermelo.....     | Portion 3.                                                                        |
| zindonga, 238 IT.....          | Ermelo.....     | Portion 1.                                                                        |
| ernie, 243 IT.....             | Ermelo.....     | Remaining Extent 2 and 4, Portions 1, 5 and 6.                                    |
| iepdal, 244 IT.....            | Ermelo.....     | The whole.                                                                        |
| he Chine, 259 IT.....          | Ermelo.....     | Eastern half of Portion 1 and remaining extent and the western half of Portion 1. |
| Northdene, 247 IT.....         | Ermelo.....     | Portions 1 and 3 and remaining extent.                                            |
| Daviddale, 255 IT.....         | Ermelo.....     | Portion 2.                                                                        |
| dyde, 258 IT.....              | Ermelo.....     | The whole, excluding Portions 3 and 5.                                            |
| tafford, 399 IT.....           | Ermelo.....     | Portion 11.                                                                       |
| igambule, 216 JU.....          | Witriver.....   | Remaining extent.                                                                 |
| nyamasaan, 137 JU.....         | Nelspruit.....  | Portion 1 and remaining extent.                                                   |
| roedersvrede, 136 JU.....      | Nelspruit.....  | Portion 22, remaining portion of Portion A, Portions B, C, D, E, G; and           |

## (c) the areas of the following towns:

|                  |                                                                                                       |
|------------------|-------------------------------------------------------------------------------------------------------|
| Kabokweni.....   | As set apart and defined by Government Notice 3098 of 1969 and situated in the District of Witriver.  |
| aMaqhekeza.....  | As set apart and defined by Government Notice 820 of 1972 and situated in the District of Barberton.  |
| amhlushwa.....   | As set apart and defined by Government Notice 1423 of 1973 and situated in the District of Barberton. |
| Kanyamazane..... | As set apart and defined by Government Notice 1390 of 1968 and situated in the District of Nelspruit. |
| Matsulu.....     | As set apart and defined by Government Notice 1747 of 1970 and situated in the District of Nelspruit. |

## BYLAE II

## DEEL I

*Woordomskeywing*

1. In hierdie bepalings, tensy uit die samehang anders olyk, het 'n uitdrukking waaraan 'n betekenis geheg is in die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), die Wet op Burgerskap van Bantoetuislande, 1970 (Wet 26 van 1970), en die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951), die betekenis aldus daaraan geheg en beteken—

“geheime stemming” ’n stemming gehou ingevolge die bepalings van reël 7 (4) van die Reglement van Orde van die KaNgwane- Wetgewende Vergadering: Met dien verstande dat, in die geval van ’n ongeletterde lid, sodanige lid die reg het om ’n lid van die Wetgewende Vergadering te benoem om hom met die invul van sy stembrief by te staan;

“KaNgwane” die gebied waarvoor die KaNgwane- Wetgewende Vergadering ingestel is;

“Kommissaris-generaal” die Kommissaris-generaal vir die Swazi-volkseenheid, aangestel ingevolge die Wet op die Bevordering van Bantoe-selfbestuur, 1959 (Wet 46 van 1959);

“Ondervoorsitter” die Ondervoorsitter van die Wetgewende Vergadering, in artikel 21 bedoel;

“Sekretaris van die Wetgewende Vergadering” die Sekretaris van die Wetgewende Vergadering aangestel ingevolge reël 52 van die Reglement van Orde van die KaNgwane- Wetgewende Vergadering;

“Voorsitter” die Voorsitter van die Wetgewende Vergadering in artikel 21 bedoel; en

“Wetgewende Vergadering” die KaNgwane- Wetgewende Vergadering.

## DEEL II

*Die Wetgewende Vergadering**Samestelling van wetgewende vergadering*

2. (1) Die Wetgewende Vergadering bestaan uit 36 lede wat aangestel word op die wyse uiteengesit in subartikel (2).

(2) Elke streeksowerheid binne die gebied van die Wetgewende Vergadering stel uit hul geledere nege persone aan: Met dien verstande dat sodanige nege persone uit minstens een lid van elke samestellende stamowerheid of

## SCHEDULE II

## PART I

*Definitions*

1. In these provisions, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970), and the Bantu Authorities Act, 1951 (Act 68 of 1951), bears the meaning so assigned thereto, and—

“Chairman” means the Chairman of the Legislative Assembly referred to in section 21;

“Commissioner-General” means the Commissioner-General for the Swazi National Unit, appointed in terms of the Promotion of Bantu Self-government Act, 1959 (Act 46 of 1959);

“Deputy Chairman” means the Deputy Chairman of the Legislative Assembly referred to in section 21;

“KaNgwane” means the area for which the KaNgwane Legislative Assembly has been established;

“Legislative Assembly” means the KaNgwane Legislative Assembly; and

“secret ballot” means a ballot conducted in terms of the provisions of rule 7 (4) of the Rules of Procedure of the KaNgwane Legislative Assembly: Provided that in the case of an illiterate member, such member shall have the right to nominate a member of the Legislative Assembly to assist him in completing his ballot paper; and

“Secretary of the Legislative Assembly” means the Secretary of the Legislative Assembly appointed in term of rule 52 of the rules of Procedure of the KaNgwane Legislative Assembly.

## PART II

*The Legislative Assembly**Constitution of Legislative Assembly*

2. (1) The Legislative Assembly shall consist of 36 members appointed in the manner set out in subsection (2).

(2) Each regional authority within the area of the Legislative Assembly shall appoint from among its members nine persons: Provided that such nine persons shall consist of at least one member of each constituent tribal

gemeenskapowerheid van sodanige streeksowerheid, waarvan drie kapteins moet wees, bestaan: Met dien verstande verder dat indien minder as drie kapteins lede van sodanige streeksowerheid is, al sodanige kapteins aldus aangestel word.

(3) Die ampstermyn van 'n lid van die Wetgewende Vergadering is vyf jaar, wat begin op die eerste dag waarop die Wetgewende Vergadering sit nadat hy 'n lid geword het: Met dien verstande dat enige toevallige vakature aangevul word deur die aanstelling van 'n lid ingevolge subartikel (2) vir die onverstreke tydperk van die ampstermyn van sy voorganger.

#### *Kennisgewing deur Sekretaris van die Wetgewende Vergadering*

3. Die Sekretaris van die Wetgewende Vergadering moet die Kommissaris-generaal en die Ouditeur-generaal in kennis stel van die name van die lede van die Wetgewende Vergadering.

#### *Diskwalifikasie van lede*

4. (1) Geen persoon is bevoeg om as lid van die Wetgewende Vergadering aangestel te word of lid daarvan te bly nie indien hy—

- (a) onder die ouderdom van 21 jaar is;
- (b) nie 'n burger van KaNgwane is nie;
- (c) in KaNgwane of elders in die Republiek of in die gebied Suidwes-Afrika skuldig bevind is—
  - (i) aan hoogverraad; of
  - (ii) aan moord; of
  - (iii) aan enige ander misdryf en daarvoor gevonnisd is tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete (uitgesonderd aanhouding totdat die hof verdaag), of bevel is om kragtens enige wetsbepaling betreffende rehabilitasiesentrums aangehou te word, en genoemde tydperk nie verstryk het nie of bedoelde bevel nie finaal opgehou het om van krag te wees nie; of

(d) onderworpe is aan 'n hofbevel waarby hy krankinnig of geestesongesteld verklaar is of aangehou word kragtens die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973).

(2) Vir die doeleindes van subartikel (1) (c) word 'n persoon wat ten volle begenadig is, geag nie aan die betrokke misdryf skuldig bevind te gewees het nie, en beteken 'n tydperk van gevangenisstraf die hele termyn van 'n vonnis tot gevangenisstraf, al is die vonnis in die geheel of gedeeltelik opgeskort of kwytgeskeld.

#### *Termyn van Wetgewende Vergadering*

5. Die termyn van elke Wetgewende Vergadering is vyf jaar vanaf die datum van die eerste sittingsdag van die eerste sessie: Met dien verstande dat die Staatspresident op versoek van die Wetgewende Vergadering by proklamasie in die *Staatskoerant* die Wetgewende Vergadering kan ontbind voordat genoemde tydperk van vyf jaar verstryk het.

#### *Ontruiming van setels*

6. Die setel van 'n lid van die Wetgewende Vergadering word geag ontruim te wees—

- (a) by die afsterwe van sodanige lid;
- (b) by die aanvaarding deur die Uitvoerende Raad van 'n kennisgewing van bedanking onder die handtekening van sodanige lid;
- (c) indien sodanige lid ingevolge artikel 4 (1) (b), (c) of (d) onbevoeg word om 'n lid van die Wetgewende Vergadering te bly;
- (d) indien sodanige lid wat 'n kaptein is, ophou om 'n kaptein te wees.

authority or community authority of such regional authority, of whom three shall be chiefs: Provided further that if less than three chiefs are members of such regional authority, all such chiefs shall be so appointed.

(3) The period of office of a member of the Legislative Assembly shall be five years commencing on the first day on which the Legislative Assembly sits after he has become a member: Provided that any casual vacancy shall be filled by the appointment in terms of subsection (2) of a member for the unexpired period of office of his predecessor.

#### *Notice by Secretary of the Legislative Assembly*

3. The Secretary of the Legislative Assembly shall advise the Commissioner-General and the Auditor-General of the names of the members of the Legislative Assembly.

#### *Disqualification of members*

4. (1) No person shall be qualified to be appointed member of the Legislative Assembly or to remain a member thereof if he—

- (a) is under the age of 21 years;
- (b) is not a citizen of KaNgwane;
- (c) has been convicted in KaNgwane or elsewhere in the Republic or in the Territory of South-West Africa—
  - (i) of treason; or
  - (ii) of murder; or
  - (iii) of any other offence and sentenced therefor to a term of imprisonment without the option of a fine (other than detention until the rising of the court), or ordered to be detained under any law relating to rehabilitation centres, and the said period has not expired or such order has not finally ceased to be operative; or
- (d) is subject to an order of court declaring him to be of unsound mind or mentally ill or is detained in terms of the Mental Health Act, 1973 (Act 18 of 1973).

(2) For the purposes of subsection (1) (c), a person who has been granted a free pardon shall be deemed not to have been convicted of the offence concerned, and a term of imprisonment shall mean the full term of a sentence of imprisonment, notwithstanding any suspension or remission of the whole or any portion of the sentence.

#### *Life of Legislative Assembly*

5. The life of every Legislative Assembly shall be five years from the date of the first sitting day of its first session: Provided that the State President may, at the request of the Executive Council, dissolve the Legislative Assembly by proclamation in the *Gazette* before the expiration of the said period of five years.

#### *Vacating of seats*

6. The seat of a member of the Legislative Assembly shall be deemed to have been vacated—

- (a) upon the death of such member;
- (b) upon acceptance by the Executive Council of a notice of resignation under the hand of such member;
- (c) if such member becomes disqualified in terms of section 4 (1) (b), (c) or (d) to remain a member of the Legislative Assembly;
- (d) if such member being a chief, ceases to be a chief.



*Aanvul van toevallige vakatures*

7. Indien die setel van 'n lid van die Wetgewende Vergadering ingevolge artikel 6 vakant raak, moet sodanige vakature binne drie maande nadat dit vakant geraak het, aangevul word soos in artikel 2 bepaal: Met dien verstande dat die vakature nie aangevul word nie indien die termyn van die Wetgewende Vergadering binne sodanige drie maande verstryk.

## DEEL III

*Sessies van Wetgewende Vergadering*

8. (1) Daar moet minstens een maal in elke jaar 'n gewone sessie van die Wetgewende Vergadering plaasvind sodat daar nie 'n tydperk van meer as 15 maande tussen die laaste sittingsdag van die Wetgewende Vergadering in een gewone sessie en sy eerste sittingsdag in die volgende gewone sessie verloop nie: Met dien verstande dat die Minister kan goedkeur dat 'n sessie na die verloop van die tydperk van 15 maande gehou word.

(2) 'n Buitengewone sessie van die Wetgewende Vergadering kan te eniger tyd, en moet, indien die Minister dit gelas, deur die Uitvoerende Raad byeengeroep word, en op sodanige buitengewone sessie mag slegs dié sake wat die Hoof-Uitvoerenderaadslid aan die Wetgewende Vergadering voorlê of goedkeur, behandel word: Met dien verstande dat indien sodanige buitengewone sessie op las van die Minister byeengeroep word, slegs die sake wat die byeenroeping van die buitengewone sessie nodig maak het, bespreek word.

(3) Elke sessie van die Wetgewende Vergadering word gehou op sodanige plek as wat die Uitvoerende Raad bepaal en moet begin op 'n datum en tyd deur die Uitvoerende Raad bepaal.

(4) Die Sekretaris van die Wetgewende Vergadering moet skriftelik minstens 42 dae voor 'n gewone sessie en minstens sewe dae voor 'n buitengewone sessie van die Wetgewende Vergadering die lede en die Kommissaris-generaal in kennis stel van die datum en tyd bepaal vir en die sake wat behandel moet word op sodanige sessie.

(5) Die Kommissaris-generaal kan enige sessie van die Wetgewende Vergadering bywoon en die Voorsitter moet die Kommissaris-generaal so dikwels as wat laasgenoemde dit nodig ag, die geleentheid bied om die Wetgewende Vergadering toe te spreek in verband met enige saak in oorweging of wat oorweeg moet word deur die Wetgewende Vergadering.

## DEEL IV

*Prosedure in Wetgewende Vergadering**Prosedure*

9. (1) Alle kwessies wat in die Wetgewende Vergadering ontstaan, word beslis deur 'n meerderheid van stemme van die aanwesige lede, uitgesonderd die lid wat op die sitting voorsit, welke persoon 'n beslissende stem het en dit uitoefen in die geval van 'n staking van stemme.

(2) Enige getal lede wat meer is as die helfte van die getal lede van die Wetgewende Vergadering, maak 'n kworum uit.

(3) Behoudens die bepalings van hierdie Proklamasie en die Reglement van Orde van die Wetgewende Vergadering, is daar vryheid van spraak en debat op sittings van die Wetgewende Vergadering.

(4) Behoudens die bepalings van sy Reglement van Orde, is die verrigtinge van die Wetgewende Vergadering oop vir die publiek.

(5) Die Voorsitter of die Ondervoorsitter sit voor op alle sittings van die Wetgewende Vergadering of, as sowel die Voorsitter as die Ondervoorsitter weens afwesigheid of om 'n ander rede nie op 'n sitting kan voorsit nie, moet die aanwesige lede onder die voorsitterskap van

*Filling of casual vacancies*

7. Should the seat of a member of the Legislative Assembly become vacant in terms of section 6, the vacancy shall be filled as provided in section 2 within three months of its arising: Provided that the vacancy shall not be filled if the life of the Legislative Assembly shall expire within such three months.

## PART III

*Sessions of Legislative Assembly*

8. (1) There shall be an ordinary session of the Legislative Assembly at least once in every year so that a period of not more than 15 months shall intervene between the last sitting day of the Legislative Assembly in one ordinary session and its first sitting day in the next ordinary session: Provided that the Minister may approve of a session being held after the expiration of the period of 15 months.

(2) A special session of the Legislative Assembly may at any time, and shall, if the Minister so directs, be called by the Executive Council, and at such special session only such matters as the Chief Executive Councillor may lay before the Legislative Assembly or approve shall be dealt with: Provided that if such special session be called by direction of the Minister only the matters necessitating the calling of the special session shall be discussed.

(3) Every session of the Legislative Assembly shall be held at such place as the Executive Council may determine and shall commence on a date and time fixed by the Executive Council.

(4) The Secretary of the Legislative Assembly shall in writing not less than 42 days prior to an ordinary session and not less than seven days prior to a special session of the Legislative Assembly inform the members and the Commissioner-General of the date and time fixed for, and the matters to be dealt with at such session.

(5) The Commissioner-General may attend any sitting of the Legislative Assembly and the Chairman shall afford the Commissioner-General as often as the latter may deem it necessary, the opportunity of addressing the Legislative Assembly in regard to any matter under consideration or to be considered by the Legislative Assembly.

## PART IV

*Procedure in Legislative Assembly**Procedure*

9. (1) All questions, arising in the Legislative Assembly shall be determined by a majority of votes of the members present, other than the member presiding at the sitting, who shall have and exercise a casting vote in the case of an equality of votes.

(2) Any number of members exceeding half the number of members of the Legislative Assembly shall form a quorum.

(3) Subject to the provisions of this Proclamation and the Rules of Procedure of the Legislative Assembly, there shall be freedom of speech and debate at sittings of the Legislative Assembly.

(4) The proceedings of the Legislative Assembly shall, subject to its Rules of Procedure, be open to the public.

(5) The Chairman or the Deputy Chairman shall preside at all sittings of the Legislative Assembly or if both the Chairman and the Deputy Chairman are unable, through absence or other cause, to preside at a sitting, the members present shall, with the Secretary of the Legisla-

die Sekretaris van die Wetgewende Vergadering een van die lede benoem om op sodanige sitting voor te sit: Met dien verstande dat die Sekretaris van die Wetgewende Vergadering gedurende die eerste sessie van 'n nuwe vergadering voorsit totdat 'n voorsitter gekies is.

#### *Eed wat lede moet aflê*

10. (1) Elke lid van die Wetgewende Vergadering moet, voordat hy sy plek inneem, voor die Kommissaris-generaal of 'n persoon deur die Minister aangewys, op 'n sitting van die Wetgewende Vergadering 'n eed in die volgende vorm aflê en onderteken:

Ek, A.B., sweer dat ek die Grondwet van KaNgwane en alle ander wette van toepassing in KaNgwane sal respekteer en handhaaf en ek beloof plegtig om my pligte as lid van die KaNgwane- Wetgewende Vergadering na my beste vermoë te vervul.

So help my God.

(2) Geen lid van die Wetgewende Vergadering mag op enige sitting van die Wetgewende Vergadering sy plek inneem of stem nie tot tyd en wyl hy die eed op die wyse by subartikel (1) voorgeskryf, afgelê en onderteken het.

### DEEL V

#### *Die Uitvoerende Raad*

##### *Samestelling van Uitvoerende Raad*

11. (1) Die Uitvoerende Raad bestaan uit 'n Hoof-Uitvoerenderaadslid en vier ander lede.

(2) Minstens twee lede van die Uitvoerende Raad moet kapteins wees.

##### *Verkiesing van die Hoof-Uitvoerenderaadslid*

12. Onmiddellik nadat al die lede wat op die sitting van die Wetgewende Vergadering aanwesig is die eed in artikel 10 (1) bedoel, afgelê en onderteken het, gaan die Wetgewende Vergadering oor tot die verkiesing van 'n Hoof-Uitvoerenderaadslid.

##### *Wyse van verkiesing van Hoof-Uitvoerenderaadslid*

13. (1) Nominasies van kandidate vir verkiesing tot Hoof-Uitvoerenderaadslid word op die sitting van die Wetgewende Vergadering waarop die verkiesing moet plaasvind, deur die Sekretaris van die Wetgewende Vergadering gevra.

(2) Elke nominasie vereis sekondering en moet skriftelik voorgelê word en onderteken wees deur die voorsteller, die sekondant en ook deur die genomineerde persoon.

(3) Die name van persone wat behoorlik genomineer is, moet onmiddellik daarna deur die Sekretaris van die Wetgewende Vergadering afgekondig word.

(4) Indien daar ten opsigte van enige verkiesing slegs een nominasie ontvang word, word die betrokke kandidaat deur die Sekretaris van die Wetgewende Vergadering behoorlik verkose verklaar.

(5) Waar meer as een kandidaat vir verkiesing genomineer word, vind 'n geheime stemming plaas waarby elke lid wat op die betrokke sitting van die Wetgewende Vergadering aanwesig is een stem het, en 'n kandidaat ten gunste van wie 'n meerderheid van al die stemme wat uitgebring is, aangeteken word, word deur die Sekretaris van die Wetgewende Vergadering behoorlik verkose verklaar.

(6) Indien geen kandidaat 'n meerderheid verkry van al die stemme wat aldus uitgebring is nie, word die kandidaat wat die minste stemme gekry het, uitgeskakel en 'n verdere stemming ten opsigte van die oorblywende kandidate gehou, en hierdie prosedure word herhaal so dikwels as wat nodig is, totdat 'n kandidaat 'n meerderheid verkry van al die stemme wat uitgebring word en behoorlik verkose verklaar word.

tive Assembly as presiding officer, nominate one of the members to preside at such sitting: Provided that the Secretary of the Legislative Assembly shall preside at the first session of a new assembly until a chairman is elected.

#### *Oath to be taken by members*

10. (1) Every member of the Legislative Assembly shall before taking his seat make and subscribe before the Commission-General or a person designated by the Minister, at a sitting of the Legislative Assembly an oath in the following form:

I, A.B., do swear to respect and uphold the constitution of KaNgwane and all other laws applicable in KaNgwane and solemnly promise to perform my duties as a member of the Legislative Assembly of KaNgwane to the best of my ability.

So help me God.

(2) No member of the Legislative Assembly shall sit or vote at any sitting of the Legislative Assembly until he has made and subscribed the oath in the form prescribed in subsection (1).

### PART V

#### *The Executive Council*

##### *Constitution of Executive Council*

11. (1) The Executive Council shall consist of a Chief Executive Councillor and four other members.

(2) At least two members of the Executive Council shall be chiefs.

##### *Election of Chief Executive Councillor*

12. Immediately after all the members present at the sitting of the Legislative Assembly have made and subscribed the oath referred to in section 10 (1), the Legislative Assembly shall proceed to the election of a Chief Executive Councillor.

##### *Manner of election of Chief Executive Councillor*

13. (1) Nominations of candidates for election as Chief Executive Councillor shall be called for by the Secretary of the Legislative Assembly at the sitting of the Legislative Assembly at which the election is to take place.

(2) Every nomination requires seconding and shall be submitted in writing and shall be signed by the nominator, a seconder and also by the person nominated.

(3) The names of the persons duly nominated shall immediately thereafter be announced by the Secretary of the Legislative Assembly.

(4) If in respect of any election only one nomination is received, the Secretary of the Legislative Assembly shall declare that candidate duly elected.

(5) Where more than one candidate is nominated for election, a vote shall be taken by secret ballot, each member of the Legislative Assembly present at the sitting in question having one vote and a candidate in whose favour a majority of all the votes cast is recorded shall be declared duly elected by the Secretary of the Legislative Assembly.

(6) If no candidate obtains a majority of all the votes so cast, the candidate who received the smallest number of votes shall be eliminated and a further ballot taken in respect of the remaining candidates, this procedure being repeated as often as may be necessary until a candidate receives a majority of all the votes cast and is declared duly elected.



(7) Wanneer twee of meer kandidate dieselfde getal stemme behaal het, en een van dié kandidate vir die doeleindes van subartikel (6) uitgeskakel moet word, bepaal die lede van die Wetgewende Vergadering by afsonderlike stemming, wat indien nodig herhaal word maar nie meer as drie keer nie, watter van dié kandidate uitgeskakel moet word en indien daar na die derde stemming nog 'n staking van stemme is, gaan die Sekretaris daartoe oor om deur loting op die wyse deur hom beslis, te bepaal watter kandidaat uitgeskakel moet word.

#### *Aanstelling van ander Uitvoerenderaadslede*

14. Die ander lede van die Uitvoerende Raad word, behoudens die bepalings van artikel 11 (2), deur die Hoof-Uitvoerenderaadslid aangestel uit die lede van die Wetgewende Vergadering binne 'n tydperk van sewe dae na die datum waarop die Hoof-Uitvoerenderaadslid ingevolge artikel 13 verkies is: Met dien verstande dat elke streeksowerheid binne die gebied van die Wetgewende Vergadering deur minstens een lid in die Uitvoerende Raad verteenwoordig word.

#### *Eed vir Uitvoerenderaadslede*

15. Elke Uitvoerenderaadslid, met inbegrip van die Hoof-Uitvoerenderaadslid, moet, voordat hy sy amp as sodanig aanvaar, voor die Voorsitter of die Ondervoorsitter van die Wetgewende Vergadering 'n eed in die volgende vorm aflê en onderteken:

Ek, A.B., sweer hierby dat ek my amp as Uitvoerenderaadslid van die KaNgwane- Wetgewende Vergadering op eervolle en waardige wyse sal beklee; dat ek die Grondwet van KaNgwane en alle wette wat van toepassing is in die gebied ten opsigte waarvan die KaNgwane- Wetgewende Vergadering ingestel is, sal eerbiedig; dat ek 'n opregte en getroue Uitvoerenderaadslid sal wees; dat ek geen sake wat voor die Uitvoerende Raad dien en wat aan my vir geheimhouding toevertrou word, regstreeks of onregstreeks sal openbaar nie; en dat ek my ampspligte met nougesetheid en na my beste vermoë sal nakom; en dat ek voor God onderneem om hierdie eed te eerbiedig;

So help my God.

#### *Die voer van verrigtings van Uitvoerende Raad*

16. (1) Kwessies wat in die Uitvoerende Raad ontstaan, word deur 'n meerderheid van stemme van die aanwesige Uitvoerenderaadslede beslis en in die geval van 'n staking van stemme het die Hoof-Uitvoerenderaadslid 'n beslissende stem.

(2) Die Uitvoerende Raad kan reëls maak vir die wyse waarop sy vergaderings gehou word.

(3) Die Uitvoerende Raad kan van tyd tot tyd uit eie geledere 'n subkomitee aanstel vir enige doel wat hy nodig ag en kan een of meer lede van die Wetgewende Vergadering koöpteer om in sodanige subkomitee te dien; sodanige subkomitee moet oor sy bevindings verslag doen en kan sodanige aanbevelings as wat hy nodig ag aan die Uitvoerende Raad vir oorweging voorlê.

(4) Die Kommissaris-generaal, 'n administratiewe hoof van 'n departement van die KaNgwane-Regeringsdiens en enige persoon wat deur die Uitvoerende Raad toegelaat word om dit te doen, het die reg om enige vergadering van die Uitvoerende Raad by te woon om raad te gee in verband met sake wat binne die bestek van die administrasie van KaNgwane val.

#### *Ampstermyn van Uitvoerenderaadslede*

17. (1) Behoudens andersluidende bepalings in hierdie Proklamasie vervat, beklee die Hoof-Uitvoerenderaadslid en Uitvoerenderaadslede hul ampte vir die duur van die termyn van die Wetgewende Vergadering waardeur die Hoof-Uitvoerenderaadslid verkies is.

(7) Whenever two or more candidates have received the same number of votes, and one of those candidates is required to be eliminated for the purposes of subsection (6), the members of the Legislative Assembly shall by separate vote, which may if necessary be repeated, but not more than three times, determine which one of those candidates shall be eliminated and if after the third vote there is still an equality of votes, the Secretary shall proceed to determine by lot, in the manner decided upon by him, which candidate shall be eliminated.

#### *Appointment of other members of the Executive Council*

14. The other members of the Executive Council shall, subject to the provisions of section 11 (2), be appointed by the Chief Executive Councillor from among the members of the Legislative Assembly within a period of seven days of the date on which the Chief Executive Councillor was elected in terms of section 13: Provided that each regional authority within the area of the Legislative Assembly shall be represented on the Executive Council by at least one member.

#### *Oath for executive Councillors*

15. Every Executive Councillor, including the Chief Executive Councillor, shall, before assuming his duties as such, make and subscribe before the Chairman or Deputy Chairman of the Legislative Assembly an oath in the following form:

I, A.B., do hereby swear to hold my office as Executive Councillor of the KaNgwane Legislative Assembly with honour and dignity; to respect the KaNgwane Constitution and all laws applicable in the area for which the KaNgwane Legislative Assembly was established; to be true and faithful Executive Councillor; not to divulge directly or indirectly any matters brought before the Executive Council which are entrusted to me under secrecy and to perform the duties of my office conscientiously and to the best of my ability; and I undertake before God to honour this oath;

So help me God.

#### *Conduct of proceedings of Executive Council*

16. (1) Questions arising in the Executive Council shall be determined by a majority of votes of the Executive Councillors present and in the case of an equality of votes the Chief Executive Councillor shall have a casting vote.

(2) The Executive Council may make rules for the conduct of its meetings.

(3) The Executive Council may from time to time appoint any subcommittee from among its members for any purpose it may deem necessary and may co-opt one or more members of the Legislative Assembly to serve on such subcommittee; such subcommittee shall report on its findings and may submit such recommendations as it may deem necessary to the Executive Council for consideration.

(4) The Commissioner-General, an administrative head of a department of the KaNgwane Government Service and any person permitted by the Executive Council to do so shall have the right to attend any meeting of the Executive Council to advise on matters falling within the purview of the administration of KaNgwane.

#### *Period of office of Executive Councillors*

17. (1) Save as is otherwise provided for in this Proclamation the Chief Executive Councillor and Executive Councillors shall hold office for the duration of the life of the Legislative Assembly by which the Chief Executive Councillor was elected.



(2) Die Hoof-Uitvoerenderaadslid kan by besluit van die Wetgewende Vergadering van sy amp onthef word.

(3) Enige Uitvoerenderaadslid kan op aanbeveling van die Hoof-Uitvoerenderaadslid by besluit van die Wetgewende Vergadering van sy amp onthef word.

*Ontruiming van setels deur die Hoof-Uitvoerenderaadslid en Uitvoerenderaadslede*

18. (1) Die Hoof-Uitvoerenderaadslid of enige Uitvoerenderaadslid ontruim sy setel as sodanig—

(a) indien sy setel as lid van die Wetgewende Vergadering geag word ontruim te gewees het ingevolge die bepalings van hierdie Proklamasie;

(b) indien hy uit sy amp as Hoof-Uitvoerenderaadslid of Uitvoerenderaadslid bedank by skriftelike kennisgewing aan die Sekretaris van die Wetgewende Vergadering of 'n aankondiging tot dien effek op 'n sitting van die Wetgewende Vergadering of op 'n vergadering van die Uitvoerende Raad doen; of

(c) indien hy by besluit van die Wetgewende Vergadering van sy amp onthef word.

(2) Indien die Hoof-Uitvoerenderaadslid of enige Uitvoerenderaadslid sy setel ontruim anders as deur die aankondiging van sy bedanking op 'n sitting van die Wetgewende Vergadering, moet die Sekretaris van die Wetgewende Vergadering gedurende die eersvolgende sessie van die Wetgewende Vergadering die Wetgewende Vergadering dienoreenkomstig verwittig.

*Werkzaamhede van die Hoof-Uitvoerenderaadslid en ander Uitvoerenderaadslede*

19. (1) Die Hoof-Uitvoerenderaadslid of, in sy afwesigheid, 'n Uitvoerenderaadslid vir dié doel deur hom benoem, sit voor op al die vergaderings van die Uitvoerende Raad.

(2) Wanneer die amp van Hoof-Uitvoerenderaadslid vakant raak of wanneer die Hoof-Uitvoerenderaadslid afwesig is of nie in staat is om op te tree nie en geen Uitvoerenderaadslid ingevolge subartikel (1) benoem is om aldus waar te neem nie, moet die Uitvoerenderaadslede uit eie geledere een aanwys om as Hoof-Uitvoerenderaadslid waar te neem totdat die vakature aangevul is of totdat die Hoof-Uitvoerenderaadslid in staat is om sy pligte te hervat, na gelang van die geval.

(3) Die Hoof-Uitvoerenderaadslid moet in oorleg met die Uitvoerenderaadslede die verantwoordelikheid vir die beheer oor en administrasie van die verskillende departemente aan die onderskeie Uitvoerenderaadslede opdra en toewys, en kan, na oorlegpleging met die Uitvoerenderaadslede, ook die bevoegdhede, pligte en werkzaamhede wat in verband met die verskillende departemente uitgeoefen of verrig moet word, toewys, en, indien nodig, sodanige departemente met die oog op beter administrasie in oorleg met die Uitvoerenderaadslede herorganiseer.

*Aanvul van toevallige vakatures*

20. (1) 'n Toevallige vakature wat in die amp van Hoof-Uitvoerenderaadslid ontstaan, word aangevul by 'n verkiesing ooreenkomstig die bepalings van hierdie Proklamasie, wat gehou word binne 'n tydperk van 14 dae na die datum waarop die vakature ontstaan het, as die Wetgewende Vergadering dan in sitting is, of, as die Wetgewende Vergadering nie dan in sitting is nie, word binne 'n tydperk van twee maande na die datum waarop die vakature ontstaan het, 'n buitengewone sessie van die Wetgewende Vergadering vir dié doel belê.

(2) Enige ander toevallige vakature wat in die Uitvoerende Raad ontstaan, word aangevul deur aanstelling deur die Hoof-Uitvoerenderaadslid uit die geledere van die Wetgewende Vergadering binne 'n tydperk van 14 dae na die datum waarop die vakature ontstaan het.

(3) Enige persoon wat tot 'n amp verkies of in 'n amp aangestel is soos in subartikels (1) en (2) bepaal, beklee

(2) The Chief Executive Councillor may be removed from office by resolution of the Legislative Assembly.

(3) Any Executive Councillor may be removed from office by resolution of the Legislative Assembly on the recommendation of the Chief Executive Councillor.

*Vacating of seats by the Chief Executive Councillor and Executive Councillors*

18. (1) The Chief Executive Councillor or any Executive Councillor, shall vacate his seat as such—

(a) if his seat as a member of the Legislative Assembly is deemed to have been vacated in terms of the provisions of this Proclamation;

(b) if he resigns his office as Chief Executive Councillor or Executive Councillor by notice in writing to the Secretary of the Legislative Assembly or makes an announcement to that effect at a sitting of the Legislative Assembly or at a meeting of the Executive Council; or

(c) if he is removed from office by resolution of the Legislative Assembly.

(2) If the Chief Executive Councillor or any Executive Councillor vacates his seat otherwise than in pursuance of his resignation announced at a sitting of the Legislative Assembly, the Secretary of the Legislative Assembly shall at the first ensuing session of the Legislative Assembly inform the Legislative Assembly accordingly.

*Functions of Chief Executive Councillor and other Executive Councillors*

19. (1) The Chief Executive Councillor or, in his absence, an Executive Councillor nominated by him for that purpose, shall preside at all Executive Council meetings.

(2) Whenever the office of Chief Executive Councillor becomes vacant or the Chief Executive Councillor is absent or unable to act and no Executive Councillor has been nominated in terms of subsection (1) so to act, the Executive Councillors shall designate one of their number to act as Chief Executive Councillor until the vacancy has been filled or until the Chief Executive Councillor is able to resume his duties, as the case may be.

(3) The Chief Executive Councillor shall in consultation with the Executive Councillors assign and allocate the responsibility for the control and administration of the various departments to the respective Executive Councillors, and may also allocate the powers, duties and functions to be exercised or performed in connection with the various departments and, if necessary, reorganise such departments with a view to better administration in consultation with the Executive Councillors.

*Filling of casual vacancies*

20. (1) A casual vacancy arising in the office of Chief Executive Councillor shall be filled by election in accordance with the provisions of this Proclamation which shall take place within a period of 14 days of the date on which the vacancy occurred if the Legislative Assembly is then in session, or, if the Legislative Assembly is not then in session, such election shall take place at a special session of the Legislative Assembly convened for that purpose within a period of two months of the date on which the vacancy occurred.

(2) Any other casual vacancy arising in the Executive Council shall be filled by appointment by the Chief Executive Councillor from among the members of the Legislative Assembly within a period of 14 days of the date on which the vacancy occurred.

(3) Any person elected or appointed to an office as provided for in subsections (1) and (2) shall hold office



sy amp vir die onverstreke gedeelte van die termyn waarvoor sy voorganger verkies of aangestel was, maar andersins behoudens die bepalings van hierdie Proklamasie wat op die betrokke amp betrekking het.

## DEEL VI

### *Voorsitter en Ondervoorsitter*

21. Onmiddellik nadat die Hoof-Uitvoerendraads lid verkies is, gaan die Wetgewende Vergadering oor tot die verkiesing van 'n Voorsitter en 'n Ondervoorsitter en die procedure wat by die verkiesing van die Hoof-Uitvoerendraads lid gevolg word, is *mutatis mutandis* van toepassing op die verkiesing van 'n Voorsitter en 'n Ondervoorsitter.

### *Ampstermyn van Voorsitter en Ondervoorsitter*

22. Behoudens andersluidende bepalings in hierdie Proklamasie vervat, beklee die Voorsitter en die Ondervoorsitter hul amp vir die duur van die termyn van die Wetgewende Vergadering: Met dien verstande dat indien die setel van die Voorsitter of die Ondervoorsitter ingevolge artikel 23 vakant raak, die lid wat in sodanige Voorsitter of Ondervoorsitter, na gelang van die geval, se plek verkies word, die amp beklee vir die onverstreke tydperk van die ampstermyn waarvoor die persoon wie se setel aldus vakant geraak het, tot Voorsitter of Ondervoorsitter verkies is.

### *Ontruiming van amp deur die Voorsitter en die Ondervoorsitter*

23. (1) Die Voorsitter of Ondervoorsitter ontruim sy amp as sodanig—

(a) indien sy setel as lid van die Wetgewende Vergadering geag word ontruim te gewees het ingevolge die bepalings van hierdie Proklamasie;

(b) indien hy uit sy amp as Voorsitter of Ondervoorsitter bedank by skriftelike kennisgewing aan die Sekretaris van die Wetgewende Vergadering of 'n aankondiging tot dien effek op 'n sitting van die Wetgewende Vergadering; of

(c) indien hy by besluit van die Wetgewende Vergadering van sy amp onthef word.

(2) Indien die Voorsitter of Ondervoorsitter sy amp ontruim ander as deur die aankondiging van sy bedanking op 'n sitting van die Wetgewende Vergadering, moet die Sekretaris van die Wetgewende Vergadering gedurende die eersvolgende sessie van die Wetgewende Vergadering die Wetgewende Vergadering dienoreenkomstig verwittig.

### *Aanvul van toevallige vakatures*

24. (1) 'n Toevallige vakature in die amp van Voorsitter of Ondervoorsitter moet, indien die Wetgewende Vergadering in sitting is wanneer die vakature ontstaan, aangevul word deur die verkiesing van 'n bekleër vir die betrokke amp ooreenkomstig die bepalings van hierdie Proklamasie, en indien die Wetgewende Vergadering nie dan in sitting is nie, moet sodanige verkiesing op sy eersvolgende sitting plaasvind.

(2) Enige persoon tot 'n amp verkies soos in subartikel (1) bepaal, beklee sy amp vir die onverstreke gedeelte van die termyn waarvoor sy voorganger verkies was, maar andersins behoudens die bepalings van hierdie Proklamasie wat op die betrokke amp betrekking het.

## DEEL VII

### *Status van kapteins*

### *Kapteins behou hulle persoonlike status*

25. 'n Kaptein in KaNgwane geniet die persoonlike status wat hy tot nog toe geniet het, en hy het ten opsigte van seremoniële en stamaangeleenthede en by seremoniële geleenthede binne sy stamgebied voorrang bo die Hoof-Uitvoerendraads lid en Uitvoerendraadslede, behalwe

for the unexpired portion of the period for which his predecessor had been elected or appointed, but otherwise subject to the provisions of this Proclamation relating to the office concerned.

## PART VI

### *Chairman and Deputy Chairman*

21. Immediately after the Chief Executive Councillor has been elected the Legislative Assembly shall proceed to elect a Chairman and a Deputy Chairman and the procedure adopted in the election of the Chief Executive Councillor shall apply *mutatis mutandis* to the election of the Chairman and the Deputy Chairman.

### *Period of office of Chairman and Deputy Chairman*

22. Save as is otherwise provided for in this Proclamation, the Chairman and the Deputy Chairman shall hold office for the duration of the life of the Legislative Assembly: Provided that if the seat of the Chairman or of the Deputy Chairman becomes vacant in terms of section 23, the member elected in the place of such Chairman or Deputy Chairman, as the case may be, shall hold office for the unexpired period of office for which the person whose seat has so become vacant was elected Chairman or Deputy Chairman.

### *Vacating of office by Chairman and Deputy Chairman*

23. (1) The Chairman or the Deputy Chairman shall vacate his office as such—

(a) if his seat as a member of the Legislative Assembly is deemed to have been vacated in terms of the provisions of this Proclamation;

(b) if he resigns his office as Chairman or Deputy Chairman by notice in writing to the Secretary of the Legislative Assembly or makes an announcement to that effect at a sitting of the Legislative Assembly; or

(c) if he is removed from office by resolution of the Legislative Assembly.

(2) If the Chairman or the Deputy Chairman vacates his office otherwise than in pursuance of his resignation announced at a sitting of the Legislative Assembly, the Secretary of the Legislative Assembly shall at the first ensuing session of the Legislative Assembly inform the Legislative Assembly accordingly.

### *Filling of casual vacancies*

24. (1) A casual vacancy in the office of Chairman or of Deputy Chairman shall, if the Legislative Assembly is sitting when the vacancy occurs, be filled by the election of an incumbent to the office concerned in the manner provided for in this Proclamation, and if the Legislative Assembly is then not sitting such election shall take place at its next sitting.

(2) Any person elected to an office as provided for in subsection (1) shall hold office for the unexpired portion of the period for which his predecessor had been elected but otherwise subject to the provisions of this Proclamation relating to the office concerned.

## PART VII

### *Status of chiefs*

### *Chiefs to retain personal status*

25. A chief in KaNgwane shall continue to enjoy the personal status he has hitherto enjoyed and shall with regard to ceremonial and tribal matters and at ceremonial occasions within his tribal area take precedence over the

ten opsigte van aangeleenthede of geleenthede wat in verband staan met die werksaamhede van die Wetgewende Vergadering.

### DEEL VIII

#### *Diverse bepalinge*

#### *Aanneem van voordele deur lede*

26. (1) Geen lid van die Wetgewende Vergadering mag—

(a) enige salaris, toelae, geld of beloning vir enige plig of diens wat deur hom in sy hoedanigheid as lid verrig word, aanneem nie, behalwe soos by wet voorgeskryf;

(b) hetsy regstreeks of onregstreeks, enige geld, vergoeding, geskenk of beloning aanneem of ontvang nie vir of ten opsigte van die bevordering of opponering van enige wetsontwerp, besluit, aangeleentheid of geding voorgelê of voorgestel vir voorlegging aan die Wetgewende Vergadering of enige komitee daarvan vir sy oorweging.

(2) Enige lid van die Wetgewende Vergadering wat die bepalinge van subartikel (1) oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 en moet daarbenewens enige bedrag of die waarde van enige geld, vergoeding, geskenk of beloning deur hom aangeneem of ontvang, terugbetaal.

#### *Hou van permanente rekords*

27. (1) Die Wetgewende Vergadering moet 'n permanente rekord hou van die vernaamste gebeurtenisse wat plaasvind vanaf die datum van die instelling van die Wetgewende Vergadering.

(2) In die besonder moet die volgende opgeteken word:

(a) Alle wette, proklamasies en goewermentskennisgewings met betrekking tot die instelling of aangeleenthede van die Wetgewende Vergadering;

(b) die naam van elke streeksowerheid binne sy regsgebied;

(c) die naam van elke stam- en gemeenskapsowerheid binne sy regsgebied;

(d) die naam en ampstermyn van elke opeenvolgende Voorsitter en Ondervoorsitter;

(e) die naam en ampstermyn van elke opeenvolgende Hoof-Uitvoerenderaadslid en Uitvoerenderaadslid;

(f) die naam van elke lid; en

(g) sodanige ander aangeleenthede as wat die Wetgewende Vergadering bepaal.

#### *Gebruik van amptelike tale*

28. (1) Alle Notules en Ordelyste moet in Siswati, Afrikaans en Engels gehou word en alle geregtelike, administratiewe en finansiële dokumente moet ook, na gelang van omstandighede, aldus gehou word.

(2) Die Wetgewende Vergadering moet 'n verbatim verslag byhou van die verrigtinge van die Wetgewende Vergadering en sodanige verslag moet in Siswati, Afrikaans en Engels gehou word.

(Lêer R223/2)

No. R. 215, 1977

#### INSTELLING VAN DEPARTEMENTE.—KANGWANE- WETGEWENDE VERGADERING

Nademaal dit nodig geag word vir die behoorlike administrasie van die gebied van die KaNgwane- Wetgewende Vergadering dat sekere departemente ingestel word;

So is dit dat ek kragtens die bevoegdheid my verleen by artikel 5 (2) gelees met artikel 24 (1) (a) van die Grondwet van die Bantoeuistande, 1971 (Wet 21 van 1971), hierby die departemente wat in bygaande Bylae voorkom, instel ten opsigte van die gebied van die KaNgwane- Wetgewende Vergadering.

Chief Executive Councillor and Executive Councillors, except in respect of matters or occasions connected with the business of the Legislative Assembly.

### PART VIII

#### *Miscellaneous provisions*

#### *Acceptance of benefits by members*

26. (1) No member of the Legislative Assembly shall—

(a) accept any salary, allowance, fee or reward for any duty performed or service rendered by him in his capacity as a member except as may be prescribed by law;

(b) accept or receive, either directly or indirectly, any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any bill, resolution, matter or thing submitted to the Legislative Assembly or any committee thereof for its consideration.

(2) Any member of the Legislative Assembly who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction by a court of competent jurisdiction to a penalty not exceeding R1 000 and in addition shall repay any amount or the value of any fee, compensation, gift or reward accepted or received by him.

#### *Maintenance of permanent records*

27. (1) The Legislative Assembly shall maintain a permanent record of the main events taking place from the date of establishment of the Legislative Assembly.

(2) In particular the following shall be recorded:

(a) All laws, proclamations and government notices relating to the establishment or affairs of the Legislative Assembly;

(b) the name of each regional authority within its area of jurisdiction;

(c) the name of each tribal and community authority within its area of jurisdiction;

(d) the name and period of office of each successive Chairman and Deputy Chairman;

(e) the name and period of office of each successive Chief Executive Councillor and Executive Councillor;

(f) the name of every member; and

(g) such other matters as the Legislative Assembly may determine.

#### *Use of official languages*

28. (1) All Votes and Proceedings and order papers shall be recorded in Siswati, Afrikaans and English and all judicial, administrative and financial documents shall also as circumstances may dictate, be so recorded.

(2) The Legislative Assembly shall maintain a verbatim report of the proceedings of the Legislative Assembly and such report shall be recorded in Siswati, Afrikaans and English.

(File R223/2)

No. R. 215, 1977

#### ESTABLISHMENT OF DEPARTMENTS.—KANGWANE LEGISLATIVE ASSEMBLY

Whereas it is deemed necessary for the proper administration of the area of the KaNgwane Legislative Assembly that certain departments be established;

Now, therefore, under and by virtue of the powers vested in me by section 5 (2) read with section 24 (1) (a) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I do hereby establish the departments appearing in the Schedule hereto in respect of the area of the KaNgwane Legislative Assembly.



Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Vyftiende dag van April Eenduisend Negehoenderd Sewe-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

#### BYLAE

- (i) Departement van Owerheidsake en Finansies.
- (ii) Departement van Onderwys en Kultuur.
- (iii) Departement van Gemeenskapsake en Justisie.
- (iv) Departement van Werke.
- (v) Departement van Landbou.

(Lêer R223/2)

No. R. 216, 1977

#### KANGWANE- WETGEWENDE VERGADERING EN STREEKSOWERHEDE BINNE DIE GEBIED VAN DIE KANGWANE- WETGEWENDE VERGADERING. —SALARISSE EN TOELAES VAN LEDE

Kragtens die bevoegdheid my verleen by artikels 2 en 24 van die Grondwet van die Bantoeuistande, 1971 (Wet 21 van 1971), maak ek hierby die regulasies in Deel I van die Bylae hiervan vervat ten opsigte van salarisse en toelaes betaalbaar aan lede van die KaNgwane- Wetgewende Vergadering.

Kragtens die bevoegdheid my verleen by artikel 17 van die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951)—

(a) maak ek hierby die regulasies in Deel II van di Bylae hiervan vervat ten opsigte van salarisse en toelaes betaalbaar aan lede van streeksowerhede binne die gebied van die KaNgwane- Wetgewende Vergadering; en

(b) herroep ek hierby Deel IV van Hoofstuk III van die Bylae van Proklamasie R. 267 van 1975.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Vyftiende dag van April Eenduisend Negehoenderd Sewe-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

#### BYLAE

##### DEEL I

##### *KaNgwane- Wetgewende Vergadering*

*Salarisse en toelaes betaalbaar aan die Hoof-Uitvoerenderaadslid, Uitvoerenderaadslede, Voorsitter, Ondervoorsitter en lede van die Wetgewende Vergadering*

1. (1) Die salarisse en toelaes betaalbaar aan die Hoof-Uitvoerenderaadslid, Uitvoerenderaadslede, Voorsitter, Ondervoorsitter en ander lede van die Wetgewende Vergadering, is soos volg:

(a) Hoof-Uitvoerenderaadslid: Salaris: R10 000 per jaar. Nie belasbare toelaag: R1 200 per jaar.

(b) Uitvoerenderaadslede: Salaris: R9 000 per jaar. Nie-belasbare toelaag: R900 per jaar.

(c) Voorsitter: Salaris: R3 900 per jaar.

(d) Ondervoorsitter: Salaris: R3 600 per jaar.

(e) Lede: Salaris: R3 000 per jaar.

(2) Die sessie- en kilometertoelaes wat by regulasies 2 en 3 bepaal is, is nie betaalbaar aan die Hoof-Uitvoerenderaadslid of 'n Uitvoerenderaadslid wat, vanaf die datum van sy verkiesing, wanneer hy op amptelike diens reis, voorsien word van vervoer op koste van die Regering.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Fifteenth day of April, One thousand Nine hundred and Seventy-seven.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

#### SCHEDULE

- (i) Department of Authority Affairs and Finance.
- (ii) Department of Education and Culture.
- (iii) Department of Community Affairs and Justice.
- (iv) Department of Works.
- (v) Department of Agriculture.

(File R223/2)

No. R. 216, 1977

#### KANGWANE LEGISLATIVE ASSEMBLY AND REGIONAL AUTHORITIES WITHIN THE AREA OF THE KANGWANE LEGISLATIVE ASSEMBLY. —SALARIES AND ALLOWANCES OF MEMBERS

Under and by virtue of the powers vested in me by sections 2 and 24 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby make the regulations contained in Part I of the Schedule hereto in respect of salaries and allowances payable to members of the KaNgwane Legislative Assembly.

Under and by virtue of the powers vested in me by section 17 of the Bantu Authorities Act, 1951 (Act 68 of 1951), I hereby—

(a) make the regulations contained in Part II of the Schedule hereto in respect of salaries and allowances payable to members of regional authorities in the area of the KaNgwane Legislative Assembly; and

(b) repeal Part IV of Chapter III of the Schedule to Proclamation R. 267 of 1975.

Given under my hand and the Seal of the Republic of South Africa at Cape Town this Fifteenth day of April, One thousand Nine hundred and Seventy-seven.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

#### SCHEDULE

##### PART I

##### *KaNgwane Legislative Assembly*

*Salaries and allowances payable to the Chief Executive Councillor, Executive Councillors, Chairman, Deputy Chairman and members of the Legislative Assembly*

1. (1) The salaries and allowances payable to the Chief Executive Councillor, Executive Councillor, Chairman, Deputy Chairman and other members of the Legislative Assembly shall be as follows:

(a) Chief Executive Councillor: Salary: R10 000 per annum. Non-taxable allowance: R1 200 per annum.

(b) Executive Councillor: Salary: R9 000 per annum. Non-taxable allowance: R900 per annum.

(c) Chairman: Salary: R3 900 per annum.

(d) Deputy Chairman: Salary: R3 600 per annum.

(e) Members: Salary: R3 000 per annum.

(2) The sessional and kilometre allowances prescribed by regulations 2 and 3 shall not be payable to the Chief Executive Councillor or an Executive Council who, as from the date of his election, shall when proceeding on official duty be provided with transport at the expense of the Government.

(3) Aan 'n kaptein wat tot Hoof-Uitvoerenderaadslid of Uitvoerenderaadslid verkies word, word vanaf die datum van sodanige verkiesing, die salaris bepaal by subregulasie (1) (a) of (b), na gelang van die geval, betaal, en betaling van sy jaarlikse toelae as kaptein westaak.

(4) 'n Kaptein wat tot Hoof-Uitvoerenderaadslid of Uitvoerenderaadslid verkies word, kan 'n gevolmagtigde benoem om hom behulpzaam te wees met die verrigting van ampspligte verbonde aan sy kapteinskap, en aan sodanige gevolmagtigde word gedurende sy ampstermyn deur die Regering 'n toelae van hoogstens R600 per jaar betaal wat deur die Minister van Bantoe-administrasie en -ontwikkeling in oorleg met die Uitvoerendende Raad bepaal word.

(5) Die sessietoelaes by regulasie 2 voorgeskryf, is betaalbaar aan die Voorsitter en Ondervoorsitter vanaf die datum van hul verkiesing tot hul amp.

#### *Sessietoelaes*

2. (1) Die sessietoelaes betaalbaar aan lede van die Wetgewende Vergadering vir werklike bywoning van sittings van die Wetgewende Vergadering is R8 per dag of gedeelte daarvan.

(2) Die toelaes by subregulasie (1) voorgeskryf, is betaalbaar aan lede van die Wetgewende Vergadering vir bywoning van vergaderings van 'n gekose komitee of ander komitee van die Wetgewende Vergadering wat gehou word wanneer die Wetgewende Vergadering nie in sitting is nie.

#### *Kilometertoelae*

3. Wanneer 'n lid van die Wetgewende Vergadering, sessies van die Wetgewende Vergadering of van 'n gekose komitee of ander komitee, wat gehou word wanneer die Wetgewende Vergadering nie in sitting is nie, bywoon of wanneer hy op amptelike diens reis soos gemagtig deur die Wetgewende Vergadering of die Uitvoerendende Raad of, waar die omstandighede dringend is, deur die Hoof-Uitvoerenderaadslid, word aan hom die volgende toelae betaal:

(a) 10c vir elke kilometer (of gedeelte daarvan) noodsaaklikerwys afgelê met die kortste beskikbare roete van die lid se woonplek af tot by die naaste spoorwegstasie of spoorwegmotorbushalte en terug; en

(b) die noodsaaklike uitgawes aan spoorweg- of spoorwegmotorbusreisgeld aangegaan:

Met dien verstande dat waar 'n geskikte spoorweg- of of spoorwegmotorbusdiens nie beskikbaar is nie, die lid betaal kan word teen die tarief van 10c vir elke kilometer (of gedeelte daarvan) van die gesamentlike reis met die kortste beskikbare roete van die lid se woonplek af na sy bestemming en terug na genoemde woonplek: Met dien verstande voorts dat die betaling van die kilometertoelaes geskied alleen ten opsigte van een retoer-reis gedurende enige een week waarin die Wetgewende Vergadering, 'n gekose komitee of ander komitee in sitting is.

#### *Ander toelaes*

4. Wanneer 'n lid, met uitsluiting van 'n lid van die Uitvoerendende Raad 'n sessie van die Wetgewende Vergadering bywoon of op enige ander amptelike diens reis soos gemagtig deur die Wetgewende Vergadering, of Uitvoerendende Raad of, waar omstandighede dringend is, die Hoof-Uitvoerenderaadslid, word aan hom 'n toelae van R8 per dag van 24 uur betaal vir die tydperk waarin die lid noodsaaklikerwys van sy gewone woonplek op sodanige diens afwesig is: Met dien verstande dat, vir elke volle uur van afwesigheid langer as 24 uur of 'n veelvoud van 24 uur, aan 'n lid 1/24ste van die daelikse tarief

(3) A chief elected Chief Executive Councillor or Executive Councillor shall, as from the date of such election, be paid the salary prescribed by subregulation (1) (a) or (b), as the case may be, and payment of his annual allowance as a chief shall cease.

(4) A chief who is elected Chief Executive Councillor or Executive Councillor may nominate a deputy to assist him in the performance of his official duties attaching to his chieftainship, and such deputy shall during the period of his office be paid by the Government an allowance, not exceeding R600 per annum, to be determined by the Minister of Bantu Administration and Development in consultation with the Executive Council.

(5) The sessional allowances prescribed by regulation 2 shall be payable to the Chairman and Deputy Chairman from the date of their election as such.

#### *Sessional allowances*

2. (1) The sessional allowances payable to members of the Legislative Assembly for actual attendance at sittings of the Legislative Assembly shall be R8 per day, or part thereof.

(2) The allowances prescribed by subregulation (1) shall be payable to members of the Legislative Assembly for attendance at meetings of a select committee or other committee of the Legislative Assembly, held when the Legislative Assembly is not in session.

#### *Kilometre allowance*

3. A member of the Legislative Assembly, when attending sessions of the Legislative Assembly or of a select committee or other committee, held when the Legislative Assembly is not in session or when proceeding on official duty as authorised by the Legislative Assembly or Executive Council or, where circumstances are urgent, by the Chief Executive Councillor, shall be paid—

(a) 10c for each kilometre (or portion thereof) necessarily travelled by the shortest available route from the member's place of residence to the nearest railway head or railway motor bus stop and back;

(b) the necessary expenditure incurred on railway or railway motor bus fares:

Provided that where a suitable railway or railway motor bus service is not available, the member may be paid at the rate of 10c for each kilometre (or portion thereof) for the combined journey by the shortest available route from the member's place of residence to his destination and back to the said place of residence: Provided further that payment of the kilometre allowances shall be made in respect of one return journey only in any one week during which the Legislative Assembly, select committee or other committee is in session.

#### *Other allowances*

4. A member, excluding a member of the Executive Council, when attending a session of the Legislative Assembly or when proceeding on any other official duty as authorised by the Legislative Assembly or the Executive Council, or where circumstances are urgent, by the Chief Executive Councillor, shall be paid an allowance of R8 per day of 24 hours for the period during which the member is necessarily absent from his usual place of residence on such duty: Provided that, for each complete hour of absence in excess of 24 hours or multiple of 24 hours, a member may be paid 1/24th of



betaal kan word: Met dien verstande voorts dat vir 'n afwesigheid van minder as 24 uur, redelike werklike persoonlike uitgawes van hoogstens R8 betaal kan word vir voedsel en rusgeriewe.

5. Wanneer 'n lid van die Uitvoerende Raad 'n sessie van die Wetgewende Vergadering bywoon of op enige ander amptelike diens reis, word aan hom 'n toelae van R10 per dag betaal vir die tydperk waarin die lid noodsaaklikerwys van sy gewone woonplek op sodanige diens afwesig is: Met dien verstande dat, vir elke volle uur van afwesigheid langer as 24 uur of 'n veelvoud van 24 uur, aan 'n lid 1/24ste van die daelikse tarief betaal kan word: Met dien verstande voorts dat, vir 'n afwesigheid van minder as 24 uur, redelike werklike persoonlike uitgawes van hoogstens R10 betaal kan word vir voedsel en rusgeriewe.

6. As die Direkteur in spesiale omstandighede daarvan oortuig is dat die tariewe in regulasies 3, 4 en 5 voorskryf, onvoldoende is om die redelike uitgawes van 'n lid van die Wetgewende Vergadering op enige van die dienste genoem in genoemde regulasies 3, 4 en 5 te dek, kan hy magtiging verleen tot sodanige bykomende betaling as wat hy goedgevind.

## DEEL II

### *Streeksowerhede*

*Toelae vir bywoning van vergaderings van streeksowerheid of uitvoerende komitee*

7. 'n Lid van 'n streeksowerheid word 'n toelae van R5 per dag (of gedeelte daarvan) betaal ten opsigte van werklike bywoning van vergaderings van die streeksowerheid of sy uitvoerende komitee: Met dien verstande dat in die geval van 'n lid wat 'n kaptein is, die toelae R7 is.

### *Kilometertoelae*

8. Wanneer 'n lid van 'n streeksowerheid vergaderings van sodanige streeksowerheid of van die uitvoerende komitee bywoon of wanneer hy op ander diens van die streeksowerheid reis soos gemagtig deur die streeksowerheid of die uitvoerende komitee of, waar omstandighede dringend is deur die streeks- uitvoerende beampte, word aan hom die volgende toelae betaal:

(a) 10c vir elke kilometer (of gedeelte daarvan) noodsaaklikerwys afgelê met die kortste beskikbare roete van die lid se woonplek af tot by die naaste spoorwegstasie of spoorwegmotorbushalte en terug; en

(b) die noodsaaklike uitgawes aan spoorweg- of spoorwegmotorbusreisgeld aangegaan:

Met dien verstande dat waar 'n geskikte spoorweg- of spoorwegmotorbusdiens nie beskikbaar is nie, die lid betaal kan word teen die tarief van 10c vir elke kilometer (of gedeelte daarvan) van die gesamentlike reis met die kortste beskikbare roete van die lid se woonplek af na sy bestemming en terug na genoemde woonplek.

### *Ander toelaes*

9. Wanneer 'n lid op ander diens van die streeksowerheid reis, soos gemagtig deur die streeksowerheid of uitvoerende komitee of, waar die omstandighede dringend is deur die streeks- uitvoerende beampte word R5 per dag van 24 uur aan hom betaal vir die tydperk waarin die lid noodsaaklikerwys van huis op sodanige diens afwesig is: Met dien verstande dat vir elke volle uur van afwesigheid langer as 24 uur of 'n veelvoud van 24 uur aan 'n lid 1/24ste van die voorgeskrewe daelikse tarief betaal kan word: Met dien verstande voorts dat vir afwesigheid van minder as 24 uur redelike geringe persoonlike uitgawes van hoogstens R5 betaal kan word.

the daily rate: Provided further that for an absence of less than 24 hours, reasonable actual personal expenses not exceeding R8 may be paid in respect of food and resting facilities.

5. A member of the Executive Council, when attending a session of the Legislative Assembly or when proceeding on any other official duty, shall be paid an allowance of R10 per day of 24 hours for the period during which the member is necessarily absent from his usual place of residence on such duty: Provided that for each complete hour of absence in excess of 24 hours or a multiple of 24 hours, a member may be paid 1/24th of the daily rate: Provided further that, for an absence of less than 24 hours, reasonable actual personal expenses not exceeding R10 may be paid in respect of food and resting facilities.

6. If in special circumstances the Director is satisfied that the tariffs prescribed in regulations 3, 4 and 5 are insufficient to meet the reasonable expenses of a member of the Legislative Assembly on any of the services mentioned in the said regulations 3, 4 and 5 he may authorise such additional payment as he may deem fit.

## PART II

### *Regional authorities*

*Allowance for attendance at meetings of regional authority or executive committee*

7. A member of a regional authority shall be paid an allowance of R5 per day (or portion thereof) for actual attendance at meetings of the regional authority or its executive committee: Provided that in the case of a member who is a chief, the allowance shall be R7.

### *Kilometre allowance*

8. A member of a regional authority shall be paid when attending meetings of such regional authority or of the executive committee or when proceeding on regional authority duty as authorised by the regional authority or the executive committee or when circumstances are urgent by the regional executive officer—

(a) 10c for each kilometre (or portion thereof) necessarily travelled by the shortest available route from the member's place of residence to the nearest rail-head or railway motor bus stop and back; and

(b) the necessary expenditure incurred on railway or railway motor bus fares:

Provided that where a suitable railway or railway motor bus service is not available, the member may be paid at the rate of 10c for each kilometre (or portion thereof) for the combined journey by the shortest available route from the member's place of residence to his destination and back to the said place of residence.

### *Other allowances*

9. A member shall be paid, when proceeding on other regional authority duty as authorised by the regional authority or the executive committee or when circumstances are urgent by the regional executive officer, R5 a day of 24 hours for the period during which the member was necessarily absent from his home on such duty: Provided that for each complete hour of absence in excess of 24 hours or a multiple of 24 hours, a member may be paid 1/24th of the prescribed daily rate: Provided further that for an absence of less than 24 hours reasonable out-of-pocket expenses not exceeding an amount of R5 may be paid.

10. As die Direkteur in spesiale omstandighede daarvan oortuig is dat die tariewe in regulasies 8 en 9 voorgeskryf, onvoldoende is om die redelike uitgawes van 'n lid van 'n streeksowerheid op enige van die dienste genoem in genoemde regulasies 8 en 9 te dek, kan hy magtiging verleen tot sodanige bykomende betaling as wat hy goedvind.

### DEEL III

#### Woordomskrywing

11. In hierdie Proklamasie, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis geheg is in die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), die betekenis aldus daaraan geheg en beteken—

“Direkteur” die administratiewe hoof van die Departement van Owerheidsake en Finansies van die Regering van KaNgwane; en

“Regering” die Regering van die gebied waarvoor die KaNgwane- Wetgewende Vergadering ingestel is.

(Lêer R223/2)

No. R. 217, 1977

### FINANSIËLE REGULASIES VIR DIE REGERING VAN DIE GEBIED WAARVOOR DIE KANGWANE-WETGEWENDE VERGADERING INGESTEL IS

Kragtens die bevoegdheid my verleen by artikel 24 (1) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971)—

(a) vaardig ek hierby met ingang van 1 Oktober 1977 die regulasies vervat in die Bylae hiervan uit met betrekking tot die finansiële administrasie van die sake van die Regering van die gebied waarvoor die KaNgwane-Wetgewende Vergadering ingestel is; en

(b) verklaar ek hierby dat met ingang van bedoelde datum die finansiële regulasies afgekondig by Proklamasie R. 265 van 1975 herroep word vir sover hulle betrekking het op die Swazi-gebiedsowerheid.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sesde dag van September Eenduisend Negehoenderd Sewe-en-sewentig.

N. DIEDERICH, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

### BYLAE

### FINANSIËLE REGULASIES VIR DIE REGERING VAN DIE GEBIED WAARVOOR DIE KANGWANE-WETGEWENDE VERGADERING INGESTEL IS

#### Woordomskrywing

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“bank” 'n bank wat op die betrokke tydstep 'n gemagtigde bank van die KaNgwane-regering is;

“boekjaar” die tydperk vanaf 1 April in enige jaar tot 31 Maart van die daaropvolgende jaar;

“departement” 'n departement ingestel kragtens artikel 5 (2) van die Wet;

“die Wet” die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971);

“Direkteur” die administratiewe hoof van 'n departement;

10. If in special circumstances the Director is satisfied that the tariffs prescribed in regulations 8 and 9 are insufficient to meet the reasonable expenses of a member of a regional authority on any of the services mentioned in the said regulations 8 and 9, he may authorise such additional payment as he may deem fit.

### PART III

#### Definitions

11. In this Proclamation, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), bears the meaning so assigned thereto, and—

“Director” means the administrative head of the Department of Authority Affairs and Finance of the Government of KaNgwane; and

“Government” means the Government of the area for which the KaNgwane Legislative Assembly was established. (File R223/2)

No. R. 217, 1977

### FINANCIAL REGULATIONS FOR THE GOVERNMENT OF THE AREA FOR WHICH THE KANGWANE LEGISLATIVE ASSEMBLY HAS BEEN ESTABLISHED

Under and by virtue of the powers vested in me by section 24 (1) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971)—

(a) I hereby make the regulations contained in the Schedule hereto, with effect from 1 October 1977, in respect of the financial administration of the affairs of the Government of the area for which the KaNgwane Legislative Assembly has been established; and

(b) declare hereby that the financial regulations, published under Proclamation R. 265 of 1975, are repealed with effect from the said date in so far as they relate to the Swazi Territorial Authority.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Sixth day of September, One thousand Nine hundred and Seventy-seven.

N. DIEDERICH, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

### SCHEDULE

### FINANCIAL REGULATIONS FOR THE GOVERNMENT OF THE AREA FOR WHICH THE KANGWANE LEGISLATIVE ASSEMBLY HAS BEEN ESTABLISHED

#### Definitions

1. In these regulations, unless inconsistent with the context—

“accounting officer” means a person lawfully charged with the duty of accounting for any service provided for in an Appropriation Act, or any person to whom issues are made from the Exchequer Account;

“bank” means any bank which is for the time being an authorised bank of the KaNgwane Government;

“department” means a department established under section 5 (2) of the Act;

“Director” means the administrative head of a department;



"Inkomstefonds" die Inkomstefonds, bedoel in artikel 6 (1) van die Wet, vir die KaNgwane-gebied;

"KaNgwane-gebied" die gebied waarvoor die KaNgwane- Wetgewende Vergadering ingestel is;

"KaNgwane-regering" die Regering van die KaNgwane-gebied;

"Regeringsgeld"—

(a) alle inkomste; en

(b) alle ander geld hoegenaamd wat deur 'n rekenpligtige beampte vir of op rekening van die KaNgwane-regering ontvang is of gehou word;

"rekenpligtige beampte" 'n persoon wetlik belas met die verantwoordings van 'n diens waarvoor daar in 'n Begrotingswet voorsiening gemaak word, of enige persoon aan wie uitbetalings uit die Skatkisrekening gedoen word;

"Skatkisrekening" die Skatkisrekening van die KaNgwane-regering voorgeskryf in regulasie 3 (1);

"Tesourie"—

(a) behoudens die bepalinge van paragraaf (b), die Sekretaris van Bantoe-administrasie en -ontwikkeling en ook enige adjunk- en ondersekretaris of administratiewe beheerbeampte of enige beampte van gelyke of hoër rang as dié van administratiewe beheerbeampte in die Departement van Bantoe-administrasie en -ontwikkeling, wat deur bedoelde Sekretaris aangewys is, of, ten opsigte van daardie aangeleenthede wat deur bedoelde Sekretaris bepaal word, die Direkteur van Owerheidsake en Finansies, die Departementele Rekenmeester of 'n ander beampte in die Departement van Owerheidsake en Finansies;

(b) vanaf 'n datum deur die Minister van Bantoe-administrasie en -ontwikkeling in oorleg met die Uitvoerende Raad bepaal, die kantoor of afdeling van die Departement van Owerheidsake en Finansies wat belas is met die koördinerende van die finansiële administrasie en die handhawing van finansiële reëlmatigheid en orde in die sake van die KaNgwane-regering;

"Uitvoerende Raad" die Uitvoerende Raad van die KaNgwane-gebied kragtens artikel 5 van die Wet saamgestel.

#### *Toepassing van regulasies en instruksies uitgereik kragtens Wet 66 van 1975*

2. (1) Die Finansiële Regulasies, Tesourie-instruksies en Voorskrifte uitgereik kragtens artikels 38, 39, 40 en 51 van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975) is *mutatis mutandis* van toepassing op die administrasie van en beheer oor die Inkomstefonds vir sover dit toegepas kan word en nie met die Wet en hierdie regulasies onbestaanbaar is nie.

(2) By die toepassing van bedoelde Regulasies en Instruksies—

(a) word 'n verwysing na die Parlement geag 'n verwysing te wees na die KaNgwane- Wetgewende Vergadering;

(b) word 'n verwysing na 'n Minister geag 'n verwysing te wees na die betrokke lid van die Uitvoerende Raad;

(c) word 'n verwysing na die Sekretaris van 'n departement of 'n ander persoon of liggaam geag 'n verwysing te wees na die persoon of liggaam wat soortgelyke bevoegdhede, gesag en werksaamhede in die KaNgwane-gebied uitoefen;

(d) word 'n verwysing na artikels 3, 9 en 14 van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), geag 'n verwysing te wees na onderskeidelik regulasies 3, 4 en 8 hiervan;

(e) word 'n verwysing na artikel 7 van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), geag 'n verwysing te wees na paragraaf (c) van die Proklamasie om Voorsiening te maak vir die Onttrekking van Gelde uit die KaNgwane- Inkomstefonds, 1977.

"Exchequer Account" means the Exchequer Account of the KaNgwane Government as prescribed in regulation 3 (1);

"Executive Council" means the Executive Council of the KaNgwane area constituted in terms of section 5 of the Act;

"financial year" means the period from 1 April in any year to 31 March of the next ensuing year;

"Government moneys"—

(a) all revenues; and

(b) all other moneys whatever received or held by an accounting officer for, or on account of, the KaNgwane Government.

"KaNgwane area" means the area for which the KaNgwane Legislative Assembly has been established;

"KaNgwane Government" means the Government of the KaNgwane area;

"Revenue Fund" means the Revenue Fund referred to in section 6 (1) of the Act, for the KaNgwane area;

"the Act" means the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

"Treasury" means—

(a) subject to the provisions of paragraph (b), the Secretary for Bantu Administration and Development and includes any deputy and under-secretary or administrative control officer or any officer of a rank equivalent to or higher than the rank of administrative control officer in the Department of Bantu Administration and Development designated by the said Secretary, or, in respect of such matters as determined by the said Secretary, the Director of Authority Affairs and Finance, the Departmental Accountant or another officer in the Department of Authority Affairs and Finance;

(b) as from a date determined by the Minister of Bantu Administration and Development in consultation with the Executive Council, the office or division of the Department of Authority Affairs and Finance charged with the co-ordination of the financial administration and the maintenance of financial regularity and order in the affairs of the KaNgwane Government.

#### *Application of regulations and instructions issued under Act 66 of 1975*

2. (1) The Financial Regulations, Treasury Instructions and Instructions issued under sections 38, 39, 40 and 51 of the Exchequer and Audit Act, 1975 (Act 66 of 1975), shall apply *mutatis mutandis* to the administration and control of the Revenue Fund in so far as they can be applied and are not inconsistent with the Act and these regulations.

(2) In the application of the said Regulations and Instructions—

(a) any reference to Parliament shall be deemed to be a reference to the KaNgwane Legislative Assembly;

(b) any reference to a Minister shall be deemed to be a reference to the relative member of the Executive Council;

(c) any reference to the Secretary of a department or any other person or body shall be deemed to be a reference to the person or body exercising similar powers, authority and functions in the KaNgwane area;

(d) any reference to sections 3, 9 and 14 of the Exchequer and Audit Act, 1975 (Act 66 of 1975), shall be deemed to be a reference to regulations 3, 4 and 8 hereof, respectively;

(e) any reference to section 7 of the Exchequer and Audit Act, 1975 (Act 66 of 1975), shall be deemed to be a reference to paragraph (c) of the Proclamation Providing for the Withdrawal of Moneys from the KaNgwane Revenue Fund, 1977.

*Skatkisrekening*

3. (1) Daar word by die bank 'n rekening gehou genoem die "Skatkisrekening van die KaNgwane-regering" waarin sowel alle inkomste wat aan die Inkomstefonds toeval, as alle ander inkomste uit watter bron ook al, wat daarop betrekking het, gestort word, en waaruit alle gelde betaalbaar aan rekenpligtige beamptes getrek word.

(2) Ten einde die openbare saldo's te bespaar, moet die Tesourie die bedrae wat van tyd tot tyd uitbetaal of oorgeplaas word in die krediet van die rekenings van rekenpligtige beamptes tot die totale bedrae beperk wat die Tesourie nodig ag vir die betaling van die lopende uitgawes aan die openbare dienste waarvoor die rekenpligtige beamptes verantwoordelik is.

(3) Elke rekenpligtige beampte beskou die bedrae wat aldus op sy rekening oorgeplaas word, as deel van sy algemene treksaldo en sodanige bedrae word in die boeke van die rekenpligtige beampte in die krediet gehou van die dienste waarvoor dit uitbetaal kan word soos in subregulasie (2) bepaal: Met dien verstande dat 'n rekenpligtige beampte nie betaling mag doen van uitgawes wat nie kragtens die Wet of 'n begrotingswet of 'n ander wetsbepaling ingevolge waarvan dienste ten laste van die Inkomstefonds kom, gemagtig word nie.

(4) (a) Ondanks andersluidende wetsbepalings, word die bewilling by 'n begrotingswet van gelde vir enige diens of die magtiging verleen by 'n spesiale volmag kragtens paragraaf (c) van die Proklamasie om Voorsiening te maak vir die Ontrekking van Gelde uit die KaNgwane-inkomstefonds vir die uitkering van gelde vir enige doel, uitgelê as sou dit bloot die maksimum bedrag wat vir die betrokke diens of doel aangewend mag word, spesifiseer, en het die Tesourie die bevoegdheid om die betalings uit gelde wat aldus bewillig is of gemagtig is om uitgekeer te word, te beperk tot die bedrae wat die Tesourie nodig ag vir die betaling van die lopende uitgawes ten opsigte van sodanige diens of doel of om die betalings uit gelde wat aldus bewillig is of gemagtig is om uitgekeer te word, terug te hou of op te skort indien, na die mening van die Tesourie, die finansiële toestand sodanige terughouding of opskorting wenslik maak.

(b) Indien, uit hoofde van die bepaling van paragraaf (a), bedrae vir 'n diens betaal word wat gesamentlik minder is as die bedrag wat vir sodanige diens by 'n begrotingswet bewillig is, word die som van die bedrae aldus betaal, behoudens die bepaling van paragraaf (c), vir alle doeleindes geag die bedrag te wees wat by sodanige Wet bewillig is.

(c) Waar die som van die bedrae aldus vir 'n diens betaal minder is as die bedrag aldus vir sodanige diens bewillig, word die verskil tussen sodanige som en sodanige bedrag vir die toepassing van die betrokke begrotingswet as 'n besparing ten opsigte van sodanige diens beskou en kan daar ooreenkomstig sodanige Wet daarmee gehandel word.

*Rekening van die Betaalmeester-generaal*

4. By die bank word 'n rekening genoem die "Rekening van die Betaalmeester-generaal" gehou en alle bedrae wat uit die Skatkisrekening ooreenkomstig regulasie 3 (1) uitbetaal word, word gekrediteer—

(a) deur die bank op die Rekening van die Betaalmeester-generaal; en

(b) deur die Tesourie in sy registers van bedoelde Rekening op die rekenings van die verskillende rekenpligtige beamptes wat vir die betrokke begrotingsposte of dienste verantwoordelik is.

*Bewilling vir die dienste van 'n boekjaar*

5. Geen begrotingswet word so uitgelê as sou dit magtiging verleen vir die besteding van die gelde wat daarby bewillig word, in 'n ander boekjaar as dié waarop dit

*Exchequer Account*

3. (1) There shall be kept with the bank an account entitled the "Exchequer Account of the KaNgwane Government" into which shall be paid all revenue accruing to the Revenue Fund and also all other receipts appertaining thereto from whatever source arising, and from which all moneys payable to accounting officers shall be withdrawn.

(2) With a view to economising the public balances the Treasury shall restrict the sums to be issued or transferred from time to time to the credit of the accounts of accounting officers to such total sums as the Treasury may consider necessary for the payment of current expenditure on the public services for which the accounting officers are responsible.

(3) Each accounting officer shall consider the sums so transferred to his account as constituting part of his general drawing balance and all such sums shall be carried in the books of the accounting officer to the credit of the services for which the same may be issued as determined in subregulation (2): Provided that an accounting officer shall not make payment of expenditure which is not authorised under the Act or by an appropriation act or by any other law whereby services are charged on the Revenue Fund.

(4) (a) Notwithstanding anything to the contrary in any law contained, the appropriation by an appropriation act of moneys for any service or the authorisation by special warrant granted under paragraph (c) of the Proclamation Providing for the Withdrawal of Moneys from the KaNgwane Revenue Fund of the issue of moneys for any purpose shall be construed merely as specifying the maximum amount that may be devoted to the service or purpose in question, and the Treasury shall have the power to limit the issues out of moneys so appropriated or authorised to be issued to the sums which the Treasury considers are required for the payment of current expenditure in respect of such service or purpose or to withhold or suspend the issues out of moneys so appropriated or authorised to be issued if, in the opinion of the Treasury, the financial situation renders such withholding or suspension desirable.

(b) If, by virtue of the provisions of paragraph (a), amounts are issued for any service which together amount to less than the amount appropriated for such service by an appropriation act, the sum of the amounts so issued shall, subject to the provisions of paragraph (c), for all purposes be regarded as the amount appropriated by such Act.

(c) Where the sum of the amounts so issued for any service is less than the amount so appropriated for such service, the difference between such sum and such amount shall for the purpose of the relevant appropriation act be regarded as a saving in respect of such service and may be dealt with in accordance with such Act.

*Paymaster-General's Account*

4. There shall be kept with the bank an account entitled the "Paymaster-General's Account" and all amounts issued from the Exchequer Account in accordance with regulation 3 (1) shall be credited—

(a) by the bank to the Paymaster-General's Account; and

(b) by the Treasury in its records of the said Account to the accounts of the several accounting officers responsible for the votes or services affected.

*Appropriation for the services of a financial year*

5. No appropriation act shall be construed as authorising moneys appropriated thereby to be expended in any financial year other than the financial year to which it is



uitdruklik betrekking het nie, en gelde aldus bewillig wat aan die einde van die boekjaar onbestee is, word in die Skatkisrekening teruggestort.

#### *Rekeningstelsel*

6. 'n Stelsel van rekeningboeke en rekenings wat by die vereistes van elke diens aanpas sodat al die ontvangstes en betalings ten opsigte van elke begrotingspos of diens in gerieflike vorm aangedui word, word onder toesig van die Tesourie na oorlegpleging met die Ouditeur-generaal, ontwerp, en die Tesourie kan van tyd tot tyd deur middel van diensbrief of voorskrif die wyse voorskryf waarop elke departement sy rekenings moet hou.

#### *Opstel van finansiërekenings*

7. (1) So gou doenlik nadat die rekenings ten opsigte van 'n boekjaar afgesluit is, maar in elk geval binne ses maande na die afsluiting van die boekjaar, moet die Tesourie state opstel van die Skatkisrekening, die Betaalmeester-generaalrekening en alle ander fondse waarvoor die Tesourie beheer het.

(2) Sodra die state wat in subregulasie (1) voorgeskryf word, opgestel is, word hulle aan die Ouditeur-generaal gestuur.

#### *Opstel van appropriasierekenings*

8. So gou moontlik, maar in elk geval binne vyf maande na die afsluiting van 'n boekjaar, word rekenings van die appropriasie van al die dienste wat in die Begrotingswet van daardie boekjaar vervat is, deur die rekenpligtige beampptes opgestel en aan die Ouditeur-generaal gestuur om nagesien te word. Afskrifte van sodanige rekenings word aan die Tesourie gestuur.

#### *Vorm van appropriasierekenings*

9. 'n Rekenpligtige beampte gee in 'n appropriasie-rekening ten opsigte van elke hoofindeling van 'n begrotingspos—

(a) aan die ontvangstekant daarvan die bedrag op wat vir die betrokke boekjaar in die begroting van uitgawes en 'n addisionele begroting van uitgawes verskyn; en

(b) aan die uitgawekant daarvan die bedrag op wat gedurende dieselfde tydperk werklik bestee is: Met dien verstande dat die bedrag van 'n voorskot deur 'n rekenpligtige beampte om verwagte uitgawes te bestry wat nie deur aanvaarbare bewyse van uitgawe gestaaf word nie, nie aan die uitgawekant ingesluit word nie.

#### *State moet saam met appropriasierekening gaan*

10. (1) Elke appropriasierekening wat by die Ouditeur-generaal ingedien word, moet vergesel wees van—

(a) verduidelikings van die oorsake van 'n verskil, wat twee persent te bowe gaan, tussen uitgawes en die bedrag beoog in regulasie 9 (a);

(b) 'n aanduiding van die bedrag van enige surplus wat teruggestort moet word of van enige tekort;

(c) 'n verklaring dat die bedrag van die surplus, as daar was, van die voorafgaande boekjaar teruggestort is.

(2) Appropriasierekenings en besonderhede ingevolge hierdie regulasie verstrek, word deur die rekenpligtige beampte onderteken.

#### *Magtiging vir opening van bankrekening*

11. 'n Rekening ten opsigte van Regeringsgeld kan slegs met die skriftelike magtiging van die Tesourie by die bank geopen word, en waar 'n rekening aldus geopen is, laat die bank nie 'n oortrekking op so 'n rekening toe nie.

expressed to relate, and any moneys so appropriated which may be unexpended at the close of any financial year shall be surrendered to the Exchequer Account.

#### *Plan of accounts*

6. A plan of account books and accounts adapted to the requirements of each service, in order to exhibit, in a convenient form, the whole of the receipts and payments in respect of each vote or service shall be designed under the superintendence of the Treasury, after consultation with the Auditor-General, and the Treasury may, from time to time by minute or instruction, prescribe the manner in which each department shall keep its accounts.

#### *Preparation of finance accounts*

7. (1) As soon as possible after the accounts have been closed in respect of any financial year, but in every case within six months of the close of a financial year, the Treasury shall prepare statements of the Exchequer Account, the Paymaster-General's Account and all other funds of which the Treasury may have charge.

(2) The statements prescribed in subregulation (1), shall, as soon as they have been prepared, be transmitted to the Auditor-General.

#### *Preparation of appropriation accounts*

8. As soon as possible, but in every case within five months of the close of any financial year, accounts of the appropriation of all the services comprised in the Appropriation Act for that financial year, shall be prepared by the accounting officers and shall be transmitted for examination to the Auditor-General. Copies of such accounts shall be sent to the Treasury.

#### *Form of appropriation accounts*

9. In an appropriation account an accounting officer shall in respect of each main division of a vote specify—

(a) on the receipts side thereof the amount appearing in the estimates of expenditure and additional estimates of expenditure for the financial year in question; and

(b) on the expenditure side thereof the amount actually expended during the same period: Provided that the amount of any advance by an accounting officer to defray expected expenditure which is not supported by acceptable expenditure vouchers, shall not be included on the expenditure side.

#### *Statements to accompany appropriation accounts*

10. (1) Each appropriation account rendered to the Auditor-General shall be accompanied by—

(a) explanations of the causes of variation, in excess of two per cent, between expenditure and the amount contemplated in regulation 9 (a);

(b) an indication of the amount of any surplus to be surrendered or of any deficit;

(c) a statement to the effect that the preceding financial year's surplus, if any, has been surrendered.

(2) Appropriation accounts and particulars furnished in terms of this regulation shall be signed by the accounting officer.

#### *Authority for opening of bank accounts*

11. An account in respect of Government moneys may only be opened at the bank on the written authority of the Treasury, and where an account has been so opened the bank shall not allow such an account to be overdrawn.

*Verhaal van verliese en skade*

12. Die bepalings van die Skatkis- en Ouditwet, 1975 is *mutatis mutandis* van toepassing met betrekking tot die verhaal van verliese en skade deur die KaNgwane-regering gely.

*Afwykings van hierdie regulasies*

13. 'n Afwyking van hierdie regulasies word toegelaat slegs indien die Tesourie vooraf magtiging daartoe verleen het na oorlegpleging met die Ouditeur-generaal.

No. R. 218, 1977

# KANGWANE-REGERING.—VEREISTES VIR DIE ONTTREKKING VAN GELDE UIT DIE INKOMSTEFONDS

Kragtens die bevoegdheid my verleen by artikel 8 van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), verklaar ek hierby dat, met ingang van 1 April 1978—

(a) totdat 'n bewilliging volgens wet gemaak is soos in artikel 8 van bedoelde Wet bepaal en vir 'n tydperk van hoogstens drie maande na die aanvang van 'n boekjaar, gelde onttrek kan word uit die Inkomstefonds vir die gebied van die KaNgwane- Wetgewende Vergadering ten einde uitgawes aan dienste ten opsigte waarvan 'n bewilliging in die onmiddellik voorafgaande boekjaar gemaak is, of ten opsigte waarvan 'n ander statutêre magtiging bestaan, te dek;

(b) geen uitreiking uit bedoelde inkomstefonds gemaak word nie behalwe ooreenkomstig 'n volmag deur die Hoof-Uitvoerenderaadslid van die gebied van die KaNgwane- Wetgewende Vergadering onderteken;

(c) bedoelde Hoof-Uitvoerenderaadslid met die goedkeuring van die Uitvoerende Raad vir bedoelde gebied by spesiale volmag deur hom onderteken die uitreiking van gelde uit bedoelde Inkomstefonds kan magtig—

(i) om onvoorsiene uitgawes van 'n besondere aard te dek waarvoor daar nie in 'n Begrotingswet voorsiening gemaak is nie en wat nie sonder ernstige nadeel vir die publieke belang uitgestel kan word totdat toereikende voorsiening deur bedoelde Wetgewende Vergadering daarvoor gemaak kan word nie; of

(ii) om 'n oorskryding onder enige uitgawe-hoof in 'n Begrotingswet te dek:

Met dien verstande dat die totale bedrag wat die Hoof-Uitvoerenderaadslid by spesiale volmag kan magtig op geen tydstip 'n bedrag gelykstaande met vyf persent van die totale bedrag in 'n Begrotingswet bewillig, te bowe mag gaan nie, en dat bedoelde bedrag aan die Wetgewende Vergadering vir bewilliging tydens sy eersvolgende sitting voorgelê moet word.

Hierdie Proklamasie heet die Proklamasie om Voorsiening te maak vir die Onttrekking van Gelde uit die KaNgwane-inkomstefonds, 1977.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sesde dag van September Eenduisend Negehoonderd Sewe-en-Sewentig.

N. DIEDERICH, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

*Recovery of losses and damages*

12. The provisions of the Exchequer and Audit Act, 1975 in respect of the recovery of losses and damages suffered shall apply *mutatis mutandis* to the KaNgwane Government.

*Departures from these regulations*

13. A departure from these regulations will be permitted only with the prior approval of the Treasury given after consultation with the Auditor-General.

No. R. 218, 1977

# KANGWANE GOVERNMENT.—REQUIREMENTS FOR THE WITHDRAWAL OF MONEYS FROM THE REVENUE FUND

Under and by virtue of the powers vested in me by section 8 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby declare that, with effect from 1 April 1978—

(a) until an appropriation has been made as provided in section 8 of the said Act and for a period not exceeding three months after the beginning of a financial year, moneys may be withdrawn from the Revenue Fund for the area of the KaNgwane Legislative Assembly, in order to meet expenditure on services in respect of which there has been an appropriation in the immediately preceding financial year or for which there is other statutory authority;

(b) no issue shall be made out of the said Revenue Fund except in pursuance of a warrant signed by the Chief Executive Councillor for the area of the KaNgwane Legislative Assembly; and

(c) the said Chief Executive Councillor may with the approval of the Executive Council for the said area by special warrant under his hand authorise the issue of moneys for the said Revenue Fund—

(i) to defray unforeseen expenditure of a special character which is not provided for in an Appropriation Act and which cannot without serious injury to the public interest be postponed until adequate provision can be made therefor by the said Legislative Assembly; or

(ii) to meet an excess on any head of expenditure in an Appropriation Act:

Provided that the total sum which the Chief Executive Councillor may authorise by special warrant shall not at any time exceed an amount equal to five per cent of the total amount provided in an Appropriation Act, and that the said sum shall be submitted to the Legislative Assembly for appropriation at its next ensuing session.

This Proclamation shall be called the Proclamation Providing for the Withdrawal of Moneys from the KaNgwane Revenue Fund, 1977.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Sixth day of September, One thousand Nine hundred and Seventy-seven.

N. DIEDERICH, State President.

By Order of the State President-in-Council:

M. C. BOTHA.



No. R. 219, 1977

**REGLEMENT VAN ORDE.—KANGWANE- WET-  
GEWENDE VERGADERING**

Nademaal dit raadsaam geag word om 'n reglement van orde af te kondig vir die reëling en die voer van die verrigtinge van die KaNgwane- Wetgewende Vergadering en die afhandeling van sy werksaamhede;

So is dit dat ek kragtens die bevoegdheid my verleen by artikel 24 van die Grondwet van Bantoeituislande, 1971 (Wet 21 van 1971), hierby die reëls soos in die Bylae hiervan vervat, uitvaardig.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Vyftiende dag van April Eenduisend Negehoenderd Sewe-en-Sewentig.

N. DIEDERICH, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

**BYLAE****REGLEMENT VAN ORDE.—KANGWANE- WETGEWENDE  
VERGADERING****Inhoudsopgawe**

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**DEEL I****Verrigtinge by eerste sessie van Nuwe Wetgewende  
Vergadering****Aflê van eed****Lede vergader om eed af te lê**

1. Die lede van die Wetgewende Vergadering vergader by die setel van die Regering of sodanige ander plek as wat die Wetgewende Vergadering goedkeur minstens een dag voor die vasgestelde datum vir die opening van die eerste sessie van 'n Wetgewende Vergadering ten einde lede in staat te stel om die eed af te lê en met die doel om 'n Hoof-Uitvoerenderaadslid, 'n Voorsitter en 'n Ondervoorsitter te verkies.

**Sekretaris moet presensielys opmaak**

2. Die Sekretaris van die vergadering lees, nadat hy die lede van die doel van die vergadering verwittig het, die name van al die lede uit en al die lede daar teenwoordig antwoord op hulle name.

**Aflê van eed voor Kommissaris-generaal of persoon  
deur Minister aangewys**

3. Die Kommissaris-generaal of persoon deur die Minister aangewys moet dan van die lede daar teenwoordig die eed voorgeskryf by artikel 10 (1) van die KaNgwane- Grondwetproklamasie, 1977, afneem.

No. R. 219, 1977

**RULES OF PROCEDURE.—KANGWANE  
LEGISLATIVE ASSEMBLY**

Whereas it is considered expedient to promulgate rules of procedure for the regulation and conduct of the proceedings of the KaNgwane Legislative Assembly and the dispatch of its business;

Now, therefore, under and by virtue of the powers vested in me by section 24 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), I hereby make the rules appearing in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Fifteenth day of April, One thousand Nine hundred and Seventy-seven.

N. DIEDERICH, State President.

By Order of the State President-in-Council:

M. C. BOTHA

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**PART I****Proceedings at first session of New Legislative  
Assembly****Taking of oath****Members to meet to take oath**

1. The members of the Legislative Assembly shall meet at the seat of government or such other place as the Legislative Assembly may approve, at least one day before the date fixed for the opening of the first session of a new Legislative Assembly to enable members to take the oath and for the purpose of electing a Chief Executive Councillor, a Chairman and a Deputy Chairman.

**Roll call to be taken by Secretary**

2. The Secretary having informed members of the purpose of the meeting shall read out the names of all members and the members there present shall answer to their names.

**Taking of oath before Commissioner-General or person  
designated by Minister**

3. The Commissioner-General or person designated by the Minister shall then take from the members there present the oath prescribed by section 10 (1) of the KaNgwane Constitution Proclamation, 1977.

*Daaropvolgende aflê van eed: Prosedure*

4. 'n Lid wat sitting neem op 'n latere dag as die dag bedoel in reël 1, of die openingsdag van enige sessie, word deur twee lede, nadat sy naam uitgelees is, na die Tafel gebring, en sy eed word deur die Voorsitter van die Wetgewende Vergadering afgeneem.

*Voorsitter neem eed in sekere gevalle af*

5. Behoudens soos andersins in die KaNgwane-Grondwetproklamasie, 1977, of hierdie Reglement bepaal, neem die Voorsitter, wanneer ook al nodig, die eed onmiddellik na gebed af.

*Verkiesing van Hoof-Uitvoerenderaadslid*

6. Op die vergadering in reël 1 bedoel nadat die lede die eed afgelê en onderskryf het en te eniger ander tyd wanneer dit nodig is om 'n Hoof-Uitvoerenderaadslid ingevolge artikel 12 van die KaNgwane-Grondwetproklamasie, 1977, te verkies, kondig die Sekretaris aan die Wetgewende Vergadering die noodsaaklikheid van die verkiesing aan en versoek die Wetgewende Vergadering om dadelik tot die verkiesing oor te gaan of die Wetgewende Vergadering besluit op 'n dag so gou moontlik daarna wat gerieflik is vir die verkiesing maar voor die datum bepaal vir die amptelike opening van die Wetgewende Vergadering.

*Prosedure vir verkiesing van Hoof-Uitvoerenderaadslid*

7. (1) 'n Lid wat vooraf vasgestel het dat die persoon wat voorgestel staan te word, gewillig is om te dien indien verkose, kan enige lid van die Wetgewende Vergadering daar en dan teenwoordig voorstel as Hoof-Uitvoerenderaadslid. Sodanige voorstel vereis sekondering en moet onderteken wees deur die voorsteller, die sekondant en ook die genomineerde persoon.

(2) Geen debat word toegelaat nie uitgesonderd die formele voorstelling van die kandidaat(date) aan die Wetgewende Vergadering.

(3) Daar is geen beperking op die getal kandidate wat ingevolge die voorafgaande paragraaf voorgestel en gesekondeer kan word nie, maar geen lid wat reeds 'n kandidaat voorgestel of gesekondeer het mag 'n ander kandidaat voorstel of sekondeer nie en geen lid mag sy eie kandidatuur voorstel of sekondeer nie.

(4) Die name van die behoorlike genomineerde persone moet deur die Sekretaris aangekondig word op die vergadering waartydens die verkiesing moet plaasvind en geen debat word by die verkiesing toegelaat nie.

(5) Indien meer as een lid as Hoof-Uitvoerenderaadslid voorgestel word, moet met geslote stembrieffies ooreenkomstig die volgende prosedure, wat by die aanvang aan die lede verduidelik moet word, gestem word:

(a) Daar is 'n kort verdaging vir die gereedmaak van stembrieffies en daarna moet die Sekretaris aan elke lid teenwoordig 'n stembrieffie met 'n geheime amptelike merk op die keersy daarvan uitreik.

(b) Elke lid moet daarop die kandidaat vir wie hy wil stem, aandui deur 'n kruis teenoor die naam van sodanige kandidaat te plaas.

(c) Die Sekretaris moet dan die name van al die lede uitroep en elke lid kan, wanneer sy naam uitgeroep word, na die Tafel kom en sy stembrieffie in 'n stembus op die Tafel laat val.

(d) Sodra alle lede wat wil stem, gestem het, moet die Sekretaris in teenwoordigheid van die Wetgewende Vergadering die stembrieffies ondersoek met die hulp van die Assistent-sekretaris en die uitslag van die stemming rapporteer.

(e) Die Sekretaris verklaar die kandidaat wat die meerderheid van al die stemme wat uitgebring is, verkry het, as die behoorlik verkose Hoof-Uitvoerenderaadslid.

*Subsequent taking of oath: Procedure*

4. In the case of a member taking his seat subsequent to the day referred to in rule 1 or to the opening day of any session, he shall be brought to the Table by two members after his name has been read out, and the oath shall be administered to him by the Chairman of the Legislative Assembly.

*Chairman to administer oath in certain cases*

5. Save as otherwise provided in the KaNgwane Constitution Proclamation, 1977 or these Rules the Chairman shall, whenever necessary, administer the oath immediately after prayers.

*Election of Chief Executive Councillor*

6. At the meeting referred to in rule 1, members having made and subscribed to the oath, and at any other time when it is necessary to elect a Chief Executive Councillor in terms of section 12 of the KaNgwane Constitution Proclamation, 1977 the Secretary shall announce to the Legislative Assembly the need for the election and shall call upon the Legislative Assembly to proceed to the election forthwith or the Legislative Assembly shall decide upon a day as soon thereafter as may be convenient for the election but prior to the date set aside for the official opening of the Legislative Assembly.

*Procedure for election of Chief Executive Councillor*

7. (1) A member having first ascertained that the person to be proposed is willing to serve if elected, may propose any member of the Legislative Assembly then present as Chief Executive Councillor. Such proposal requires seconding and shall be signed by the proposer the seconder and also by the person nominated.

(2) No debate shall be allowed other than the formal introduction of the candidate(s) to the Legislative Assembly.

(3) There shall be no limit to the number of candidates who may be proposed and seconded under the preceding paragraph, but no member who has already proposed or seconded a candidate may propose or second another candidate and no member may propose or second his own candidature.

(4) The names of the persons duly nominated shall be announced by the Secretary at the meeting at which the election is to take place, and a debate shall not be allowed at the election.

(5) If more than one member be proposed as Chief Executive Councillor, a ballot shall be held in accordance with the following procedure which shall at the outset be explained to the members:

(a) There shall be a short adjournment for the preparation of ballot papers after which the Secretary shall hand each member present a ballot paper having a secret official mark on the reverse side thereof.

(b) Every member shall thereupon signify the candidate for whom he desires to vote by placing a cross opposite the name of such candidate.

(c) The Secretary shall then call the names of all the members and each member may, when his name is called, come to the Table and drop his ballot paper into a ballot box on the Table.

(d) When all members who wish to vote have done so the Secretary shall in the presence of the Legislative Assembly, examine the ballot papers with the assistance of the Assistant Secretary and report the result of the ballot.

(e) The Secretary shall declare the candidate receiving a majority of all the votes cast to be duly elected Chief Executive Councillor.



(f) Indien geen kandidaat 'n meerderheid van al die stemme wat aldus uitgebring is, behaal nie, word die kandidaat wat die minste stemme gekry het, uitgeskakel, en 'n verdere stemming ten opsigte van die oorblywende kandidate gehou, en hierdie prosedure word herhaal so dikwels as wat nodig is totdat 'n kandidaat 'n meerderheid verkry van al die stemme wat uitgebring word en behoorlik verkose verklaar word.

(g) Wanneer twee of meer kandidate dieselfde getal stemme behaal het, en een van dié kandidate vir die doeleindes van subreël (f) uitgeskakel moet word, bepaal die lede van die Wetgewende Vergadering by afsonderlike stemming, wat indien nodig herhaal word maar nie meer as drie keer nie, watter van dié kandidate uitgeskakel moet word en indien daar na die derde stemming nog 'n staking van stemme tussen die betrokke kandidate is, gaan die Sekretaris daartoe oor om deur loting op die wyse deur hom beslis te bepaal watter kandidaat uitgeskakel moet word.

(h) 'n Lid mag nie 'n stembriefie wat nie sy eie is in die stembus laat val nie.

(i) 'n Lid wat opdaag na die ander lede se name uitgeroep is, is nie geregtig om te stem nie.

#### *Prosedure as slegs een kandidaat voorgestel word*

8. Indien slegs een lid as Hoof-Uitvoerenderaadslid voorgestel en gesekondeer word, moet hy verkose verklaar word.

#### *Aanstelling van ander Uitvoerenderaadslede*

9. Die ander lede van die Uitvoerende Raad word deur die Hoof-Uitvoerenderaadslid aangestel uit die lede van die Wetgewende Vergadering binne 'n tydperk van sewe dae na die datum waarop die Hoof-Uitvoerenderaadslid verkies is ingevolge reël 6.

#### *Bevoegdheid van Sekretaris*

10. (a) Indien die Sekretaris oortuig is dat 'n stembriefie nie voldoen aan die vereistes van reël 7 nie, kan hy dit verwerp en met die verkiesing voortgaan, of die stembriefie of die hele verkiesing nietig verklaar en beveel dat die verrigtinge vir die geheime stemming of die hele verkiesing van vooraf begin.

(b) Indien die Sekretaris oortuig is dat die bepalinge van reëls 7 tot en met 11 in enige ander opsig nie behoorlik uitgevoer is of word nie kan hy enige bepaalde geheime stemming of die hele verkiesing nietig verklaar en beveel dat die verrigtinge vir die geheime stemming of die hele verkeising van vooraf begin.

#### *Beskikking oor stembriefies*

11. Soos die stembriefies getel word, moet hulle in 'n bus geplaas word. Wanneer 'n lid verkose verklaar is tot Hoof-Uitvoerenderaadslid, moet die bus verseël word in teenwoordigheid van die Wetgewende Vergadering en in die bewaring van die Sekretaris gehou word vir een kalendermaand en dan, tensy die Wetgewende Vergadering anders gelas, moet die Sekretaris die stembriefies vernietig.

#### *Verkiesing van voorsitter en ondervoorsitter*

##### *Verkiesing van Voorsitter*

12. Onmiddellik na die verkiesing van die Hoof-Uitvoerenderaadslid verkies die lede van die Wetgewende Vergadering 'n Voorsitter en die bepalinge van reëls 6 tot en met 11 is *mutatis mutandis* van toepassing op die verkiesing van sodanige Voorsitter.

##### *Erkenning deur Voorsitter*

13. Die lid wat as Voorsitter verkies is word na die Stoel begelei deur sy voorsteller en sekondant, neem die Stoel in en gee dan sy waardering te kenne van die eer hom aangedoen.

(f) If no candidate receives a majority of all the votes so cast, the candidate who received the smallest number of votes shall be eliminated and a further ballot taken in respect of the remaining candidates, this procedure being repeated as often as may be necessary until a candidate receives a majority of all the votes cast and is declared duly elected.

(g) Whenever two or more candidates have received the same number of votes, and one of those candidates is required to be eliminated for the purposes of subrule (f) the members of the Legislative Assembly shall by separate vote, which may if necessary be repeated, but not more than three times, determine which one of those candidates shall be eliminated and if after the third vote there is still an equality of votes between the candidates concerned, the Secretary shall proceed to determine by lot, in the manner decided upon by him, which candidate shall be eliminated.

(h) A member shall not drop into the ballot box a ballot paper which is not his own.

(i) A member who arrives after the names of the members have been called shall not be entitled to vote.

#### *Procedure if only one candidate proposed*

8. If only one member is proposed and seconded as Chief Executive Councillor he shall be declared elected.

#### *Appointment of other members of the Executive Council*

9. The other members of the Executive Council shall be appointed by the Chief Executive Councillor from among the members of the Legislative Assembly within a period of seven days after the date of the election of the Chief Executive Councillor in terms of rule 6.

#### *Powers of Secretary*

10. (a) If the Secretary is satisfied that a ballot paper does not comply with the provisions of rule 7 he may reject it and proceed with the election, or declare the ballot paper or the whole election void, ordering the proceedings for the ballot or the whole election to be begun afresh.

(b) If the Secretary is satisfied that the provisions of rules 7 to 11, inclusive, have not been, or are not being, carried out properly in any other respect he may declare a particular ballot or the whole election void, ordering the proceedings for the ballot or the whole election to be begun afresh.

#### *Disposal of ballot papers*

11. As the ballot papers are counted they shall be placed in a box. When a member has been declared elected Chief Executive Councillor the box shall be sealed in the presence of the Legislative Assembly and kept in the custody of the Secretary for one calendar month and then, unless otherwise directed by the Legislative Assembly, the Secretary shall destroy the ballot papers.

#### *Election of chairman and deputy chairman*

##### *Election of Chairman*

12. Immediately after the election of the Chief Executive Councillor the members of the Legislative Assembly shall proceed with the election of a Chairman and the provisions of rules 6 to 11, inclusive, shall apply *mutatis mutandis* to the election of such Chairman.

##### *Acknowledgements by Chairman*

13. The member elected as Chairman shall be conducted to the Chair by his proposer and seconder, shall take the Chair and shall thereupon express his sense of the honour conferred upon him.

*Verkieping van Ondervoorsitter*

14. Die Wetgewende Vergadering moet dan onder die leiding van sy eie verkose Voorsitter 'n Ondervoorsitter verkies en die bepalings van reëls 6 tot en met 11 is *mutatis mutandis* van toepassing op die verkiesing van sodanige Ondervoorsitter.

*Kommissaris-generaal moet in kennis gestel word*

15. Die Sekretaris moet so spoedig moontlik na die verkiesing van 'n Voorsitter en Ondervoorsitter, die Kommissaris-generaal per brief verwittig van die name van die lede aldus verkies.

*Aanvulling van vakatures van Voorsitter of Ondervoorsitter*

16. Enige vakature wat ontstaan in die amp van Voorsitter of Ondervoorsitter van die Wetgewende Vergadering moet deur die Sekretaris, die Voorsitter of die Ondervoorsitter, na gelang van die geval, aan die Wetgewende Vergadering gerapporteer word op sy volgende sitting en die Wetgewende Vergadering moet onverwyld oorgaan tot die verkiesing van 'n nuwe Voorsitter of Ondervoorsitter en wel op die wyse vroeër hierin bepaal.

*Ondervoorsitter sit voor in afwesigheid van Voorsitter*

17. Indien die Sekretaris die Wetgewende Vergadering in kennis stel van die afwesigheid van die Voorsitter moet die Ondervoorsitter die Stoel gedurende sodanige afwesigheid inneem en hy verrig dieselfde funksies en bevoegdhede as die Voorsitter.

*Reëls vir die aflos van Voorsitter en Ondervoorsitter*

18. Die Voorsitter kan in afwesigheid van die Ondervoorsitter, of die Ondervoorsitter kan in afwesigheid van die Voorsitter, enige lid versoek om tydelik die Stoel gedurende 'n sitting in te neem sonder om die Wetgewende Vergadering formeel te verwittig en vir die tydelike afwesigheid van beide Voorsitter en Ondervoorsitter moet die Wetgewende Vergadering 'n ander lid verkies ooreenkomstig die vroeër hierin vermelde bepalings om tydelik as Voorsitter waar te neem gedurende sodanige afwesigheid. Die Sekretaris sit voor vir sodanige verkiesing.

## DEEL II

*Amptelike opening van Wetgewende Vergadering**Kennisgewing van byeenroeping van Wetgewende Vergadering moet gelees word*

19. Op die vasgestelde dag vir die opening van die eerste sessie van 'n nuwe Wetgewende Vergadering, nadat die lede vergader is in die Saal en nadat die presensielys deur die Sekretaris opgestel is, lei die Voorsitter op die vasgestelde tyd vir die amptelike opening die verrigtinge in die volgende volgorde:

(a) Hy open die byeenkoms met gebed, soos voorgeskryf in die Aanhangsel hiervan.

(b) Hy versoek die Sekretaris om die kennisgewing wat die Wetgewende Vergadering byeenroep, te lees.

(c) Hy kondig vervolgens die Minister of die persoon wat namens die Minister die openingsrede lewer, aan.

(d) Geen debat word toegelaat oor die openingsrede nie maar die Voorsitter kan namens die Wetgewende Vergadering sy dank uitspreek.

*Prosedure by aankoms en vertrek van Hoof-Uitvoerende-raadslid en Minister of afgevaardigde*

20. (1) Die Hoof-Uitvoerenderaadslid moet deur die ander Uitvoerenderaadslide die Saal binnegelei word.

(2) By die binnekoms in of vertrek uit die Saal van die Minister of ander persoon deur hom aangewys om die openingseremonie waar te neem, staan die Voorsitter en lede, en bly hulle staande op hulle plekke, totdat die Minister of sy afgevaardigde sy sitplek ingeneem of die Saal verlaat het, na gelang van die geval.

*Election of a Deputy Chairman*

14. The Legislative Assembly under the direction of its own elected Chairman shall then elect a Deputy Chairman and the provisions of rules 6 to 11, inclusive, shall apply *mutatis mutandis* to the election of such Deputy Chairman.

*Commissioner-General to be advised*

15. The Secretary shall as soon as possible after the election of a Chairman and Deputy Chairman inform the Commissioner-General by letter of the names of the members so elected.

*Filling of vacancies for Chairman or Deputy Chairman*

16. Any vacancy occurring in the office of Chairman or Deputy Chairman of the Legislative Assembly shall be reported by the Secretary, the Chairman or the Deputy Chairman, as the case may be, to the Legislative Assembly at its next sitting, and the Legislative Assembly shall forthwith proceed to the election of a new Chairman or Deputy Chairman in the manner hereinbefore provided.

*Deputy Chairman to preside during absence of Chairman*

17. Should the Legislative Assembly be informed by the Secretary of the absence of the Chairman, the Deputy Chairman shall take the Chair during such absence and he shall perform the same functions and powers as the Chairman.

*Arrangements to relieving Chairman and Deputy Chairman*

18. The Chairman may, in the absence of the Deputy Chairman, or the Deputy Chairman may, in the absence of the Chairman, request any member to take the Chair temporarily during a sitting, without any formal communication to the Legislative Assembly, and in the temporary absence of both the Chairman and Deputy Chairman, the Legislative Assembly shall elect some other member in the manner hereinbefore provided to act temporarily as Chairman during such absence. The Secretary shall preside for the purpose of such election.

## PART II

*Official opening of Legislative Assembly**Notice summoning Legislative Assembly to be read*

19. On the day fixed for the opening of the first session of a new Legislative Assembly, the members having assembled in the Chamber and after the roll call has been taken by the Secretary, the Chairman shall at the time fixed for the official opening, conduct the proceedings in the following order:

(a) He shall open the meeting with prayers, as prescribed in the Annexure hereto.

(b) He shall call upon the Secretary to read the notice summoning the Legislative Assembly.

(c) He shall then announce the Minister or the person who is to deliver the opening speech on behalf of the Minister.

(d) No debate shall be allowed to take place on the opening speech but the Chairman may express his thanks on behalf of the Legislative Assembly.

*Procedure on arrival and departure of Chief Executive Councillor and Minister or delegate*

20. (1) The Chief Executive Councillor shall be escorted into the Chamber by the other Executive Councillors.

(2) Upon the entry into or departure from the Chamber of the Minister or other person designated by him to perform the opening ceremony, the Chairman and members shall rise and remain standing in their places until the Minister or his delegate has taken his seat or left the Chamber, as the case may be.



*Prosedure by sessie van Wetgewende Vergadering wat nie die eerste sessie van 'n Nuwe Wetgewende Vergadering is nie*

21. Op die eerste sittingsdag van die sessie van die Wetgewende Vergadering wat nie die eerste sessie van 'n nuwe Wetgewende Vergadering is nie, nadat die lede vergader is op die tyd en plek in die kennisgewing bepaal, lei die Voorsitter die verrigtinge wesenlik in ooreenstemming met die prosedure voorgeskryf by reël 19, paslik gewysig ooreenkomstig die behoeftes van die geleentheid.

### DEEL III

#### *Handhawing van orde en reëls van debat*

##### *Gedrag en toesprake van lede*

##### *Voorsitter moet orde handhaaf*

22. Orde moet in die Wetgewende Vergadering deur die Voorsitter gehandhaaf word. Sy beslissing oor 'n punt van orde is nie onderworpe aan appèl nie en mag nie deur die Wetgewende Vergadering hersien word nie behalwe na 'n substantiewe mosie ingedien na kennisgewing.

##### *Lede moet sit wanneer Voorsitter opstaan*

23. Wanneer die Voorsitter gedurende die verrigtinge van die Wetgewende Vergadering of in Komitee van die hele Wetgewende Vergadering opstaan, moet elke lid gaan sit en lede moet stil bly sodat die Voorsitter ongestoord gehoor kan word.

##### *Lede is gelyk*

24. Geen Uitvoerenderaadslid of kaptein of hoogwaardigheidsbekleër wat 'n lid van die Wetgewende Vergadering is, mag voorkeurbehandeling in die Wetgewende Vergadering eis nie op grond van sy erfregtelike of ander posisie en sodanige lede moet 'n voorbeeld stel vir ander lede deur hulle eerbiedigheid en gehoorsaamheid aan die Stoel en by die handhawing van die orde en die waardigheid van die Wetgewende Vergadering en die verrigtinge daarvan.

##### *Lede praat staande*

25. Elke lid staan as hy praat en rig sy opmerkings tot die Stoel.

##### *Voorsitter kies spreker*

26. Indien twee of meer lede gelyk opstaan om te praat, kies die Voorsitter een lid en versoek hom om te praat.

##### *'n Lid wat nie praat nie moet sit*

27. 'n Lid wat klaar gepraat het, moet sit en enige ander lid wat wil praat, moet opstaan.

##### *Sake waaroor lede kan praat*

28. 'n Lid mag oor die vraag voor die Wetgewende Vergadering praat of oor amendemente daarop voorgestel, of oor 'n vraag of amendement wat hy self wil voorstel, of oor 'n punt van orde voortspruitende uit die debat, maar anders nie.

##### *Getal kere wat lede mag praat*

29. (1) Geen lid mag die Wetgewende Vergadering meer as een maal oor 'n onderwerp toespreek nie, behalwe by wyse van verduideliking of repliek of in Komitee van die hele Wetgewende Vergadering; sodanige verduideliking word toegelaat slegs ingeval 'n wesenlike deel van 'n lid se toespraak verkeerd aangehaal of misverstaan is, maar hy mag geen nuwe aangeleentheid behandel nie en oor sodanige verduideliking word geen debat toegelaat nie.

(2) Met die vergunning van die Wetgewende Vergadering kan 'n lid sake van 'n persoonlike aard verduidelik hoewel daar geen vraag voor die Wetgewende Vergadering is nie en hy moet hom streng bepaal by die regverdiging van sy eie gedrag.

*Proceedings at session of Legislative Assembly not being the first session of a New Assembly*

21. On the first sitting day of the session of the Legislative Assembly, not being the first session of a new Assembly, the members having met at the time and place appointed in the notice, the Chairman shall conduct the proceedings substantially in accordance with the procedure prescribed in rule 19 suitably adapted to the needs of the occasion.

### PART III

#### *Maintenance of order and rules of debate*

##### *Conduct and speeches of members*

##### *Chairman to maintain order*

22. Order shall be maintained in the Legislative Assembly by the Chairman. His decision on a point of order shall not be open to appeal and shall not be reviewed by the Legislative Assembly except on a substantive motion made after notice.

##### *Members to sit down when Chairman rises*

23. When the Chairman rises during proceedings in the Legislative Assembly or in Committee of the whole Legislative Assembly every member shall sit down and members shall be silent so that the Chairman may be heard without interruption.

##### *Members to be equal*

24. No Executive Councillor or chief or dignitary, being a member of the Legislative Assembly, may claim preferential treatment in the Legislative Assembly by virtue of his hereditary or other position and such members shall set an example to other members in their respect and obedience to the Chair and in maintaining the order and dignity of the Legislative Assembly and the proceedings thereof.

##### *Members to speak standing*

25. A member shall speak standing and shall address his observations to the Chairman.

##### *Chairman to select speaker*

26. If two or more members rise at the same time to speak the Chairman shall select one member and call on him to speak.

##### *Members not speaking to be seated*

27. When a member has finished speaking he shall resume his seat and any other member wishing to speak shall rise.

##### *Matters on which members may speak*

28. A member may address the Legislative Assembly on the question before the Legislative Assembly or upon any amendment proposed thereto, or upon a question or amendment to be proposed by himself, or upon a question of order arising out of debate, but not otherwise.

##### *Number of times members may speak*

29. (1) No member shall address the Legislative Assembly more than once on a question, except in explanation or reply or when the whole Legislative Assembly is in Committee, such explanation being allowed only in case a material part of his speech has been misquoted or misunderstood, but he shall not introduce any new matter and no debate shall be allowed on such explanation.

(2) By the indulgence of the Legislative Assembly a member may explain matters of a personal nature although there be no question before the Legislative Assembly, and he shall confine himself strictly to the vindication of his own conduct.

*Beperking van toesprake*

30. (1) Behalwe in die geval van 'n Uitvoerenderaadslid en enige lid belas met 'n wetsontwerp, mag geen lid langer as 30 minute oor enige vraag praat nie.

(2) Geen lid mag in enige Komitee van die hele Wetgewende Vergadering langer as 10 minute op 'n slag oor enige wetsontwerp of ander saak praat nie; ewemin mag hy die Komitee vir meer as drie sodanige tydperk na mekaar toespreek.

*Reg van indiener van mosie om repliek op debat te lewer*

31. Nieteenstaande die bepalings van reëls 28 tot en met 30 moet die indiener van 'n mosie die geleentheid vergun word om repliek te lewer, en sodanige repliek sluit die debat.

*Aanspreekvorm*

32. Gedurende verrigtinge in die Wetgewende Vergadering moet lede na mekaar verwys as "die agbare meneer" (naam van lid moet gemeld word), of "die agbare kaptein" (naam van kaptein moet gemeld word).

*Lid mag sy toespraak nie voorlees nie*

33. 'n Lid mag sy toespraak nie voorlees nie, maar hy kan uittreksels uit boeke of stukke ter stawing van sy argument voorlees, en hy kan sy geheue opfris deur aantekeninge te raadpleeg.

*Gedrag van lede tydens sittings*

34. Gedurende 'n sitting moet 'n lid—

(a) die Saal met dekorum binnekom of verlaat;  
(b) blootshoof wees terwyl hy in die Saal is en hy moet 'n buiging voor die Stoel maak wanneer hy die Saal binnekom of verlaat, of wanneer hy na of van sy sitplek gaan;

(c) nie tussen die Stoel en 'n lid wat aan die woord is verbygaan nie;

(d) nie die Voorsitter by sy naam of enige ander titel as "Meneer die Voorsitter" aanspreek nie;

(e) nie onnodig oor die vloer van die Saal stap nie;

(f) wanneer hy van een deel van die Saal na 'n ander gaan, in die middel stilstaan en 'n buiging voor die Stoel maak;

(g) nie nuusblaai, boeke, briewe of ander dokumente lees nie, behalwe sodanige stof daarin as wat regstreeks in verband staan met die aangeleentheid dan onder oorweging;

(h) stilbly terwyl 'n lid aan die woord is, en hom nie onnodig in die rede val nie;

(i) wanneer hy deur die Voorsitter tot orde geroep is, dadelik gaan sit; en

(j) wanneer die Wetgewende Vergadering verdaag, in sy sitplek bly totdat die Voorsitter die Stoel verlaat het.

*Wanneer lede in die rede geval mag word*

35. Geen lid mag 'n ander lid wat aan die woord is, in die rede val nie, behalwe—

(a) wanneer hy oor 'n punt van orde opstaan, en dan moet die lid wat aan die woord was, gaan sit, en die lid wat opgestaan het, moet slegs die punt noem waarop hy die aandag wil vestig en dit aan die Voorsitter voorlê vir sy beslissing; of

(b) om 'n tersaaklike vraag aan die spreker te stel met die toestemming van die Voorsitter.

*Toesprake moet ter sake wees*

36. 'n Lid moet sy opmerkings oor die onderwerp in bespreking beperk, en mag geen sake wat nie op daardie onderwerp betrekking het, byhaal nie.

*Duration of speeches*

30. (1) Except in the case of an Executive Councillor and any member in charge of a bill, no member may exceed 30 minutes in speaking on any question.

(2) No member shall in any Committee of the whole Legislative Assembly speak on any bill or other matter for longer than 10 minutes at any one time, nor address the Committee for more than three such periods consecutively.

*Rights of introducer of motion to reply to debate*

31. Notwithstanding the provisions of rules 28 to 30 inclusive, a reply shall be allowed to a member who has moved a motion and such a reply closes the debate.

*Form of address*

32. During proceedings in the Legislative Assembly members shall refer to one another as "the honourable Mister" (stating the member's name) or "the honourable Chief" (stating the chief's name).

*Speeches not to be read*

33. A member may not read his speech but he may read extracts from books or papers in support of his arguments and refresh his memory by reference to notes.

*Conduct of members during sittings*

34. During a sitting a member shall—

(a) enter or leave the Chamber with decorum;

(b) be uncovered while in the Chamber and make obeisance to the Chair when entering or leaving the Chamber or passing to or from his place;

(c) not pass between the Chair and any member addressing the Legislative Assembly;

(d) not address the Chairman by name or any title other than "Mister Chairman";

(e) not cross the floor of the Chamber unnecessarily;

(f) when crossing from one side of the Chamber to the other pause in the centre and bow to the Chair;

(g) not read newspapers, books, letters or other documents except such matter therein as may be directly connected with the business then under consideration;

(h) while a member is speaking be silent and not make unseemly interruptions;

(i) when called to order by the Chairman immediately resume his seat; and

(j) when the Legislative Assembly adjourns keep his place until the Chairman has left the Chair.

*When interruptions may be made*

35. A member shall not interrupt the speech of any other member except—

(a) by rising to a point of order, when the member speaking shall resume his seat and the member interrupting shall simply direct attention to the point which he wishes to bring to notice and submit it to the Chairman for decision; or

(b) to put a relevant question to the speaker with the consent of the Chairman.

*Speeches to be relevant*

36. A member shall restrict his observations to the subject under discussion and shall not introduce matters irrelevant to that subject.



*Hangende hofsak gepriviligeerd*

37. Geen verwysing na enige saak waaroor 'n beslissing van 'n geregshof hangende is, mag op sodanige wyse gemaak word dat dit volgens die mening van die Voor-sitter daardie saak kan benadeel nie.

*Vrae wat reeds beslis is buite die orde*

38. (1) Dit is buite die orde om te poog om enige spesifieke vraag ten opsigte waarvan die Wetgewende Vergadering tydens enige vorige sessie 'n besluit geneem het, te heroorweeg, behalwe na 'n substantiewe mosie om daardie besluit te herroep, ingedien met die toestemming van die Voor-sitter.

(2) Geen mosie of amendement mag voorgestel word wat in wese dieselfde is as enige mosie wat gedurende die loop van daardie sessie aangeneem of verwerp is nie, maar die orde van die beslissing mag by mosie na kennisgewing herroep word.

*Beledigende taal buite die orde*

39. Dit is buite die orde om aanstootlike en beledigende taal omtrent lede van die Wetgewende Vergadering te gebruik.

*Toeskrywing van onbehoorlike motiewe buite die orde*

40. 'n Lid mag nie onbehoorlike motiewe aan 'n ander lid toeskryf nie.

*Persoonlike aanvalle buite die orde*

41. 'n Lid mag nie 'n persoonlike aanval ten opsigte van enige lid van die Wetgewende Vergadering maak nie.

*Aanstootlike uitdrukkings omtrent Wetgewende Vergadering buite die orde*

42. 'n Lid mag nie aanstootlike uitdrukkings oor die bestuur of verrigtinge van die Wetgewende Vergadering gebruik nie.

*Prosedure by beweerde onbehoorlike gedrag*

43. Daar mag nie verwys word na die persoonlike gedrag of enige beweerde onbehoorlike motiewe van 'n lid nie, behalwe na 'n substantiewe mosie vir daardie doel ingedien.

*Name van Staatspresident of Kommissaris-generaal mag nie gebruik word nie*

44. (1) Die naam van die Staatspresident of die Kommissaris-generaal mag nie gebruik word om die Wetgewende Vergadering te beïnvloed nie.

(2) 'n Lid mag nie in die openbaar 'n Minister, die Kommissaris-generaal of enige ander hoogwaardigheidsbekleër wat nie 'n lid van die Wetgewende Vergadering is nie, of enige staatsampenaar of lid van die publiek wat in aangewese plekke teenwoordig mag wees in die Wetgewende Vergadering gedurende die verrigtinge daarvan, aanspreek nie.

*Gedrag van Staatspresident en ander mag nie na verwys word nie*

45. (1) Die gedrag van die Staatspresident, die Kommissaris-generaal, 'n Regter van die Hooggeregshof of ander persone wat regterlike pligte uitvoer mag nie na verwys word op vernederende wyse of in 'n ongunstige lig gestel word nie.

(2) 'n Lid mag nie verraderlike of oproerige taal gebruik of die naam van die Staatspresident oneerbiediglik gebruik nie.

*Reëls vir lid wat Wetgewende Vergadering toespreek*

46. 'n Lid mag nie—

(a) na enige debat van die lopende sessie oor 'n onderwerp of wetsontwerp wat op die oomblik nie in bespreking is, verwys nie, behalwe met vergunning van die Wetgewende Vergadering ter wille van 'n persoonlike verduideliking;

*Pending lawsuit privileged*

37. Reference shall not be made to a case pending in a court of law in such a way as, in the opinion of the Chairman, might prejudice that case.

*Questions which decision taken out of order*

38. (1) It shall be out of order to attempt to reconsider a specified question on which the Legislative Assembly has taken a decision during any previous session, except on a substantive motion to rescind that decision, made with the permission of the Chairman.

(2) No motion or amendment shall be proposed which is the same in substance as any motion which during the current session has been resolved in the affirmative or negative, but the order of resolution may be rescinded by motion after notice.

*Insulting language out of order*

39. It shall be out of order to use offensive and insulting language about members of the Legislative Assembly.

*Imputation of improper motives out of order*

40. A member shall not impute improper motives to any other member.

*Personal charges out of order*

41. A member shall not make a personal charge in reference to any member of the Legislative Assembly.

*Offensive expressions about Legislative Assembly out of order*

42. A member shall not use offensive expressions about the conduct or proceedings of the Legislative Assembly.

*Procedure on alleged improper conduct*

43. The personal conduct or any alleged improper motives of a member shall not be referred to except on a substantive motion moved for that purpose.

*Names of State President or Commissioner-General not to be used*

44. (1) The name of the State President or the Commissioner-General shall not be used to influence the Legislative Assembly.

(2) A member shall not publicly address a Minister, the Commissioner-General or any other dignitary not being a member of the Legislative Assembly or any public servant or member of the public who may be present in the Legislative Assembly during its proceedings in accommodation assigned to them.

*Conduct of State President and others not to be referred to*

45. (1) The conduct of the State President, the Commissioner-General, a Judge of the Supreme Court or other persons performing judicial functions, shall not be referred to or reflected upon in a derogatory manner.

(2) A member shall not use treasonable or seditious words or use the name of the State President irreverently.

*Rules for member addressing Legislative Assembly*

46. A member shall not—

(a) refer to any debate of the current session upon any question or bill not then under discussion except by the indulgence of the Legislative Assembly for personal explanation;

(b) die bespreking van enige ander onderwerp wat op die Ordelys voorkom, vooruitloop nie: Met dien verstande dat wanneer die Voorsitter moet beslis of 'n bespreking buite die orde is weens vooruitloping, hy in ag neem of dit waarskynlik is dat die saak wat vooruitgehoop word, binne 'n redelike tyd voor die Wetgewende Vergadering gebring sal word;

(c) na die verrigtinge en verslag van 'n gekose komitee verwys alvorens dit aan die Wetgewende Vergadering voorgelê is nie.

#### *Ontoepaslikheid of herhaling*

47. Nadat die Voorsitter die aandag van die Wetgewende Vergadering gevestig het op die gedrag van 'n lid wat volhou om aangeleenthede wat nie ter sake is nie te bespreek of om sy eie argumente of die van 'n ander lid in die debat tot vervelens toe te herhaal, kan hy die lid gelas om sy toespraak te staak en sy sitplek in te neem.

#### *Wanordelike gedrag van lid*

48. Die Voorsitter gelas 'n lid wie se gedrag uiters wanordelik is om onmiddellik die Wetgewende Vergadering vir die res van die sittingsdag te verlaat, en die Ampswag handel ooreenkomstig die bevel wat hy van die Stoel ontvang om te verseker dat daar aan die bevel voldoen word.

#### *Wanordelike gedrag: Sensuur deur Wetgewende Vergadering*

49. (1) 'n Lid wat—

- (a) die gesag van die Stoel verontagsaam;
- (b) aanstootlike woorde of onbetaamlike taal gebruik en nie dit verduidelik of terugtrek of bevredigende verskoning vir die gebruik daarvan vra nie;
- (c) deur die Voorsitter tot orde geroep word en weier om te gaan sit;
- (d) versuim om die reëls van die Wetgewende Vergadering na te kom of hulle verontagsaam of misbruik;
- (e) moedswillig die werksaamhede van die Wetgewende Vergadering belemmer;

moet onverwyld deur die Wetgewende Vergadering gesensuur word.

(2) Enige lid teen wie daar deur die Voorsitter of die Wetgewende Vergadering kragtens die bepalinge van hierdie reël en reël 48 opgetree is, moet bo en behalwe enige straf deur die Wetgewende Vergadering of die Voorsitter opgelê, vir daardie dag enige toelae aan hom betaalbaar op grond daarvan dat hy lid van die Wetgewende Vergadering is, verbeur.

#### *Voorsitter se bevoegdhede om wetgewende vergadering te verdaag of op te skort*

50. Ingeval groot wanordelikheid in die Wetgewende Vergadering ontstaan, kan die Voorsitter die Wetgewende Vergadering verdaag of enige sitting opskort vir 'n redelike tydperk deur hom bepaal.

### DEEL IV

#### *Tale*

#### *Tale wat gebruik miet word*

51. Toesprake moet in Siswati, Afrikaans of Engels gelewer word, en toesprake moet uit die een taal in een of meer van die tale hierbo genoem, getolk word indien die Voorsitter aldus gelas.

### DEEL V

#### *Beampes van die Wetgewende Vergadering—Rekords en stukke*

#### *Sekretaris van Wetgewende Vergadering*

52. Die Regering van KaNgwane moet in oorleg met die Regeringsdienskommissie 'n beampte van die KaNgwane regeringsdiens aanstel om as Sekretaris te dien.

(b) anticipate the discussion of any other subject which appears on the Order Paper: Provided that in determining whether a discussion is out of order on the ground of anticipation regard shall be had by the Chairman to the probability of the matter being brought before the Legislative Assembly within a reasonable time;

(c) refer to the proceedings and report of a select committee before they have been presented to the Legislative Assembly.

#### *Irrelevance or repetition*

47. The Chairman, after having called the attention of the Legislative Assembly to the conduct of a member who persists in irrelevance or tedious repetition of his own or other members' arguments in debate, may direct him to discontinue his speech and resume his seat.

#### *Disorderly conduct of member*

48. The Chairman shall order a member whose conduct is grossly disorderly to withdraw immediately from the Legislative Assembly for the remainder of that day's sitting, and the Sergeant-at-Arms shall act on orders received by him from the Chair to ensure compliance with this order.

#### *Disorderly conduct: Censure by Legislative Assembly*

49. (1) A member who—

- (a) disregards the authority of the Chair;
- (b) uses objectionable words or unbecoming language and not explaining or retracting them or offering any satisfactory apologies for the use thereof;
- (c) having been called to order by the Chairman refuses to resume his seat;
- (d) disregards, abuses or fails to observe the rules of the Legislative Assembly;
- (e) wilfully obstructs the business of the Legislative Assembly;

shall forthwith be censured by the Legislative Assembly.

(2) Any member against whom action was taken by the Chairman or the Legislative Assembly in terms of the provisions of this rule and rule 48 shall in addition to any penalty imposed by the Legislative Assembly or the Chairman forfeit for that day any allowances payable to him by reason of his being a member of the Legislative Assembly.

#### *Chairman's powers to adjourn legislative assembly or suspend sitting*

50. In the case of great disorder arising in the Legislative Assembly the Chairman may adjourn the Legislative Assembly or suspend any sitting for a reasonable time to be named by him.

### PART IV

#### *Languages*

#### *Languages to be used*

51. Speeches shall be delivered either in Siswati, English or Afrikaans and speeches shall be interpreted from one language into one or more of the languages mentioned above if the Chairman so directs.

### PART V

#### *Officers of the Legislative Assembly—records and papers Secretary of Legislative Assembly*

52. The Government of KaNgwane shall in consultation with the Government Service Commission appoint an officer of the KaNgwane Government Service to act as Secretary.



*Beheer van personeel van Wetgewende Vergadering*

53. Die Sekretaris en alle klerke, tolke, wagte, bodes of Saalbeamptes wat in diens geneem word in verband met die werksaamhede van die Wetgewende Vergadering, essorteer gedurende die tydperk van sodanige diens onder die Departement van die Hoof-Uitvoerenderaadslid, en verrig hulle pligte onder die algemene bevel en beheer van die Direkteur van die Departement van Owerheidsake en Finansies.

*Sekretaris se pligte*

54. Die Sekretaris is verantwoordelik vir die aantekening van Notule en, nadat dit deur die Voorsitter goedgekeurs, moet dit gedruk en die volgende sittingsdag onder die lede versprei word.

*Joernale van Wetgewende Vergadering*

55. Die Notule aldus gedruk, maak die joernale van die Wetgewende Vergadering uit.

*Sekretaris moet stukke in sy bewaring hê*

56. Al die Notule, rekords of ander dokumente wat aan die Wetgewende Vergadering behoort, moet in die bewaring van die Sekretaris wees, en hy mag nie die Wetgewende Vergadering se afskrifte van Notule, rekords of ander dokumente uit die Saal of kantore neem of toelaat dat dit geneem word sonder die uitdruklike verloop of bevel van die Wetgewende Vergadering nie: Met dien verstande dat, ingeval die Wetgewende Vergadering vir 'n tydperk van langer as een week verdaag, sodanige verloop deur die Direkteur van die Departement van Owerheidsake en Finansies gegee kan word, en hierdie saak word dan aan die Wetgewende Vergadering op die volgende sitting daarvan gerapporteer.

*Regte van lede ten opsigte van stukke*

57. Elke lid van die Wetgewende Vergadering is geregtig om alle stukke wat ter Tafel van die Wetgewende Vergadering gelê word te lees, of uittreksels daaruit of afskrifte daarvan te maak.

*Pligte van Sekretaris in verband met reëling van werksaamhede van Wetgewende Vergadering*

58. Die Sekretaris is aan die Voorsitter verantwoordelik vir die reëling van alle sake betreffende die van dag vir dag werksaamhede van die Wetgewende Vergadering, tensy anders in hierdie Reglement voorgeskryf.

*Sekretaris reël vir verslag van toesprake*

59. Die Sekretaris reël vir die voortbrenging van 'n amptelike verslag van alle toesprake in die Wetgewende Vergadering en in Komitee van die hele Wetgewende Vergadering gelewer.

*Personeel vir gekose komitees*

60. Mits die nodige fondse beskikbaar is, is die Sekretaris, handelende in opdrag van die Voorsitter, verantwoordelik om gekose komitees van die klerklike personeel of stenograaf te voorsien wanneer ook al komiteeos van die Wetgewende Vergadering verlang om mondelinge getuienis af te neem.

## DEEL VI

*Dae en ure van sittings en verdagings**Sittingsdae*

61. Die Wetgewende Vergadering sit net op Maandae, Dinsdae, Woensdae, Donderdae en Vrydae, maar sit nie op 'n openbare vakansiedag nie: Met dien verstande dat die Wetgewende Vergadering op 'n mosie ingedien deur 'n Uitvoerenderaadslid en aangeneem deur die Wetgewende Vergadering op enige ander dag behalwe Sondag, in die mosie genoem kan sit.

*Control of Legislative Assembly staff*

53. The Secretary and all clerks, interpreters, guards, messengers or Chamber officials who may be employed in connection with business of the Legislative Assembly shall for the period of such employment fall under the Department of the Chief Executive Councillor and perform their duties under the general directions and control of the Director of the Department of Authority Affairs and Finance.

*Duties of Secretary*

54. The Secretary shall be responsible for the noting of Votes and Proceedings, and these, after being passed by the Chairman, shall be printed and distributed to members on the next sitting day.

*Journals of Legislative Assembly*

55. The Votes and Proceedings so printed shall constitute the journals of the Legislative Assembly.

*Secretary to have custody of papers*

56. The Secretary shall have the custody of all Votes and Proceedings, records, or other documents belonging to the Legislative Assembly, and he shall neither take nor permit to be taken the Legislative Assembly's copies of Votes and Proceedings, records or other documents from the Chamber or offices without the express leave or order of the Legislative Assembly: Provided that in the event of the Legislative Assembly being adjourned for any period longer than one week such leave may be given by the Director of the Department of Authority Affairs and Finance, the matter being reported to the Legislative Assembly at its next sitting.

*Rights of members as to papers*

57. Every member of the Legislative Assembly shall be entitled to read or make extracts from or copies of all papers laid upon the Table of the Legislative Assembly.

*Duties of Secretary regarding regulation of business of Legislative Assembly*

58. The Secretary shall be responsible to the Chairman for the regulation of all matters connected with the day-to-day business of the Legislative Assembly unless otherwise provided for in these Rules.

*Secretary to arrange for report of speeches*

59. The Secretary shall arrange for the production of an official report of all speeches made in the Legislative Assembly and in Committee of the whole Legislative Assembly.

*Staffs for select committees*

60. Subject to the necessary funds being available, the Secretary, acting under the direction of the Chairman, shall be responsible for providing select committees with the necessary clerical staff or shorthand writer whenever committees of the Legislative Assembly wish to take oral evidence.

## PART VI

*Days and hours of sittings and adjournments**Sitting days*

61. The Legislative Assembly shall sit on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays only, but shall not sit on a public holiday: Provided that the Legislative Assembly may on a motion moved by an Executive Councillor and adopted by the Legislative Assembly sit on any other day except Sundays, named in the motion.

*Verdagings*

62. Elke verdagting van die Wetgewende Vergadering is tot die volgende sittingsdag, tensy die Wetgewende Vergadering op 'n mosie ingedien deur 'n Uitvoerenderaadslid besluit om te verdaag tot 'n later dag of *sine die*.

*Tye van sittings*

63. Tensy anders gelas, sit die Wetgewende Vergadering—

- (a) op Maandag, Dinsdag, Woensdag en Donderdag vanaf 10h00 tot 17h00; en
- (b) op Vrydag vanaf 10h00 tot 16h00:

Met dien verstande dat die Voorsitter, volgens sy diskresie en na beraadslaging met die Uitvoerenderaadslid in beheer van die aangeleentheid onder bespreking, die Wetgewende Vergadering tydelik kan opskort vir maaltye of ander verversings: Met dien verstande voorts dat die Wetgewende Vergadering, na aanneming van 'n mosie ingedien deur 'n Uitvoerenderaadslid en wat dadelik sonder amendement of debat beslis word 'n sitting kan verkort of verleng, na gelang van die hoeveelheid werk om af te handel of die heersende omstandighede op die tydstip.

## DEEL VII

*Kworum**Procedure as daar geen kworum is nie*

64. As die aandag van die Voorsitter daarop gevestig word dat daar nie 'n kworum, soos bepaal by artikel 9 (2) van die KaNgwane-Grondwetproklamasie, 1977, teenwoordig is nie moet hy opdrag gee dat lede ontbied word deur die klokke te lui, tydens welke tydperk die verrigtinge van die Wetgewende Vergadering outomaties opgeskort word. Indien hy na twee minute oortuig is dat 'n kworum nie aanwesig is nie verdaag hy die Wetgewende Vergadering onverwyld tot die volgende sittingsdag.

*Stemming ongeldig as dit blyk dat daar geen kworum is nie*

65. As dit blyk uit die getal lede wat deelneem aan 'n stemming dat daar nie 'n kworum is nie, is die stemming ongeldig en staan die vraag waaroor gestem is oor tot die volgende sittingsdag wanneer die procedure voorgeskryf by reël 64 gevolg word.

## DEEL VIII

*Mosies**Definisie van mosie*

66. (1) 'n Onafhanklike voorstel wat 'n lid wil indien vir oorweging van die Wetgewende Vergadering word 'n mosie genoem.

(2) 'n Ander mosie as—

- (a) 'n mosie vir die verdagting van die Vergadering;
- (b) 'n mosie vir die verdagting van 'n debat of van die verrigtinge van 'n komitee; en
- (c) 'n mosie ingedien in die loop van verrigtinge insake wetsontwerpe uiteengesit in Deel XII van hierdie Reglement;

word 'n substantiewe mosie genoem.

(3) Geen substantiewe mosie is bevelend nie maar slegs 'n aanbeveling, en elke substantiewe mosie wat ingedien staan te word in die Wetgewende Vergadering word voorafgegaan deur die woorde "dat volgens die mening van hierdie Wetgewende Vergadering oorweging geskenk word aan die wenslikheid van ...".

(4) Die Wetgewende Vergadering moet die mosies in subreël (3) bedoel, oorweeg en kan sodanige mosies na goedgekeurde goedkeur, wysig of verwerp.

*Adjournments*

62. Every adjournment of the Legislative Assembly shall be till the next sitting day unless the Legislative Assembly has decided on a motion moved by an Executive Councillor to adjourn to a later day or *sine die*.

*Times of sittings*

63. Unless otherwise ordered the Legislative Assembly shall sit—

- (a) on Monday, Tuesday, Wednesday, and Thursday from 10h00 until 17h00; and
- (b) on Friday from 10h00 till 16h00:

Provided that the Chairman may in his discretion and after consultation with the Executive Councillor in charge of the matter under discussion, suspend the business of the Legislative Assembly temporarily for meals or other refreshments: Provided further that the Legislative Assembly may on adoption of a motion by an Executive Councillor and to be decided immediately without amendment or debate shorten or prolong the sitting having regard to the amount of business to be dispatched, or to the circumstances prevailing at the time.

## PART VII

*Quorum**Procedure when quorum not present*

64. If the attention of the Chairman is drawn to the fact that a quorum as provided for in section 9 (2) of the KaNgwane Constitution Proclamation, 1977 is not present he shall direct that members be summoned by the ringing of the bells, during which period the proceedings of the Legislative Assembly shall be automatically suspended. If after two minutes he is satisfied that a quorum is not present he shall adjourn the Legislative Assembly forthwith until the next sitting day.

*Ballot invalid if it appears there is no quorum*

65. If from the number of members taking part in a ballot, it appears that a quorum is not present, the ballot shall be invalid, the question on which it is held shall stand over until the next sitting day, and the procedure prescribed in rule 64 shall be followed.

## PART VIII

*Motions**Definition of motions*

66. (1) A self-contained proposition which a member wishes to put forward for the consideration of the Legislative Assembly shall be termed a motion.

(2) A motion other than—

- (a) a motion for the adjournment of the Legislative Assembly;
- (b) a motion for the adjournment of a debate or of the proceedings of a committee; and
- (c) a motion moved in the course of any of the proceedings on bills set out in Part XII of these Rules;

shall be termed a substantive motion.

(3) No substantive motion shall be mandatory but merely a recommendation and every substantive motion to be moved in the Legislative Assembly shall be prefaced by the words "that in the opinion of this Legislative Assembly the advisability be considered of ...".

(4) Motions referred to in subrule (3) shall be considered by the Legislative Assembly which may approve, amend or reject such motions as it may deem fit.



*Kennis van indiening van substantiewe mosie*

67. Kennisgewings van substantiewe mosies moet aan die Sekretaris van die Wetgewende Vergadering gestuur word sodat dit hom bereik nie later nie as 14 dae voor die datum vasgestel vir die eerste sittingsdag van 'n sessie van die Wetgewende Vergadering.

*Metode van kennisgewing van substantiewe mosie*

68. Kennis van 'n substantiewe mosie moet gegee word deur die indiening van 'n afskrif van die skriftelike mosie by die Sekretaris. Die kennisgewing moet onderteken wees deur die lid wat die mosie wil indien.

*Bevoegdhede van voorsitter ten opsigte van substantiewe mosies*

69. 'n Kennisgewing van 'n substantiewe mosie word aan die Voorsitter voorgelê wat, na oorlegpleging met die Werkkomitee of die verantwoordelike Uitvoerende-aadslid, bevel—

- (a) dat dit gedruk word soos dit by inlewering bewoord is; of
- (b) dat dit gedruk word met sodanige wysigings as wat hy voorskryf; of
- (c) dat dit na die lid wat dit geteken het, teruggestuur word as buite die orde.

*Mosies word op Ordelys gepubliseer*

70. Alle mosies, uitgesonderd onbestrede mosies maar insluitende mosies aangaande die prosedure by wetsontwerpe, moet eers gepubliseer word op die Ordelys, tensy die Wetgewende Vergadering anders besluit.

*Prosedure by die indiening van 'n mosie*

71. (a) 'n Lid wat deur die Voorsitter versoek word om 'n mosie in te dien, staan in sy plek op en na enige opmerkings wat hy wens te maak, dien hy die mosie in.  
(b) Elke mosie ingedien (behalwe in Komitee van die hele Wetgewende Vergadering), moet gesekondeer word, tensy anders in hierdie Reglement bepaal. As 'n mosie nie gesekondeer word nie, verval dit.

(c) Wanneer 'n mosie ingedien is en, indien nodig, gesekondeer is, lees die Voorsitter dit uit, of laat dit uitlees, en laat toe dat dit bespreek word deur die Wetgewende Vergadering. Die mosie kan dan gedebatteer word en die debat kan, behoudens die nakoming van hierdie Reglement, so lank aanhou as wat enige lid wat die reg het om te praat nog wil praat.

(d) Wanneer daar nie meer lede is wat wens, of geregtig is, om te praat nie stel die Voorsitter die mosie aan die Wetgewende Vergadering vir beslissing.

(e) Wanneer 'n amendement of amendemente op 'n mosie voorgestel is, stel die Voorsitter eers die amendemente en na al die amendemente afgehandel is, lees en stel hy weer die oorspronklike mosie, of indien dit gewysig is, die mosie, soos gewysig, ten einde die lede van die Wetgewende Vergadering ten volle vertrouwd te maak met die bepalings daarvan.

(f) Die volgorde waarin amendemente gestel word, is volgens die diskresie van die Voorsitter.

*Amendemente op mosies: Prosedure*

72. (a) 'n Lid wat opgestaan het om 'n mosie te bespreek kan 'n amendement op die mosie voorstel.

(b) 'n Amendement moet gesekondeer word.

(c) 'n Amendement kan een van die volgende vorme aanneem:

- (i) Om een of meer van die woorde van die mosie weg te laat;
- (ii) om een of meer woorde by die mosie in te voeg;
- (iii) om een of meer woorde aan die einde van die mosie by te voeg;
- (iv) om sekere woorde van die mosie deur sekere ander woorde te vervang.

*Notice for moving substantive motion*

67. Notices of substantive motions shall be forwarded to the Secretary to reach him not less than 14 days before the date fixed for the first sitting day of a session of the Legislative Assembly.

*Method of giving notice of substantive motion*

68. Notice of a substantive motion shall be given by the delivery of a copy of the motion in writing to the Secretary. The notice shall be signed by the member wishing to move the motion.

*Powers of chairman as to substantive motions*

69. A notice of a substantive motion shall be submitted to the Chairman who after consultation with the Business Committee or the responsible Executive Councillor shall direct—

- (a) that it be printed in the terms in which it was handed in; or
- (b) that it be printed with such alterations as he may direct; or
- (c) that it be returned to the member who signed it, as being out of order.

*Motions to be published on Order Paper*

70. All motions except unopposed motions but including motions on the procedure on bills shall first be published on the Order Paper unless the Legislative Assembly otherwise decides.

*Procedure on moving a motion*

71. (a) A member called upon by the Chairman to move a motion shall rise in his place and after making such remarks as he may wish he shall move the motion.

(b) Every motion moved (except in Committee of the whole Legislative Assembly) shall require seconding unless otherwise provided in these Rules. If a motion is not seconded it shall lapse.

(c) When a motion has been moved and if necessary seconded, the Chairman shall read it or cause it to be read and allow it to be discussed by the Legislative Assembly. Debate may then take place on that motion and may continue subject to these Rules being observed so long as any member who is entitled to speak wishes to speak.

(d) When no more members wish or are entitled to speak the Chairman shall put the motion to the Legislative Assembly for its decision.

(e) When an amendment or amendments have been proposed to a motion the Chairman shall put the amendments and after all amendments have been disposed of, again read and put the original motion or if it has been amended the motion as amended, so as to enable the members of the Legislative Assembly to be fully acquainted with the terms thereof.

(f) The order in which amendments shall be put shall be in the discretion of the Chairman.

*Amendments to motions: Procedure*

72. (a) A member who has risen to speak on a motion may propose an amendment to that motion.

(b) An amendment shall require seconding.

(c) An amendment may take one of the following forms:

- (i) To leave out one or more words of the motion;
- (ii) to insert one or more words in the motion;
- (iii) to add one or more words at the end of the motion;
- (iv) to substitute certain other words for certain words contained in the motion.

*Amendement moet skriftelik wees*

73. (a) 'n Amendement wat voorgestel word, moet op skrif wees en word na die Stool gebring deur die voorsteller en aan die Voorsitter oorhandig wat die teks aan die Wetgewende Vergadering uitlees. Die amendement kan dan gedebatteer word.

(b) Lede kan meer as een amendement op 'n mosie in bespreking voorstel maar 'n voorstel vir die verdere wysiging van 'n voorgestelde amendement is buite die orde. *Terugtrekking van mosies*

74. (a) 'n Mosie of 'n amendement kan teruggetrek word op versoek van die voorsteller, met verlof van die Wetgewende Vergadering, voordat die vraag daaromtrent ten volle gestel is. 'n Mosie of 'n amendement wat teruggetrek is, kan weer voorgestel word, indien, in die geval van 'n mosie, kennis gegee is.

(b) Kennis van 'n mosie of amendement op die Ordelys kan te eniger tyd voor dit deur die betrokke lid voorgestel is van die Ordelys verwyder word.

*Voorstel om debat te verdaag*

75. 'n Lid wat opgestaan het om te praat oor 'n vraag voor die Wetgewende Vergadering kan voorstel dat die debat verdaag. Geen sekondant is nodig nie. Sodanige mosie word gestel slegs met die goedkeuring van die Voorsitter en as die Voorsitter oortuig is dat sodanige mosie nie misbruik van die regte en voorregte van lede is nie stel hy die mosie.

*Getal kere wat lid oor mosie of amendement mag praat*

76. 'n Lid mag nie meer as een keer oor 'n mosie of amendement praat nie, behalwe—

- (a) in Komitee en dan nie meer as drie keer nie;
- (b) ter verduideliking van sy toespraak soos bepaal by reël 29;
- (c) in antwoord op 'n mosie as hy die voorsteller daarvan is;
- (d) in die geval van Uitvoerenderaadslide wat antwoord op vrae opgewerp deur verskeie lede tydens 'n debat.

*Toesprake verbode na mosie deur Voorsitter gestel is*

77. Geen lid mag oor 'n mosie praat nadat dit ten volle deur die Voorsitter gestel is nie.

## DEEL IX

*Indeling van werksaamhede**Orde van werksaamhede*

78. Die werksaamhede van elke sittingsdag uitgesonderd die eerste sittingsdag van 'n sessie, word ooreenkomstig die noodsaaklikheid daarvan in die volgende volgorde verrig:

- (a) Gebed (sien Aanhangsel).
- (b) Sterflys en ander seremoniële toesprake.
- (c) Afneem van ede, as daar is.
- (d) Petisies.
- (e) Uitlees deur die Hoof-Uitvoerenderaadslid van boodskappe ontvang van die Kommissaris-generaal.
- (f) Ander aankondigings deur die Hoof-Uitvoerenderaadslid of 'n Uitvoerenderaadslid.
- (g) Aankondigings deur die Voorsitter.
- (h) Verkiesing van Hoof-Uitvoerenderaadslid en/of Voorsitter en/of Ondervoorsitter, indien nodig.
- (i) Tertafellegging van verslae of stukke.
- (j) Vrae.
- (k) Verrigtinge insake substantiewe mosies en wetsontwerpe.

*Vrae moet op Ordelys geplaas word*

79. Mondelinge en skriftelike vrae aan Uitvoerenderaadslide word op die Ordelys geplaas ooreenkomstig die bepalings by reël 81.

*Amendments to be in writing*

73. (a) An amendment proposed shall be in writing and shall be brought to the Chair by the mover and handed to the Chairman who shall read the text to the Legislative Assembly. Debate may then take place on that amendment.

(b) Members may propose more than one amendment to a motion under discussion but a proposal for the further amendment of a proposed amendment shall be out of order.

*Withdrawal of motions*

74. (a) A motion or an amendment may be withdrawn at the request of the mover by leave of the Legislative Assembly before the question has been fully put thereon. A motion or amendment which has been withdrawn may be proposed again if, in the case of a motion, notice is given.

(b) A notice of motion or an amendment on the Order Paper may be removed at any time before it is moved by the member concerned.

*Proposal to adjourn debate*

75. A member who has risen to speak on a question before the Legislative Assembly may propose that the debate be now adjourned. No seconder shall be required. Such motion shall be put only with the approval of the Chairman and if the Chairman is satisfied that such a motion will not be an abuse of the rights and privileges of members, he shall put the motion.

*Times when member may speak to motion or amendment*

76. A member may not speak more than once to a motion or amendment except—

- (a) in Committee and then not more than three times;
- (b) in explanation of his speech as provided in rule 29;
- (c) in reply to a motion if he is the mover thereof;
- (d) in the case of Executive Councillors when replying to points raised by various members through the course of debate.

*Speeches prohibited after motion put by Chairman*

77. No member may speak to a motion after it has been fully put by the Chairman.

## PART IX

*Arrangement of business**Order of business*

78. The business of each sitting day other than the first sitting day of a session shall, in accordance with the need thereof, be transacted in the following order:

- (a) Prayers (see Annexure).
- (b) Obituaries and other ceremonial speeches.
- (c) Administration of oaths, if any.
- (d) Petitions.
- (e) Reading by the Chief Executive Councillor of messages received from the Commissioner-General.
- (f) Other announcements by the Chief Executive Councillor or an Executive Councillor.
- (g) Announcements by the Chairman.
- (h) Election of Chief Executive Councillor and/or Chairman and/or Deputy Chairman if such an occasion arises.
- (i) Tabling of reports or papers.
- (j) Questions.
- (k) Proceedings on substantive motions and bills.

*Questions to be on Order Paper*

79. Oral and written questions to Executive Councillors shall be placed on the Order Paper in accordance with the provisions of rule 81.



*Sake op Ordelys word deur Werkkomitee nagesien*

80. Behoudens die bepalings van reël 70 word alle sake wat op die Ordelys geplaas word deur die Werkkomitee nagesien en goedgekeur of deur 'n Uitvoerenderaadslid vir die doel deur die Hoof-Uitvoerenderaadslid aangewys.

*Voorrang word deur Werkkomitee beslis*

81. Die Werkkomitee of 'n Uitvoerenderaadslid spesiaal vir die doel aangewys bepaal die voorrang van sake op die Ordelys.

*Aanbieding van stukke*

82. 'n Stuk kan slegs deur 'n Uitvoerenderaadslid in die Wetgewende Vergadering aangebied word.

## DEEL X

## Vrae

*Vrae kan aan Uitvoerenderaadslide gestel word*

83. 'n Lid wat nie 'n Uitvoerenderaadslid is nie kan 'n vraag stel aan 'n Uitvoerenderaadslid met betrekking tot 'n openbare aangeleentheid waarvoor die KaNgwane-Wetgewende Vergadering amptelik verantwoordelik is waardeur hy inligting wil inwin oor die saak of amptelike optrede vra. Antwoorde op vrae kan ook skriftelik verstrek word.

*Kennis van vraag moet gegee word*

84. Vrae word nie gevra sonder dat behoorlike kennis gegee is nie en dié kennis kan gegee word deur die aflewering van die vraag by die Sekretaris minstens twee volle dae voor die dag waarop 'n antwoord verwag word. Sodanige vrae word in die Ordelys gepubliseer op die dag na ontvangs en vermeld die datum waarop 'n antwoord verlang word.

*Vrae sonder kennisgewing*

85. (1) As 'n lid die toestemming van die Voorsitter vra om 'n vraag te stel sonder dat kennis vooraf gegee is op grond daarvan dat dit van 'n dringende aard is en betrekking het op 'n aangeleentheid van openbare belang op of die indeling van werksaamhede, kan die Voorsitter toelaat dat die vraag gevra word sonder kennisgewing indien hy oortuig is dat die vraag wel van sodanige aard is.

(2) Behoudens die bepalings van subreël (1) word vrae slegs op een of meer van die week beantwoord soos die Werkkomitee bepaal.

*Vorm van vrae*

86. 'n Vraag mag nie—

(i) die name van persone of verklarings wat nie streng noodsaaklik is vir verstaanbaarheid insluit nie;

(ii) 'n bewering bevat wat die lid wat die vraag stel nie bereid is om te staaf nie;

(iii) argumente, gevolgtrekkings, opinies, aantygings of toevoegings, of tendensieuse, ironiese of aanstootlike uitdrukkings bevat nie;

(iv) na verrigtinge in 'n komitee verwys alvorens daardie komitee aan die Wetgewende Vergadering verslag gedoen het nie;

(v) inligting probeer inwin oor 'n saak wat uiteraard geheim is nie;

(vi) refleksie werp op die beslissing van 'n geregshof nie of so ingeklee wees dat 'n hangede saak voor 'n geregshof moontlik benadeel kan word nie;

(vii) gevra word met die doel om 'n uitspraak van opinie, die oplossing van 'n abstrakte saak, of die antwoord op 'n hipotetiese voorstel te verkry nie;

(viii) gevra word of die verklarings in die pers of van private individue of private ondernemings akkuraat is nie;

*Matters on Order Paper to be scrutinised by Business Committee*

80. All matters placed on the Order Paper shall subject to the provisions of rule 70 be scrutinised and approved of by the Business Committee or by an Executive Councillor designated thereto by the Chief Executive Councillor.

*Order of precedence to be decided by Business Committee*

81. The Business Committee or an Executive Councillor specially designated thereto shall decide the order of precedence of business on the Order Paper.

*Presentation of papers*

82. A paper may be presented to the Legislative Assembly only by an Executive Councillor.

## PART X

## Questions

*Questions may be asked of Executive Councillors*

83. A member who is not an Executive Councillor may address a question to an Executive Councillor relating to a public matter for which the Government of KaNgwane is officially responsible, in which he seeks information on that matter or asks for official action. Questions may also be replied to in writing.

*Notice of questions to be given*

84. Questions shall not be asked without proper notice being given, which may be done by delivering the question to the Secretary not less than two clear days before the day on which an answer is required. Such questions shall be published in the Order Paper on the day following the day of receipt, stating the date upon which a reply is desired.

*Questions without notice*

85. (1) If a member asks the permission of the Chairman to put a question without notice on the ground that it is of an urgent character and relates to a matter of public importance or to the arrangement of business, the Chairman may permit the question to be asked without notice if he is satisfied that it is of that nature.

(2) Save as in subrule (1) provided questions shall be answered only on one or more days of the week as determined by the Business Committee.

*Form of questions*

86. A question shall not—

(i) include the names of persons, or statements which are not strictly necessary to make the question intelligible;

(ii) contain a statement which the member who asks the question is not prepared to substantiate;

(iii) contain arguments, inferences, opinions, imputations or epithets, or tendentious, ironical or offensive expressions;

(iv) refer to proceedings in a committee before that committee has made its report to the Legislative Assembly;

(v) seek information about a matter which is of its nature secret;

(vi) reflect on the decision of a court of law or be so drafted as to be likely to prejudice a case pending in a court of law;

(vii) be asked for the purpose of obtaining an expression of opinion, the solution of an abstract case, or the answer to a hypothetical proposition;

(viii) be asked whether statements in the press or of private individuals or private concerns are accurate;

(ix) gevra word aangaande die karakter of gedrag van 'n persoon, uitgesonderd in sy amptelike of openbare hoedanigheid nie;

(x) gevra word wat inligting poog in te win wat verkrygbaar is in toeganklike dokumente of gewone naslaanwerke nie;

(xi) vra vir inligting waarvan die versameling volgens die mening van die Uitvoerende Raad langdurige en ongeregverdigde arbeid vereis of oormatige of onnodige uitgawe teweegbring.

*Vrae word slegs een maal beantwoord*

87. 'n Vraag wat reeds ten volle beantwoord is, mag nie weer gedurende dieselfde sessie gevra word nie.

*Bevoegdheid van Voorsitter oor vrae*

88. Die Voorsitter kan beveel dat enige vraag wat nie aan die bepalinge van hierdie Reglement voldoen nie in die Ordelys ingesluit moet word nie, tensy sekere veranderinge na hy beveel, aangebring is.

*Lid moet vraag op Ordelys vra*

89. Wanneer 'n vraag bereik word, staan die lid op wie se naam die vraag aangeteken is op en stel die vraag aan die verantwoordelike Uitvoerenderaadslid.

*Supplementêre vrae: Procedure*

90. Na 'n mondelinge antwoord op 'n vraag verstrek is, kan supplementêre vrae deur enige lid gevra word met die doel om die antwoord toe te lig en dit berus by die betrokke Uitvoerenderaadslid of hy die supplementêre vraag wil beantwoord en of hy wil vra dat kennis daarvan op die gewone wyse gegee word.

*Vrae geen voorwendsel vir debat*

91. 'n Lid mag nie die Wetgewende Vergadering oor 'n vraag toespreek, en geen vraag mag as voorwendsel vir 'n debat gebruik word nie.

*Verval van vrae*

92. As 'n lid nie teenwoordig is om sy vraag te stel wanneer sy naam uitgeroep word nie, en hy nie 'n ander lid gemagtig het om die vraag namens hom te stel nie, verval die vraag.

## DEEL XI

### Stemming

*Hoe vraag beslis word*

93. Alle vrae voor die Wetgewende Vergadering of 'n komitee daarvan word beslis by meerderheid van stemme van die aanwesige lede uitgesonderd die Voorsitter wat 'n beslissende stem uitoefen in geval van 'n staking van stemme; en enige redes wat hy hiervoor aanvoer, word in die Notule aangeteken.

94. Wanneer die Voorsitter 'n mosie voorlê, in die gewysigde of oorspronklike vorm of 'n wysiging van 'n mosie, moet hy dit doen deur te sê "Stem almal saam?". Indien enige lid "Nee" sê, moet die Voorsitter 'n stemming gelas.

*Procedure wanneer stemming gelas word*

95. (1) Wanneer 'n stemming gelas word, laat die Sekretaris die klokke lui vir 'n tydperk van twee minute waarna die deure toegemaak en gesluit word en geen lid mag daarna die Saal binnekom of verlaat voordat die stemming afgelopen is nie.

(2) Wanneer die deure gesluit is, moet die Voorsitter die mosie of amendement weer voorlê en die lede dan teenwoordig moet stem deur middel van die opsteek van hande: Met dien verstande dat, op versoek van 'n lid van die Wetgewende Vergadering, die Voorsitter kan beslis dat 'n geheime stemming gehou word.

(ix) be asked about the character or conduct of person except in his official or public capacity;

(x) be asked seeking information which can be found in accessible documents or ordinary works of reference

(xi) ask for information the collection of which, in the opinion of the Executive Council, will require prolonged or unjustified labour or cause excessive or unnecessary expenditure.

*Questions to be replied to only once*

87. A question which has been fully answered shall not be asked again during the same session.

*Powers of Chairman on questions*

88. The Chairman may direct that any question not conforming to the provisions of these rules shall not be included in the Order Paper unless certain alterations as he may direct have been made.

*Member shall ask question on Order Paper*

89. When a question is reached the member in whose name the question stands shall rise and put the question to the responsible Executive Councillor.

*Supplementary questions: Procedure*

90. After an oral answer has been given to a question supplementary questions may be put by any member for the purpose of elucidating that answer and it shall be in the discretion of the Executive Councillor concerned whether he wishes to reply to such supplementary question or ask that notice thereof be given in the ordinary way.

*Questions not to be pretext for debate*

91. A member shall not address the Legislative Assembly on a question nor shall a question be made a pretext for a debate.

*Lapsing of questions*

92. If a member is not present to ask his question when his name is called, and has not authorised any other member to ask the question on his behalf, the question shall lapse.

## PART XI

### Voting

*How question is decided*

93. Every question before the Legislative Assembly or a committee thereof shall be decided by a majority of votes of the members present other than the Chairman who shall exercise a casting vote in the case of an equality of votes, and any reasons stated by him therefor shall be entered in the Votes and Proceedings.

94. When the Chairman puts a motion, either in its amended or original form, or an amendment to a motion, he shall do so by saying "All agreed?". If any member says "No" the Chairman shall order that a ballot be held.

*Procedure when ballot ordered*

95. (1) When a ballot has been ordered the Secretary shall cause the bells to be rung for a period of two minutes whereafter the doors of the Chamber shall be closed and locked and no member shall thereafter enter or leave the Chamber until after the ballot has taken place.

(2) When the doors have been locked the Chairman shall again put the motion or amendment and the members then present shall be required to vote by way of a show of hands: Provided that, at the request of a member of the Legislative Assembly, the Chairman may direct that a secret ballot be held.



(3) Die bepalings van reël 7 moet vir sover dit van toepassing is *mutatis mutandis* toegepas word by die houder van 'n geheime stemming.

(4) Die Sekretaris moet dan die aantal stemme uitgebring vir en teen die mosie of amendement tel en die Voorzitter moet daarna die getalle aan die Wetgewende Vergadering bekendmaak.

(5) Wanneer die Wetgewende Vergadering besig is om te stem, mag lede, sittende, oor 'n punt van orde praat wat uit of tydens die stemming ontstaan.

(6) Ingeval verwarring of 'n fout plaasvind in verband met die getalle wat opgegee is, gaan die Wetgewende Vergadering oor tot 'n nuwe stemming, tensy dit op 'n ander wyse in orde gebring kan word.

(7) As die getalle onjuis gerapporteer is, gelas die Wetgewende Vergadering, as dit onder sy aandag gebring word, dat die Notule gekorrigeer word.

## DEEL XII

### Wetsontwerpe

#### Indiening van publieke wetsontwerpe

96. 'n Wetsontwerp ten behoeve van die KaNgwane-regering ingedien, word 'n publieke wetsontwerp genoem en word as volg ingedien:

(a) Die betrokke Uitvoerenderaadslid moet kennis gee aan sy voorneme om 'n wetsontwerp in te dien, en in die kennisgewing moet die algemene doel van die wetsontwerp vermeld word.

(b) Op die daaropvolgende dag nadat sodanige kennis gegee is, of so gou moontlik daarna, moet hy 'n skoon afskrif daarvan, in die Siswati sowel as in die Afrikaanse en die Engelse taal, na die tafel van die Sekretaris bring, en kan dan sonder kennisgewing voorstel dat dit vir die eerste maal gelees word, en die vraag word sonder amendement of debat gestel. Die Sekretaris lees dan die kort titel van die wetsontwerp.

#### Indiening van private wetsontwerpe

97. 'n Wetsontwerp deur 'n private lid ingedien, word 'n private wetsontwerp genoem en word as volg ingedien:

(a) Die private lid moet kennis gee van 'n mosie waarin verlof gevra word vir die indiening van 'n wetsontwerp en in dié kennisgewing moet die algemene doel van die wetsontwerp vermeld word.

(b) Die debat oor die mosie vir verlof om sodanige wetsontwerp in te dien, word tot een uur beperk en geen oespraak mag langer as 10 minute duur nie.

(c) As aan 'n lid verlof verleen word om 'n wetsontwerp in te dien, bring hy onmiddellik 'n skoon afskrif daarvan, in die Siswati sowel as in die Afrikaanse en Engelse taal na die tafel van die Sekretaris, en kan dan sonder kennisgewing voorstel dat dit die eerste maal gelees word, en die vraag word sonder amendement of debat gestel. Die Sekretaris lees dan die kort titel van die wetsontwerp.

#### Wetsontwerp moet gedruk word

98. Sodra 'n wetsontwerp vir die eerste keer gelees is, moet die Sekretaris, as sodanige wetsontwerp nog nie gedruk is nie, die teks daarvan, soos vervat in die afskrif wat ter Tafel gelê is, laat druk.

#### Vorm van wetsontwerpe

99. Wanneer 'n wetsontwerp gedruk word—

(a) moet die wetsontwerp van 'n kort titel voorsien word wat ooreenstem met die titel waarby dit aangehaal word as dit wet word;

(b) moet die wetsontwerp van 'n lang titel voorsien word wat die algemene doel van die Wetsontwerp uiteensit;

(c) moet die klousules van die wetsontwerp deur die verordende formule voorafgegaan word wat as volg is in die geval van 'n verordende wetsontwerp:

(3) The provisions of rule 7 shall in so far as they are applicable *mutatis mutandis* apply to the holding of a secret ballot.

(4) The Secretary shall then total the number of votes cast for and against the motion or amendment and the Chairman shall thereupon declare the numbers to the Legislative Assembly.

(5) While a ballot is in progress members may speak, sitting, to a point of order arising out of or during the ballot.

(6) In case of confusion or error occurring concerning the numbers reported, the Legislative Assembly shall proceed to another ballot unless the same can be otherwise corrected.

(7) If the numbers have been inaccurately reported the Legislative Assembly on being informed thereof shall order the Votes and Proceedings to be corrected.

## PART XII

### Bills

#### Introduction of public bills

96. A bill introduced on behalf of the KaNgwane Government shall be termed a public bill and shall be brought in as follows:

(a) The responsible Executive Councillor shall give notice of his intention to introduce the bill and in such notice the general object of the bill shall be stated.

(b) On the next succeeding day after having given such notice or as soon thereafter as possible he shall hand in a fair copy thereof, in the Siswati, English and Afrikaans languages, to the Secretary's table and may then move without notice that it be read a first time, such question being put without amendment or debate. The Secretary shall then read the short title of the bill.

#### Introduction of private bills

97. A bill introduced by a private member shall be termed a private bill and shall be brought in as follows:

(a) The private member shall give notice of a motion asking for leave to bring in a bill and in such notice the general object of the bill shall be stated.

(b) The debate on the motion for leave to introduce such a bill shall be limited to one hour and no speech shall exceed 10 minutes.

(c) Should leave be given to a member to bring in a bill, he shall immediately bring in a fair copy thereof, in the Siswati, English and Afrikaans languages, to the Secretary's table and may then move, without notice, that it be read a first time, such question being put without amendment or debate. The Secretary shall thereupon read the short title of the bill.

#### Bill to be printed

98. As soon as the first reading of a bill has been taken the Secretary shall, if such bill has not yet been printed, cause the text thereof, as contained in the copy laid on the Table, to be printed.

#### Form of bills

99. When a bill is printed—

(a) the bill shall be given a short title corresponding to the title by which it is to be cited if it becomes law;

(b) the bill shall be given a long title setting out the purposes of the bill in general terms;

(c) the clauses of the bill shall be preceded by the enacting formula which in the case of an enacting bill shall be "be it enacted by the KaNgwane Legislative

"Daar word deur die KaNgwane- Wetgewende Vergadering verorden",  
en indien dit 'n verklarende wetsontwerp is, as volg is:

"Daar word hierby deur die KaNgwane- Wetgewende Vergadering verklaar en verorden";

(d) moet die wetsontwerp in klousules verdeel word, wat agtereenvolgende genommer moet wees met 'n kanttekening by elke klousule;

(e) kan sake van detail in verband met die bepalings van die wetsontwerp aan die wetsontwerp geheg word in die vorm van 'n bylae of bylaes.

#### *Feitlike memorandum oor wetsontwerp*

100. 'n Memorandum waarin die doel van die wetsontwerp uiteengesit word, kan daaraan geheg word mits sodanige memorandum geen argumente aanvoer nie.

#### *Lede moet afskrifte van wetsontwerpe ontvang*

101. So spoedig moontlik na die publikasie van 'n wetsontwerp moet die Sekretaris 'n afskrif daarvan aan elke lid laat stuur.

#### *Voorstel van tweede lesing*

102. Nadat 'n wetsontwerp vir die eerste keer gelees en gedruk is, moet die lid wat daarmee belas is 'n dag vir die tweede lesing bepaal.

#### *Alleen algemene beginsels mag by tweede lesing bespreek word*

103. By die tweede lesing van wetsontwerp kan 'n debat wat die algemene meriete en beginsels van die wetsontwerp dek, ontstaan.

#### *Prosedure by amendemente op die tweede lesing*

104. 'n Mosie kan ingedien word om die vraag vir die tweede lesing van 'n wetsontwerp te wysig—

(a) deur die woorde na "Dat" te skrap en te vervang deur die woorde "daar nie met die wetsontwerp voortgegaan word nie";

(b) deur al of sommige van die woord na "Dat" te skrap en te vervang deur woorde wat die een of ander spesiale rede teen die tweede lesing van die wetsontwerp gee;

(c) deur die onderwerp van die wetsontwerp na 'n gekose komitee te verwys.

#### *Prosedure by amendemente op die tweede lesing*

105. Wanneer 'n wetsontwerp vir die tweede maal gelees is, kan besluit word dat dit in Komitee van die hele Wetgewende Vergadering op 'n dag dan genoem deur die lid wat daarmee belas is, oorweeg word, of dit kan na 'n gekose komitee verwys word.

#### *Kennisgewing van amendemente*

106. (a) 'n Lid wat 'n voorgestelde amendement op die Ordelys wil laat plaas, moet dit aan die Sekretaris oorhandig nie later as 16h00 op die dag voor die dag waarop dit moet verskyn nie.

(b) 'n Voorgestelde amendement moet in behoorlike vorm wees.

(c) 'n Amendement kan te eniger tyd vir publikasie op die Ordelys aan die Sekretaris oorhandig word, nadat die wetsontwerp waarop dit betrekking het vir die eerste maal gelees is.

#### *Voorsitter verlaat stoel wanneer Wetgewende Vergadering in Komitee is*

107. Wanneer die dagorde vir die Wetgewende Vergadering om in Komitee oor die wetsontwerp te gaan, gelees word, moet die Voorsitter bekendmaak dat die Wetgewende Vergadering in komitee moet gaan, en daarop gaan die Wetgewende Vergadering in komitee en die Ondervoorsitter neem sy plek aan die Tafel in en die Voorsitter verlaat die Saal.

Assembly" and if it be a declaratory bill, "it is hereby declared and enacted by the KaNgwane Legislative Assembly";

(d) the bill shall be divided into clauses, numbered consecutively and having a marginal note to each clause; and

(e) matters of detail dependent on the provisions of the bill may be annexed to the bill in the form of a schedule or schedules.

#### *Factual memorandum on bill*

100. A memorandum stating the object of the bill may be attached to it provided that such memorandum shall not be argumentative.

#### *Members to receive copies of bills*

101. As soon as possible after the publication of a bill the Secretary shall cause a copy of it to be sent to every member.

#### *Motion for second reading*

102. After a bill has been read the first time and printed the member in charge shall fix a day for its second reading.

#### *General principles only to be discussed on second reading*

103. On the second reading of a bill a debate may arise covering the general merits and principles of the bill.

#### *Procedure on motion to amend proposed bill*

104. A motion may be moved to amend the question for the second reading of a bill—

(a) by omitting the words after "that" and substituting therefor the words "the bill be not proceeded with";

(b) by omitting all or some of the words after "that" and substituting words which state some special reason against the second reading of the bill;

(c) by referring the subject matter of the bill to a select committee.

#### *Procedure when bill has been read a second time*

105. When a bill has been read a second time it may either be ordered to be considered in Committee of the whole Legislative Assembly on a day then named by the member in charge or be referred to a select committee.

#### *Notice of amendments to be given*

106. (a) A member desiring to have a proposed amendment to a bill placed on the Order Paper, shall hand it to the Secretary not later than 16h00 on the day before that on which it is so to appear.

(b) A proposed amendment shall be couched in the proper form.

(c) An amendment may be handed to the Secretary at any time for publication on the Order Paper after the bill to which it relates has been read a first time.

#### *Chairman leaves chair when Legislative Assembly in Committee*

107. On the order of the day being read for the Legislative Assembly to go into committee on the bill the Chairman shall announce that the Legislative Assembly shall go into committee and the Legislative Assembly shall thereupon resolve itself into committee, the Deputy Chairman seating himself at the Table and the Chairman leaving the Chamber.



*Procedure in komitee*

108. (a) Die Ondervoorsitter moet, nadat hy sy plek aan die Tafel ingeneem het, die nommer en die kantekening van elke klousule in volgorde lees, en moet ten opsigte van elke klousule die vraag stel.

(b) Die lang titel en die aanhef (as daar een is) bly voortaan, sonder dat die vraag gestel word, tot na die klousules en die Bylae (as daar is) oorweeg is.

*Amendemente wat voorgestel kan word*

109. 'n Amendement kan in 'n klousule aangebring word, of 'n nuwe klousule kan bygevoeg word, mits dit ter sake is by die onderwerp van die wetsontwerp of ingevolge 'n instruksie is, of andersins ooreenkomstig die Reglement is; maar as 'n amendement wat nie deur die lang titel van die wetsontwerp gedek word nie, aangeneem word, moet die komitee die lang titel dienoreenkomstig wysig, en dit spesiaal aan die Wetgewende Vergadering rapporteer: Met dien verstande egter dat geen klousule of amendement wat strydig is met die beginsel van die wetsontwerp soos vir die tweede maal gelees, voorgestel mag word nie.

*Amendemente mag nie dieselfde wees as dié reeds verwerp*

110. Geen nuwe klousule of amendement word toegelaat nie wat wesenlik dieselfde is as een reeds verwerp, of wat onbestaanbaar of strydig is met een wat reeds deur die komitee aangeneem is, tensy daar 'n terugverwysing van die wetsontwerp plaasgevind het.

*Beginsel van wetsontwerp word nie in komitee bespreek nie*

111. Die beginsel van 'n wetsontwerp word nie in komitee bespreek nie, slegs die besonderhede daarvan.

*Wysiging van Hoofwet*

112. Wanneer 'n wysigingswetsontwerp ingedien word om 'n spesifieke artikel of artikels van die Hoofwet te wysig of om 'n nuwe artikel daarvan te verorden, moet enige amendement in komitee beperk word tot die onderwerp van die klousules van die wetsontwerp soos vir die tweede maal gelees, en tot enige amendement wat daarop volg.

*Reglement bly van toepassing terwyl Wetgewende Vergadering in Komitee is*

113. Behalwe dat die Ondervoorsitter gedurende verrigtinge in Komitee aan die Tafel van die Wetgewende Vergadering moet sit, bly die verrigtinge wat normaalweg gedurende sittings van die Wetgewende Vergadering gevolg word van toepassing, behoudens die bepalinge van hierdie Reglement.

*Voorsitter neem stoel weer in by afhandeling van komiteestadium*

114. By die afsluiting van die verrigtinge van 'n Komitee van die hele Wetgewende Vergadering oor 'n wetsontwerp, keer die Voorsitter na die Stoel terug en kondig aan dat die komiteestadium van die wetsontwerp afgehandel en deur die Wetgewende Vergadering in Komitee aangeneem is met of sonder amendemente.

*Datum vir derde lesing*

115. Die Voorsitter vra daarna die Uitvoerenderaadslid of lid belas met die wetsontwerp op watter datum die derde lesing moet plaasvind, en gelas dat die derde lesing op die bepaalde datum of enige ander geskikte datum moet plaasvind.

*Wetsontwerp moet gedruk word indien in Komitee gewysig*

116. Wanneer 'n wetsontwerp in Komitee van die hele Wetgewende Vergadering gewysig is, word dit, indien die Wetgewende Vergadering aldus gelas, gedruk soos gewysig voordat die derde lesing plaasvind.

*Procedure in committee*

108. (a) The Deputy Chairman, upon seating himself at the Table, shall proceed to read the number and the marginal note of each clause in succession, and shall put the question on each such clause.

(b) The long title and the preamble (if any) shall stand postponed until after the consideration of the clauses and Schedules (if any) without question put.

*Amendments which may be moved*

109. An amendment may be made to a clause or a new clause added, if it be relevant to the subject matter of the bill or pursuant to any instruction, or be otherwise in conformity with the Rules; but if any amendment be adopted which is not within the long title of the bill, the Committee shall amend the long title accordingly and report it specially to the Legislative Assembly: Provided, however, that no clause or amendment can be proposed which is in conflict with the principle of the bill as read a second time.

*Amendments not to be made if same as one already negatived*

110. No new clause or amendment shall be allowed which is substantially the same as one already negatived, or which is inconsistent or in conflict with one already agreed to by the Committee unless a recommittal of the bill has intervened.

*Principle of bill not to be discussed in committee*

111. The principal of a bill shall not be discussed in committee, but only its details.

*Amendment of Principal Act*

112. Where an amending bill is introduced to amend a specific section or sections of the principal Act or to enact a new section thereof, an amendment in committee shall be confined to the subject matter of the clauses of the bill as read a second time, and to any amendment consequential thereon.

*Rules continue to apply when Legislative Assembly in Committee*

113. Except that the Deputy Chairman shall be seated at the Table of the Legislative Assembly during proceedings in committee, the proceedings normally followed during sittings of the Legislative Assembly shall, subject to the provisions of these Rules, continue to apply.

*Chairman returns to chair when committee stage finalised*

114. At the close of the proceedings of a Committee of the whole Legislative Assembly on a bill the Chairman shall return to the Chair and announce that the committee stage of the bill has been finalised and accepted by the Legislative Assembly in Committee with or without amendments.

*Date for third reading*

115. The Chairman shall thereupon ask the Executive Councillor or member in charge of the bill on what date the third reading is to be taken and order that the third reading be taken on the appointed date or any other suitable date.

*Bill to be printed if amended in Committee*

116. When the bill has been amended in Committee of the whole Legislative Assembly it shall, if the Legislative Assembly so directs, be printed as amended prior to the third reading being taken.

*Derdelesingsdebat moet oor inhoud van wetsontwerp wees*

117. By die derde lesing van 'n wetsontwerp (uitgesonderd 'n begrotingswetsontwerp) word die debat daaroor, as daar is, beperk tot die gevolge van die amendemente wat deur die Komitee van die hele Wetgewende Vergadering aangeneem is. Indien die wetsontwerp nie gewysig is nie word die vraag sonder amendement of debat beslis.

*Wetsontwerp aangeneem na derde lesing*

118. Na die derde lesing word geen verdere vraag gestel nie en word die wetsontwerp geag deur die Wetgewende Vergadering aangeneem te wees.

*Aleenlik kort titel moet gelees word*

119. By die ordes vir die eerste, tweede en derde lesing van 'n wetsontwerp lees die Sekretaris slegs die kort titel daarvan, tensy die Wetgewende Vergadering anders gelas.

*Verlof vir terugtrekking van wetsontwerp*

120. 'n Wetsontwerp wat by die Wetgewende Vergadering ingedien is, mag alleenlik met die verlof van die Wetgewende Vergadering teruggetrek word, en die debat oor 'n mosie om verlof om 'n wetsontwerp terug te trek, is tot een uur beperk en geen toesprake mag langer as 10 minute duur nie.

*Wetsontwerpe wat nie ingedien mag word nie*

121. Wanneer 'n wetsontwerp uiteindelik aangeneem of verwerp is, mag geen wetsontwerp met dieselfde inhoud weer gedurende die lopende sessie van die Wetgewende Vergadering ingedien word nie.

*Formele foute kan deur Voorsitter gekorrigeer word*

122. Indien enige fout ontdek word in 'n wetsontwerp wat deur die Wetgewende Vergadering aangeneem is en voordat dit aan die Kommissaris-generaal gestuur is vir deursending aan die Staatspresident vir sy toestemming, moet die Voorsitter sodanige fout rapporteer en daarna word dit soos enige ander amendement behandel: Met dien verstande dat korreksies van 'n woordelike of formele aard (dit wil sê spelfoute of klaarblyklieke grammatikale of drukfoute) te eniger tyd deur die Sekretaris op las van die Voorsitter aangebring kan word.

*Wetsontwerpe moet aan Kommissaris-generaal gestuur word*

123. Wanneer 'n wetsontwerp deur die Wetgewende Vergadering aangeneem is, en nadat dit gedruk is en deur die Voorsitter geteken is, moet dit aan die Kommissaris-generaal gestuur word vir verdere afhandeling soos by wet vereis.

*Procedure wanneer wetsontwerp terugverwys word*

124. Wanneer 'n wetsontwerp na die Wetgewende Vergadering terugverwys is deur die Staatspresident ingevolge die bepalings van artikel 3 (2) van die Grondwet van die Bantoeuistande, 1971 (Wet 21 van 1971), kan die Wetgewende Vergadering met sodanige wetsontwerp voortgaan ooreenkomstig die bepalings van reëls 125 tot en met 131.

*Procedure by verslag en herindeling van wetsontwerp wat terugverwys is*

125. (a) Wanneer 'n wetsontwerp deur die Staatspresident na die Wetgewende Vergadering terugverwys is, moet die Uitvoerenderaadslid of lid met die wetsontwerp belas so spoedig moontlik aan die Wetgewende Vergadering verslag doen oor die advies ontvang indien die Wetgewende Vergadering dan nog in sessie is, en, indien nie, dan so spoedig moontlik na die aanvang die daaropvolgende sessie.

*Third reading debate to be on contents of bill*

117. On the third reading of a bill (other than an appropriation bill) the debate thereon, if any, shall be confined to the effects of the amendments which have been adopted by the Committee of the whole Legislative Assembly. If the bill has not been amended the question shall be decided without amendment or debate.

*Bill passed after third reading*

118. After the third reading, no further questions shall be put, and the bill shall be deemed to have been passed by the Legislative Assembly.

*Short title of bill only to be read*

119. On the orders of the first, second and third reading of a bill the Secretary shall read only the short title thereof unless the Legislative Assembly directs otherwise.

*Leave to be granted for withdrawal of bill*

120. A bill introduced into the Legislative Assembly shall be withdrawn only with the leave of the Legislative Assembly and the debate on a motion for leave to withdraw a bill shall be limited to one hour and no speeches shall exceed 10 minutes.

*Certain bills not to be introduced*

121. When a bill has ultimately been passed or has been rejected, no bill of the same substance shall be introduced again during the current session of the Legislative Assembly.

*Formal errors may be corrected by Chairman*

122. Upon the discovery of any error in a bill which has been passed by the Legislative Assembly and before it has been forwarded to the Commissioner-General for transmission to the State President for assent, the Chairman shall report such error and it shall thereupon be dealt with as with any other amendment: Provided that corrections of a verbal or formal nature (i.e. spelling or obvious grammatical mistakes or typographical errors) may be made at any time by the Secretary under the direction of the Chairman.

*Bills to be passed to Commissioner-General*

123. When a bill has been passed by the Legislative Assembly it shall after being printed and signed by the Chairman be forwarded to the Commissioner-General to be dealt with further as required by law.

*Procedure when bill referred back*

124. When a bill has been referred back to the Legislative Assembly by the State President in terms of the provisions of section 3 (2) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), the Legislative Assembly may again proceed on such bill in accordance with the provisions of rules 125 to 131 inclusive.

*Procedure on report and re-introduction of bill referred back*

125. (a) Where a bill has been referred back to the Legislative Assembly by the State President the Executive Councillor or member in charge of the bill shall make a report to the Legislative Assembly on the advice received as soon as possible if the Legislative Assembly is then still in session and, if not, then as soon as possible after the commencement of the next ensuing session.



(b) Enige lid kan dan kennis gee van 'n mosie dat geen verdere stappe in verband met die wetsontwerp gedoen word nie, in welke geval die wetsontwerp verval indien die mosie aangeneem word, of dat dit gewysig word in die lig van die advies en inligting wat gegee is.

(c) Behalwe wanneer die Wetgewende Vergadering die eenoorgestelde besluit het, kan die Wetgewende Vergadering dan weer tot die tweede lesing, komiteestadium en derde lesing van die wetsontwerp oorgaan: Met dien verstande—

(i) dat waar die hoofbeginsels van die wetsontwerp nie deur die advies wat gegee is of deur die veranderinge wat aangebring is, geraak is nie, die Voorsitter kan beslis dat die wetgewende Vergadering dadelik tot die komiteestadium oorgaan;

(ii) dat in die komiteestadium alleenlik daardie artikels van die wetsontwerp wat ter sprake is of wat verander of gewysig is, behandel hoef te word.

### DEEL XIII

#### *Prosedure betreffende finansiële sake*

##### *Uitvoerende Raad moet finansiële sake aanbeveel*

126. (a) Die Wetgewende Vergadering neem geen mosie, wetsontwerp of verbandhoudende bepaling aan nie in enige wetsontwerp vir die aanwending van enige fondse uit die KaNgwane-regeringinkomstefonds of vir die oplegging van enige belasting of heffing sonder die aanbeveling van die Uitvoerende Raad ooreenkomstig die bepalings van die Grondwet van die Bantoeuistlande, 1971 (Wet 21 van 1971).

(b) Elke sodanige aanbeveling word aan die Wetgewende Vergadering meegedeel per geskrewe boodskap wesenlik in die volgende vorm:

“Die Uitvoerende Raad, nadat hy in kennis gestel is van die onderwerp van die voorgestelde mosie (wetsontwerp, verbandhoudende bepaling of ander maatregel), beveel dit aan vir oorweging deur die Wetgewende Vergadering.”

##### *Sekere wetsontwerpe bekend as Begrotingswetsontwerpe*

127. Enige wetsontwerp wat die beraamde finansiële vereistes bevat vir uitgawe ten opsigte van die dienste van die Regering van KaNgwane vir die lopende of volgende finansiële jaar, staan bekend as 'n Begrotingswetsontwerp. Begrotings wat die besonderhede bevat van genoemde finansiële vereistes word tesame met sodanige wetsontwerp voorgelê.

##### *Tweede lesing van Begrotingswetsontwerp: Prosedure*

128. Nadat die mosie vir die tweede lesing van 'n Begrotingswetsontwerp voorgestel is, word die debat daarvoor verdaag en word nie eerder as die daaropvolgende dag hervat nie, en daarna word hoogstens 15 uur vir die tweede lesing van die wetsontwerp toegestaan. Die debat, wanneer dit hervat word, word beperk tot die finansiële en ekonomiese toestand van KaNgwane en tot die algemene beginsels van Regeringsbeleid en administrasie soos deur die Wetsontwerp en begroting aangedui. Na die verstryking van 15 uur van debat, tensy die debat vroeër afgehandel is, moet die Voorsitter die Hoof-Uitvoerenderaadslid 'n geleentheid gee om repliek te lewer, of hy moet 'n datum vir repliek bepaal, en enige vraag stel wat nodig is om die verrigtinge van die tweede lesing af te sluit.

##### *Omskrywing van Begrotingskomitee*

129. Daar is 'n Komitee van die hele Wetgewende Vergadering wat die Begrotingskomitee genoem word. Die beraadslagings van die Komitee is in die openbaar.

(b) Any member may then give notice of a motion that no further proceedings be taken on the bill in which case the bill shall lapse if the motion is carried, or that it be amended in the light of the advice and information given.

(c) Unless the Legislative Assembly has resolved to the contrary the Legislative Assembly may then again proceed to the second reading, committee stage and third reading of the bill: Provided—

(i) that where the main principles of a bill have not been affected by the advice or by the alterations effected, the Chairman may rule that the Legislative Assembly proceed immediately to the committee stage;

(ii) that at the committee stage only those sections of the bill which are in issue or which have been altered or amended need be dealt with.

### PART XIII

#### *Procedure regarding financial measures*

##### *Financial measures to have recommendation of Executive Council*

126. (a) The Legislative Assembly shall not pass any motion, bill or incidental provision in any bill for the appropriation of any funds from the KaNgwane Government Revenue Fund or for the imposition of any tax or impost without the recommendation of the Executive Council in accordance with the provisions of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971).

(b) Every such recommendation shall be communicated to the Legislative Assembly by written message substantially in the following form:

“The Executive Council having been informed of the subject matter of the proposed motion (bill, incidental provision or other measure) recommends it for consideration of the Legislative Assembly”.

##### *Certain bills known as Appropriation Bills*

127. Any bill containing the estimated financial requirements for expenditure on the services of the Government of KaNgwane for the current or succeeding financial year shall be known as an Appropriation Bill. Estimates containing the details of the said financial requirements shall be presented at the same time as such bill.

##### *Second reading of Appropriation Bill: Procedure*

128. After the motion for the second reading of an Appropriation Bill has been proposed the debate thereon shall be adjourned and shall be resumed not earlier than the day following, after which not more than 15 hours shall be allotted for the second reading of the bill. The debate, when resumed, shall be confined to the financial and economic state of KaNgwane and the general principles of Government policy and administration as indicated by the Bill and the Estimates. After the expiry of 15 hours of debate unless the debate is concluded earlier, the Chairman shall give the Chief Executive Councillor an opportunity for reply or set down a date for reply and put any question necessary to bring the proceedings on the second reading to a conclusion.

##### *Definition of Committee of Supply*

129. There shall be a Committee of the whole Legislative Assembly to be called the Committee of Supply. The deliberations of the Committee shall be in public.

*Begrotings toevertrou aan Begrotingskomitee*

130. Die begrotings word, wanneer hulle aan die Wetgewende Vergadering voorgelê word, na die Begrotingskomitee verwys, en wanneer die Begrotingswetsontwerp 'n tweede maal gelees is, word dit aan daardie Komitee toevertrou.

*Prosedure van Begrotingskomitee*

131. (1) Wanneer die Wetgewende Vergadering in Begrotingskomitee is, word die begrotingsposte van die verskeie portefeuljes van die Uitvoerenderaadslede agtereenvolgens behandel.

(2) Die debat in Begrotingskomitee oor die begrotingspos(te) van elke Uitvoerenderaadslid word ingelei deur 'n toespraak deur die verantwoordelike lid betreffende die administrasie, toekomstige ontwikkeling en algemene beleid van sy Departement(e).

(3) Nieteenstaande die bepalinge van reël 30, word 'n Uitvoerenderaadslid se tyd nie beperk wanneer hy sy beleidstoespraak in subreël (2) hierbo bedoel, lewer nie.

*Bylaes van Begrotingswetsontwerp moet eers afgehandel word*

132. By oorweging van die Begrotingswetsontwerp in Begrotingskomitee, staan die klousules van die wetsontwerp oor tot na oorweging van die Bylae of Bylaes.

*Hoofde van uitgawe*

133. By oorweging van die Bylaes word elke hoof van uitgawe tesame met die toepaslike begroting oorweeg en enige verwysing in hierdie Reglement na 'n subhoof, item of subitem beteken 'n subhoof, item of subitem in die begrotings van die hoof dan in bespreking.

*Debat oor hoofde van bylaes*

134. By die oorweging van 'n Bylae lees die Voorsitter die titel van elke hoof van uitgawe beurtelings uit, en stel die vraag: "Dat die bedrag van R. . . vir hoof . . . deel van die Bylae uitmaak", en tensy 'n amendement voorgestel word ingevolge die bepalinge van die hieropvolgende reël, kan 'n debat oor daardie vraag gevoer word. Enige sodanige debat word beperk tot die beleid van die diens waarvoor die geld verskaf moet word, en handel nie oor die besonderhede van enige subitem, item of subhoof nie, maar kan na die besonderhede van inkomste of fondse waarvoor daardie diens verantwoordelik is, verwys.

*Bylae is deel van wetsontwerp*

135. Wanneer al die hoofde in 'n Bylae afgehandel is, stel die Voorsitter onverwyld, sonder amendement of debat, die vraag "Dat die Bylae (soos gewysig) deel uitmaak van die wetsontwerp".

*Klousules van wetsontwerp moet oorweeg word*

136. Wanneer elke Bylae afgehandel is, lees die Voorsitter elke klousule van die wetsontwerp agtereenvolgens uit, en stel onverwyld die vraag "Dat die klousule deel van die wetsontwerp uitmaak", en, tensy 'n gevolglike amendement voorgestel word, word daardie vraag sonder amendement of debat afgehandel.

*Amendemente word slegs deur Uitvoerenderaadslid voorgestel*

137. Geen amendement op enige klousule word voorgestel nie, uitgesonderd enige amendement wat die gevolg is van 'n verandering in die totale som wat by enige Bylae begroot is. Enige sodanige gevolglike amendement word slegs deur 'n Uitvoerenderaadslid voorgestel en kan sonder kennisgewing voorgestel word en die vraag daaromtrent word dadelik gestel sonder amendement of debat. Wanneer die vraag oor die laaste van enige sodanige amendemente op 'n klousule beslis is, stel die Voorsitter dadelik die vraag: "Dat die klousule, soos gewysig, deel van die wetsontwerp uitmaak", en daardie vraag word dan beslis sonder amendement of debat.

*Estimates stand committed to Committee of Supply*

130. The Estimates shall upon presentation to the Legislative Assembly stand referred to the Committee of Supply and the Appropriation Bill upon being read the second time shall stand committed to that Committee.

*Procedure of Committee of Supply*

131. (1) When the Legislative Assembly is in Committee of Supply the votes falling under the different portfolios of the Executive Councillors shall be dealt with consecutively.

(2) The debate in Committee of Supply on the vote(s) of each Executive Councillor shall be commenced with a speech by the responsible Councillor relating to the administration, future development and general policy of the department(s) falling under his care.

(3) Notwithstanding the provisions of rule 30 a Executive Councillor shall not be limited in time when making his policy speech referred to in subrule (2).

*Schedules to Appropriation Bill to be first disposed of*

132. On the consideration of the Appropriation Bill in Committee of Supply, the clauses of the bill shall stand postponed until after consideration of the Schedules or Schedules.

*Heads of expenditure*

133. On consideration of the Schedules each head of expenditure shall be considered with the appropriate estimate, and any reference in these Rules to a subhead item or subitem shall mean a subhead, item or subitem in the estimates for the head then under discussion.

*Debate on heads of schedules*

134. On the consideration of a Schedule, the Chairman shall call the title of each head of expenditure in turn, and shall propose the question: "That the sum of R . . . for head . . . stand part of the Schedule", and unless an amendment is proposed under the provision of the next succeeding rule, a debate may take place on that question. Any such debate shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of any subitem, item or subhead but may refer to the details of revenues or funds for which that service is responsible.

*Schedule to be part of bill*

135. When all the heads in a Schedule have been disposed of, the Chairman shall put forthwith, without amendment or debate, the question "That the Schedule (as amended) stand part of the bill".

*Clauses of bill to be considered*

136. When every Schedule has been disposed of the Chairman shall call successively each clause of the bill and shall forthwith propose the question "That the clause stand part of the bill" and, unless a consequential amendment is moved, that question shall be disposed of without amendment or debate.

*Amendments to be moved by Executive Councillor only*

137. No amendment may be moved to any clause except any amendment consequential on an alteration in the total sum appropriated by any Schedule. Any such consequential amendment shall be moved by an Executive Councillor only, and may be moved without notice and the question thereon shall be put forthwith without amendment or debate. When the question on the last of any such amendments to a clause has been decided the Chairman shall forthwith put the question "That the clause, as amended, stand part of the bill", and that question shall then be decided without amendment or debate.



*Voorsitter keer na Stoel terug na elke klousule beslis is*

138. Na die vraag oor alle klousules van die wetsontwerp beslis is, keer die Voorsitter terug na die Stoel van die Wetgewende Vergadering en kondig aan die Wetgewende Vergadering aan dat die wetsontwerp deur die Komitee, met of sonder amendemente, goedgekeur is.

*Tyd waarin amendement ingedien word*

139. Geen amendement word in die Begrotingskomitee kragtens hierdie Reglement ingedien voor 'n volle dag na dit op die Ordelys gepubliseer is nie.

*Amendemente om te vermeerder of te verminder*

140. 'n Amendement om 'n hoof te vermeerder, hetsy met betrekking tot enige subitem, item of subhoof of die hoof self, word deur die Voorsitter buite die orde gereël en as meer as een vermindering in 'n pos of item van 'n pos voorgestel word, word die vraag omtrent die grootste vermindering eerste vanuit die Stoel gestel.

*Prosedures oor mosies om te wysig*

141. (1) Behoudens die bepalings by subreël (2) voorgeskryf, kan enige lid 'n amendement voorstel om die bedrag toegewys aan enige uitgawe of enige item daaronder te verminder, en word in die vorm van 'n mosie gestel: "Dat hoof . . . verminder word met R. . . ten aansien van (of deur die weglating van subhoof . . . item . . . , subitem . . .".

(2) 'n Amendement om 'n hoof te verminder met betrekking tot enige item of om die item te skrap, is slegs in die orde as die item nie onderverdeel is nie.

(3) 'n Amendement om 'n hoof te verminder met betrekking tot enige subhoof of om 'n subhoof te skrap, is slegs in die orde as die subhoof nie in items onderverdeel is nie.

(4) 'n Amendement om 'n hoof te verminder sonder verwysing na 'n subhoof daarin is slegs in die orde as die hoof nie in subhoofde onderverdeel is nie.

(5) 'n Amendement om 'n hoof te skrap is buite die orde en word nie op die Ordelys geplaas nie.

(6) In die geval van elke hoof word amendemente met betrekking tot subitems of subhoofde in daardie hoof op die Ordelys geplaas en oorweeg in die volgorde waarin die subitems, items of subhoofde waarop hulle betrekking het in daardie hoof op die Begroting staan.

(7) Wanneer kennis gegee is van twee of meer amendemente van die vermindering van dieselfde subitem, item, subhoof of hoof word hulle op die Ordelys geplaas en oorweeg in die volgorde van die omvang van die voorgestelde verminderings; die amendement wat die grootste vermindering voorstel, word in elke geval eerste geplaas.

(8) Debat oor elke amendement word beperk tot die subitem, item, subhoof of hoof waarop die amendement betrekking het en nadat 'n amendement op 'n subitem, item of subhoof afgehandel is, word geen verdere amendement of debat oor 'n vorige subitem, item of subhoof van daardie hoof toegelaat nie.

(9) Wanneer al die amendemente op die Ordelys met betrekking tot enige bepaalde uitgawe of afgehandel is, stel die Voorsitter weer die vraag: "Dat die som van R . . . vir hoof . . . deel van die Bylae uitmaak" of stel die gewysigde vraag: "Dat die verminderde bedrag van R . . . vir hoof . . . deel van die Bylae uitmaak", na gelang van die geval. Die debat oor enige sodanige vraag is onderworpe aan dieselfde beperkinge as 'n debat wat kragtens reël 135 ontstaan het.

*Derde lesing van Begrotingswetsontwerp*

142. Die mosie vir die derde lesing van die Begrotingswetsontwerp word beslis sonder amendement of debat.

*Chairman to return to Chair when every clause decided*

138. When the question upon all clauses of the bill has been decided, the Chairman shall return to the Chair of the Legislative Assembly and announce to the Legislative Assembly that the bill has been passed by the Committee with or without amendments.

*Time in which amendments shall be moved*

139. No amendment shall be moved in the Committee of Supply under these Rules until one clear day after that on which it was published in the Order Paper.

*Amendments to increase or reduce*

140. An amendment to increase a head, whether in respect of any subitems, item or subhead or of the head itself, shall be ruled out of order by the Chairman and when more than one reduction is moved in any vote, or item of a vote, the question shall first be proposed from the Chair on the largest reduction.

*Procedure on motions to amend*

141. (1) Save as prescribed in subrule (2), an amendment to any head of expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any member, and shall take the form of a motion "That head . . . be reduced by R . . . in respect of (or by leaving out) subhead . . . , item . . . , subitem . . .".

(2) An amendment to reduce a head in respect of any item or by leaving out an item shall be in order only if the item is not subitemised.

(3) An amendment to reduce a head in respect of any subhead or by leaving out a subhead shall be in order only if the subhead is not itemised.

(4) An amendment to reduce a head without reference to a subhead therein shall be in order only if the head is not divided into subheads.

(5) An amendment to leave out a head shall not be in order and shall not be placed on the Order Paper.

(6) In the case of each head, amendments in respect of subitems, items or subheads in that head shall be placed upon the Order Paper and considered in the order in which the subitems, items or subheads to which they refer stand in the head in the Estimates.

(7) When notice has been given of two or more amendments to reduce the same subitem, item, subhead or head they shall be placed upon the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.

(8) Debate on every amendment shall be confined to the subitem, item, subhead or head to which the amendment refers, and after an amendment to a subitem, item or subhead has been disposed of, no amendment or debate on a previous subitem, item or subhead of that head shall be permitted.

(9) When all amendments standing on the Order Paper in respect of any particular head of expenditure have been disposed of the Chairman shall again propose the question "That the sum of R . . . for head . . . stand part of the Schedule", or shall propose it amended question "That the reduced sum of R . . . for head . . . stand part of the Schedule" as the case may require. The debate on any such question shall be subject to the same limitations as apply to a debate arising under rule 135.

*Third reading of Appropriation Bill*

142. The motion for the third reading of the Appropriation Bill shall be decided without amendment or debate.

*Addisionele Begrotingswetsontwerp*

143. Indien van tyd tot tyd, hetsy gedurende die loop van 'n bepaalde boekjaar of na afsluiting daarvan, 'n Addisionele Begrotingswetsontwerp voorgelê word wat slegs uitgawes begroot wat reeds goedgekeur is deur die Begrotingskomitee en wat die Wetgewende Vergadering toegestaan het kragtens hierdie Reglement, word die debat by die tweede lesing daarvan streng beperk tot die sake waarvoor bykomende uitgawe nodig is en wanneer die vraag daaromtrent goedgekeur is, word die wetsontwerp nie verwys nie en die vraag "Dat die Wetsontwerp nou vir die derde keer gelees" word dadelik gestel sonder amendement of debat.

*Gedeeltelike Begrotingswetsontwerpe*

144. (a) Die debat oor Gedeeltelike Begrotingswetsontwerpe word soos volg beperk:

(i) Twaalf uur vir die tweede lesing, met insluiting van die Hoof-Uitvoerenderaadslid se repliek wat nie langer as een uur mag duur nie; en

(ii) drie uur vir die derde lesing met insluiting van die Hoof-Uitvoerenderaadslid se repliek.

(b) By die derde lesing van Gedeeltelike Begrotingswetsontwerpe mag geen toespraak langer as 30 minute duur nie.

**DEEL XIV***Gekose en Sessiekomitees**Aanstelling van Sessiekomitees*

145. So gou as doenlik na die aanvang van elke sessie stel die Wetgewende Vergadering die volgende Sessiekomitees aan wat elk uit vyf lede bestaan insluitende die Voorsitter daarvan:

(a) Komitee oor Reglement van Orde en Interne Reëlings, wie se opdrag ook die bestuur van en beheer oor die Wetgewende Vergadering se biblioteek, die verversingskamers en gerief en gemak van lede en die druk en publisering van die verslae van die Wetgewende Vergadering insluit, met die Voorsitter van die Wetgewende Vergadering as Voorsitter.

(b) Komitee oor Openbare Rekeninge wie se opdrag dit is om die rekeninge na te gaan wat die bestemming van bedrae aantoon wat deur die Wetgewende Vergadering toegestaan is om openbare uitgawes te bestry. Wanneer die Ouditeur-generaal se verslag deur die Hoof-Uitvoerenderaadslid ontvang word, word dit op staande voet na hierdie Sessiekomitee verwys.

*Aanstelling van Werkkomitee*

146. (1) Daar is 'n Sessiekomitee, genoem die Werkkomitee, bestaande uit die Hoof-Uitvoerenderaadslid, as Voorsitter, twee ander Uitvoerenderaadslede aangestel deur die Uitvoerende Raad, die Voorsitter van die Wetgewende Vergadering en twee ander lede deur die Wetgewende Vergadering verkies.

(2) Die Werkkomitee oorweeg sake wat op die Ordelys geplaas moet word en watter sake op die Ordelys voorrang moet geniet bo ander en reël in die algemeen die dagorde vir die afhandeling van die dag-vir-dag-werk-saamhede van die Wetgewende Vergadering.

*Aanstelling van gekose komitee*

147. (1) Die Wetgewende Vergadering kan, by besluit op 'n mosie, 'n gekose komitee aanstel om die bepalings van 'n wetsontwerp te oorweeg of vir enige ander doel.

(2) Elke gekose komitee bestaan uit vyf lede as volg:

(a) 'n Voorsitter aangestel deur die Uitvoerende Raad; en

(b) vier ander lede verkies deur lede van die Wetgewende Vergadering op aanbeveling van die Werkkomitee.

*Additional Appropriation Bill*

143. If from time to time, whether in the course of a particular financial year or after its close, an Additional Appropriation Bill is presented appropriating only expenditure which has been approved by the Committee of Supply and agreed to by the Legislative Assembly under these Rules, the debate on the second reading thereof shall be strictly confined to the matters for which additional expenditure is required and when the question thereon has been agreed to, the bill shall not be committed and the question "That the Bill be now read a third time", shall be put forthwith without amendment or debate.

*Part Appropriation Bills*

144. (a) The debate on Part Appropriation Bills shall be limited as follows:

(i) Twelve hours for the second reading, including the Chief Executive Councillor's reply which shall not exceed one hour; and

(ii) three hours for the third reading, including the Chief Executive Councillor's reply.

(b) On the third reading of part Appropriation Bills no speech shall exceed 30 minutes.

**PART XIV***Select and Sessional Committees**Appointment of Sessional Committees*

145. As soon as possible after the beginning of each session the Legislative Assembly shall appoint the following Sessional Committees each consisting of five members including the Chairman thereof:

(a) Committee on Rules of Procedure and Internal Arrangements, whose terms of reference shall also include the management and control of the library of the Legislative Assembly, the refreshment rooms and convenience and comfort of members and the printing and publishing of the reports of the Legislative Assembly with the Chairman of the Legislative Assembly as Chairman.

(b) Committee on Public Accounts whose terms of reference shall be to examine the accounts showing the appropriation of the sums granted by the Legislative Assembly to meet public expenditure. When the report of the Auditor-General is received by the Chief Executive Councillor it shall stand referred to this Sessional Committee.

*Appointment of Business Committee*

146. (1) There shall be a Sessional Committee, designated the Business Committee, consisting of the Chief Executive Councillor as Chairman, two other Executive Councillors appointed by the Executive Council, the Chairman of the Legislative Assembly and two other members elected by the Legislative Assembly.

(2) The Business Committee shall consider matters which shall be placed on the Order Paper and which matters on the Order Paper shall be given preference over others, and generally arrange the programme for the dispatch of the day-by-day business of the Legislative Assembly.

*Appointment of select committees*

147. (1) The Legislative Assembly may, by order on a motion appoint a select committee to consider the terms of a bill or for any other purpose.

(2) Every select committee shall consist of five members being—

(a) a Chairman appointed by the Executive Council; and

(b) four other members elected on recommendation of the Business Committee by the members of the Legislative Assembly.



(3) Die opdrag van 'n gekose komitee word beslis deur die Wetgewende Vergadering, by besluit op 'n mosie wat die gekose komitee aanstel of enige daaropvolgende besluit op 'n mosie.

(4) Die kworum vir 'n gekose komitee is drie lede, die Voorsitter inbegreep.

(5) 'n Gekose komitee doen sodra oorweging geskenk aan die wetsontwerp of enige ander saak na hom verwys, verslag aan die Wetgewende Vergadering daaroor en die komitee word daarna ontbind. Indien die komitee van oordeel is dat hy nie in staat is om die oorweging van die wetsontwerp of enige ander saak voor die einde van die sessie af te handel nie doen hy aldus verslag aan die Wetgewende Vergadering.

#### *Gekose komitees: Prosedure*

148. (1) Die beraadslagings van 'n gekose komitee word beperk tot die saak of sake na hom verwys deur die Wetgewende Vergadering en in die geval van 'n gekose komitee oor 'n wetsontwerp beperk tot die wetsontwerp en relevante amendemente.

(2) 'n Gekose komitee sit op die tye deur die Voorsitter bepaal in oorleg met die lede daarvan en kan aanhou sit al sou die Wetgewende Vergadering ook verdaag. Die sittings van 'n gekose komitee is privaat, tensy die komitee anders gelas: Met dien verstande dat hierdie beperking nie vertolk word as sou dit beamptes of getuies wat noodsaaklikerwys geassosieer is met die werksaamhede van sodanige gekose komitee uitsluit nie.

(3) As die voorsitter van 'n gekose komitee nie in staat is om teenwoordig te wees by 'n sitting nie verkies die komitee 'n ander lid tot voorsitter wie se ampstermyn die dag van sy verkiesing is.

(4) Verdelings in 'n gekose komitee word deur die komiteeklerk afgeneem wat elke lid van die komitee afsonderlik vra hoe hy wil stem en hy teken die stemme dienoreenkomstig aan.

(5) In geval van 'n geskil oor 'n aangeleentheid van prosedure kan lede van die komitee die voorsitter versoek om die aangeleentheid na die Voorsitter van die Wetgewende Vergadering te verwys vir beslissing, en indien die meerderheid van die lede sodanige versoek rig, moet die voorsitter van die gekose komitee dit doen.

(6) Nòg die voorsitter van die gekose komitee nòg enige ander voorsittende lid stem, tensy daar 'n staking van stemme is in welke geval hy sy beslissende stem uitoefen.

#### *Spesiale verslag oor bevoegdhede, funksies en verrigtinge van gekose komitee*

149. 'n Gekose komitee kan 'n spesiale verslag indien met betrekking tot die bevoegdhede, funksies en verrigtinge van die komitee oor sake wat hy na goeë dinge onder die aandag van die Wetgewende Vergadering wil bring.

#### *Notule*

150. Die notule van die verrigtinge van 'n gekose komitee boekstaaf alle verrigtinge by die oorweging van 'n verslag of wetsontwerp in die komitee asook elke amendement voorgestel op die verslag, of wetsontwerp, met 'n aantekening van verdelings, as verdelings in die komitee plaasvind, met vermelding van die name van lede wat by die verdeling stem of weier om te stem, en wie vir die vraag en wie daarteen gestem het en al hierdie aantekeninge of notule word aan die Wetgewende Vergadering gerapporteer wanneer die verslag van die komitee ingediën word.

(3) The terms of reference of a select committee shall be decided by the Legislative Assembly by order on a motion appointing the select committee or any subsequent order on a motion.

(4) The quorum of a select committee shall be three members including the Chairman.

(5) A select committee shall as soon as it has completed considering the bill or any other matter referred to it report to the Legislative Assembly thereon and the committee shall thereupon be dissolved. If the committee is of the opinion that it will not be able to complete consideration of the bill or other matter before the end of the session it shall so report to the Legislative Assembly.

#### *Select committees: Procedure*

148. (1) The deliberations of a select committee shall be confined to the matter or matters referred to it by the Legislative Assembly and in the case of a select committee on a bill shall be confined to the bill and relevant amendments.

(2) A select committee shall sit at the times determined by the Chairman in consultation with the members thereof and may continue to sit although the Legislative Assembly may be adjourned. The sittings of a select committee shall be held in private unless the committee otherwise orders: Provided that this restriction shall not be so interpreted as to exclude officials or witnesses necessarily associated with the business of such a select committee.

(3) If the chairman of a select committee is unable to be present at a sitting the committee shall elect some other member to be chairman whose tenure of office shall be for the day of his election.

(4) Divisions in a select committee shall be taken by the clerk to the committee who shall ask each member of the committee separately how he wishes to vote and record the votes accordingly.

(5) In case of a dispute over a matter of procedure the members of the committee may request the chairman to refer the matter to the Chairman of the Legislative Assembly for decision and if so requested by a majority of the members the chairman of the select committee shall be obliged to do so.

(6) Neither the chairman of a select committee nor any other member presiding shall vote unless the votes of other members are equally divided in which case he shall exercise a casting vote.

#### *Special report on powers, functions and proceedings of select committee*

149. A select committee may make a special report relating to the powers, functions and proceedings of the committee on matters which it thinks fit to bring to the notice of the Legislative Assembly.

#### *Minutes*

150. The minutes of the proceedings of a select committee shall record all proceedings on consideration of a report or bill in the committee and on every amendment proposed to the report or bill, with a note of divisions, if divisions were taken in the committee, showing the names of members voting in the division or declining to vote and distinguishing on which side they voted and all such entries or minutes shall be reported to the Legislative Assembly when the report of such committee is presented.

*Tertafellegging van verslag en verrigtinge van gekose komitee*

151. 'n Verslag of spesiale verslag, met die notule van verrigtinge van 'n gekose komitee en die notule van getuienis, indien getuienis afgeneem is, word deur die voorsitter van die komitee ter Tafel van die Wetgewende Vergadering geleë.

*Wetgewende Vergadering magtig die laat haal van persone, stukke en rekords*

152. Geen gekose komitee oefen sy bevoegdheid uit om persone, stukke en rekords te ontbied nie, tensy spesifiek daartoe gemagtig in opdrag van die Wetgewende Vergadering.

*Getuienis en dokumente moet nie openbaar gemaak word nie*

153. Getuienis afgeneem voor 'n gekose komitee en dokumente voorgelê aan die komitee word nie deur 'n lid van die komitee of deur enige ander persoon gepubliseer voordat die verslag van die komitee by die Wetgewende Vergadering ingedien is nie.

*Lede wat regspraktisyns is en wat voor gekose komitee verskyn, word nie vergoed nie*

154. Geen lid verskyn voor die Wetgewende Vergadering of 'n komitee daarvan in sy hoedanigheid as 'n regspraktisyn vir of namens 'n party nie of in 'n hoedanigheid waarvoor hy gelde of vergoeding ontvang nie.

## DEEL XV

### *Vreemdelinge*

#### *Definisie van vreemdelinge*

155. 'n Vreemdeling beteken enige persoon wat nie 'n lid of beampte is wat pligte te vervul het in verband met die werksaamhede van die Wetgewende Vergadering nie.

*Bevoegdheid van voorsittende lid om vreemdelinge uit te sluit*

156. Vreemdelinge kan toegelaat word om teenwoordig te wees in die Saal op die plekke vir hulle afgesonder, maar moet hulle onttrek wanneer hulle daartoe gelas word deur die voorsittende lid wat hulle na goëddunke kan gelas om hulle te onttrek.

*Bevoegdheid van Ampswag om vreemdelinge te verwyder*

157. Die Ampswag verwyder, of sorg vir die verwydering van enige vreemdeling uit enige deel van die Saal of van die galery toegewys aan slegs lede; asook enige vreemdeling wat, nadat hy toegang verleen is tot enige gedeelte van die Saal of van die galerye, hom aan wan-gedrag skuldig maak of hom nie onttrek wanneer vreemdelinge gelas word om hulle te onttrek terwyl die Wetgewende Vergadering in sitting is nie.

*Lid vestig aandag op vreemdeling*

158. As 'n lid tydens die sitting van die Wetgewende Vergadering, of in komitee, die aandag daarop vestig dat vreemdelinge teenwoordig is, beveel die Voorsitter dié vreemdelinge om hulle te onttrek, of stel die vraag: "dat vreemdelinge beveel word om hulle te onttrek", sonder om enige debat of amendement toe te laat.

## DEEL XVI

### *Diverse bepalinge*

#### *Minagting*

159. Enige persoon wat moedswillig 'n wettige bevel van die Voorsitter van die Wetgewende Vergadering nie gehoorsaam nie, is aan minagting skuldig.

*Lid of persoon skuldig verklaar aan minagting*

160. 'n Lid of persoon wat aan minagting skuldig is, word op las van die Voorsitter in die bewaring van die Ampswag gestel en met hom word gehandel na die Wetgewende Vergadering gelas.

#### *Tabling of report and proceedings of select committee*

151. A report or special report, with the minutes of proceedings of a select committee and the minutes of evidence, if evidence was taken, shall be laid on the Table of the Legislative Assembly by the chairman of the committee.

*Legislative Assembly must authorise sending for persons papers and records*

152. No select committee shall exercise its powers to call for persons, papers and records, unless it has been specifically permitted to do so by order of the Legislative Assembly.

*Evidence and documents not to be disclosed*

153. The evidence taken before a select committee and documents presented to the committee shall not be published by a member of the committee or by any other person before the committee has presented its report to the Legislative Assembly.

*Members who are legal practitioners appearing before select committee not to receive reward*

154. No member shall appear before the Legislative Assembly or a committee thereof in his capacity as a legal practitioner for or on behalf of a party or on a capacity for which he is to receive a fee or reward.

## PART XV

### *Strangers*

#### *Definition of strangers*

155. A stranger means any person who is not a member or an official who has duties to perform in connection with the business of the Legislative Assembly.

*Power of presiding member to exclude strangers*

156. Strangers may be permitted to be present in the Chamber in the places set apart for them, but must withdraw when called upon to do so by the presiding member, who may, whenever he thinks fit, order them to withdraw.

*Power of Sergeant-at-Arms to remove strangers*

157. The Sergeant-at-Arms shall remove, or cause to be removed, any stranger from any part of the Chamber or of the galleries appropriated to the members only; and also any stranger who, having been admitted into any part of the Chamber or of the galleries, misconducts himself or does not withdraw when strangers are directed to withdraw while the Legislative Assembly is sitting.

*Member calling attention to strangers*

158. If at any sitting of the Legislative Assembly, or in committee, any member takes notice that strangers are present, the Chairman shall order such strangers to withdraw, or may put the question, "That strangers be ordered to withdraw", without permitting any debate or amendment.

## PART XVI

### *Miscellaneous provisions*

#### *Contempt*

159. Any person who wilfully disobeys any lawful order of the Chairman of the Legislative Assembly shall be guilty of contempt.

*Member or person declared guilty of contempt*

160. Any member or person guilty of contempt shall be committed to the custody of the Sergeant-at-Arms by order of the Chairman and dealt with as the Legislative Assembly may direct.



*Lid mag nie geldelike belang hê nie*

161. (1) 'n Uitvoerenderaadslid of 'n lid van die Wetgewende Vergadering mag nie in of voor die Wetgewende Vergadering, of 'n staande, sessie-, gekose of spesiale komitee daarvan, stem oor, of deelneem aan, die bespreking van enige aangeleentheid waarin hy 'n geldelike belang het nie.

(2) 'n Lid wat die bepalings van subreël (1) oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf van hoogstens vyf jaar.

(3) 'n Hof wat 'n persoon skuldig bevind aan 'n oortreding van hierdie reël kan die veroordeelde persoon gelas om die bedrag of die waarde van enige gelde, vergoeding, geskenk of beloning deur hom aanvaar of ontvang, terug te betaal.

(4) Die bepalings van hierdie reël is nie van toepassing nie op enige stemming of bespreking aangaande die vergoeding of toelae wat 'n Uitvoerenderaadslid of 'n lid van die Wetgewende Vergadering in sy hoedanigheid van Uitvoerenderaadslid of lid van die Wetgewende Vergadering sou mag ontvang, of op enige belang wat enige sodanige lid by enige aangeleentheid gemeenskaplik met die algemene publiek, of enige klas of deel daarvan het nie.

*Lede ontvang nie gelde of vergoeding nie*

162. (1) Geen Uitvoerenderaadslid of 'n lid van die Wetgewende Vergadering en geen prokureur of agent wat by die uitoefening van sy professie 'n vennoot is, of in diens is, van sodanige lid, aanvaar of ontvang, hetsy direk of indirek, enige gelde, vergoeding, geskenk of beloning vir of ten opsigte van die bevordering of opponering van 'n wetsontwerp, besluit, aangeleentheid of ding voorgelê, of bedoel om voorgelê te word, vir oorweging deur die Wetgewende Vergadering of enige komitee daarvan.

(2) Enige persoon wat die bepalings van subreël (1) oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met die strawwe voorgeskryf by reël 161 (2) en (3).

*Prerogatief van die Regering van KaNgwane*

163. (1) Met geen wetsontwerp of mosie wat bepalings bevat wat die strekking het om inbreuk te maak op die gesag van die Regering van KaNgwane, sy grond of die tradisionele grond van enige stam soos erken deur die Regering van die Republiek van Suid-Afrika ten tyde van die instelling van die Regering van KaNgwane mag voortgegaan word nie alvorens die toestemming van die Staatspresident eers as volg gegee is: "Die Staatspresident, na kennisname van die onderhawige aangeleenthede vervat in die voorgestelde wetsontwerp (of mosie), beveel dit by die KaNgwane- Wetgewende Vergadering aan vir oorweging".

(2) Enige toestemming verlang ingevolge subreël (1) word skriftelik deur die Hoof-Uitvoerenderaadslid ingedien, na oorlegpleging met die Uitvoerende Raad, en aangestuur aan die Kommissaris-generaal vir verdere behandeling soos by wet vereis.

*Opskorting van Reglement van Orde*

164. (1) Enige reël van hierdie Reglement van Orde of 'n Sessie-order of orders van die Wetgewende Vergadering kan op mosie na kennisgewing opgeskort word as die mosie met 'n meerderheid van stemme aangeneem word: Met dien verstande dat in gevalle van dringende noodsaaklikheid (waaromtrent die Voorsitter oordeel) enige sodanige reël of order met die toestemming van die Wetgewende Vergadering op mosie sonder kennisgewing opgeskort kan word.

*Member not to have pecuniary interest*

161. (1) An Executive Councillor or a member of the Legislative Assembly shall not in or before the Legislative Assembly or any standing sessional, select or special committee thereof vote upon or take part in the discussion of any matter in which he has a pecuniary interest.

(2) Any member who contravenes the provisions of subrule (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding five years.

(3) The court which has convicted any person of a contravention of this rule may order the person convicted to repay the amount or the value of any fee, compensation, gift or reward accepted or received by him.

(4) The provisions of this rule shall not apply to any vote or discussion concerning any remuneration or allowance to be received by an Executive Councillor or member of the Legislative Assembly in his capacity as an Executive Councillor or a member of the Legislative Assembly, or to any interest which any such member may have in any matter in common with the public generally or with any class or section thereof.

*Members not to accept fee or reward*

162. (1) No Executive Councillor or member of the Legislative Assembly and no attorney or agent who, in the practice of his profession, is a partner or in the service of any such Councillor or member, shall accept or receive either directly or indirectly any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any bill, resolution, matter or thing submitted or intended to be submitted for the consideration of the Legislative Assembly or any committee thereof.

(2) Any person who contravenes the provisions of subrule (1) shall be guilty of an offence and liable on conviction to the penalties prescribed in rule 161 (2) and (3).

*Prerogative of Government of KaNgwane*

163. (1) No draft bill or motion containing provisions which will have the effect of interfering with the authority of the Government of KaNgwane its land, or the traditional land of any tribe as recognised by the Government of the Republic of South Africa at the time the KaNgwane Legislative Assembly was constituted shall be proceeded with except with the consent of the State President being first given in the following manner: "The State President having been informed of the subject matter of the proposed bill (or motion) recommends it to the consideration of the KaNgwane Legislative Assembly".

(2) Any consent sought in terms of subrule (1) shall be submitted in writing by the Chief Executive Councillor after consultation with the Executive Council and forwarded to the Commissioner-General to be dealt with further as required by law.

*Suspension of Ruled of Procedure*

164. (1) Any rule of these Rules of Procedure or sessional order or orders of the Legislative Assembly may be suspended upon motion moved after notice, such motion being carried by a majority of votes: Provided that in cases of urgent necessity (of which the Chairman shall be the judge) any such rule or order may with the consent of the Legislative Assembly be suspended upon motion moved without notice.

(2) Die opskorting van 'n reël of 'n order is by die toepassing daarvan beperk tot die bepaalde doel waarvoor sodanige opskorting gevra is.

*Gevalle waarvoor nie voorsiening gemaak is nie*

165. In alle gevalle waarvoor hierdie Reglement van Orde of die Grondwet van die Bantoetuislande, 1971, nie voorsiening maak nie, moet die Voorsitter beslis, en neem hy as leidraad die Reglement van Orde en Gebruike van die Volksraad van die Parlement van die Republiek van Suid-Afrika vir sover hulle toegepas kan word op of aangepas kan word by die verrigtinge van die Wetgewende Vergadering.

*Reglement van Orde van krag tot gewysig of herroep*

166. Die voorgaande Reglement van Orde bly van krag totdat dit verander, gewysig of herroep word deur die Wetgewende Vergadering.

*Woordomskrywing*

167. In hierdie Reglement van Orde, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), geheg is daardie betekenis en beteken—

“Direkteur” die administratiewe hoof van een van die departemente van die regering van KaNgwane;

“Kommissaris-generaal” die Kommissaris-generaal van die Swazi-volkseenheid, aangestel ingevolge die Wet op die Bevordering van Bantoe-selfbestuur, 1959 (Wet 46 van 1959);

“KaNgwane” die gebied waarvoor die KaNgwane-Wetgewende Vergadering ingestel is;

“Sekretaris” die sekretaris van die Wetgewende Vergadering, as sodanig ingevolge reël 52 aangestel; en

“Wetgewende Vergadering” die KaNgwane-Wetgewende Vergadering.

AANHANGSEL

GEBED

O, Almagtige en Barmhartige God en Hemelse Vader wat in U ewige wysheid en voorsienigheid owerhede en magte verorden het om tot welsyn van lande en volke te regeer, ons bid U laat U aangesig oor ons, U diensknegte, lig waar U ons geroep het om so 'n belangrike en gewichtige werk in ons vaderland te verrig.

Laat U seën ryklik neerdaal op ons wat hier vergader is en begenadig ons om, onder U leiding so te beraadslaag en so aan alles wat hier verrig mag word reg en geregtigheid te laat geskied, dat dit slegs tot eer en verheerliking van U naam mag strek en tot bevordering van die belange van ons land en volk wat U ons geroep het om te dien. Dit alles bid ons in die naam van Onse Here Jesus Christus. Amen.

Onse Vader wat in die Hemele is, laat U Naam geheilig word; laat U koninkryk kom; laat U wil geskied, soos in die Hemel net so ook op die aarde; gee ons vandag ons daaglikse brood; en vergeef ons ons skulde, soos ons ook ons skuldenaars vergewe; en lei ons nie in versoeking nie, maar verlos ons van die bose; want aan U behoort die koninkryk en die krag en die heerlikheid tot in ewigheid. Amen.

(Leer R223/2)

(2) The suspension of a rule or order shall be limited in its operation to the particular purpose for which such suspension has been sought.

*Cases not provided for*

165. In every case not provided for in these Rules of Procedure or in the Bantu Homelands Constitution Act 1971, the Chairman shall decide, taking for his guide the Standing Orders and Practice of the House of Assembly of the Parliament of the Republic of South Africa in so far as they can be applied or adapted to the proceedings of the Legislative Assembly.

*Rules of Procedure to be of force until altered, amended or repealed*

166. The foregoing Rules of Procedure shall continue in force until altered, amended or repealed by the Legislative Assembly.

*Definitions*

167. In these Rules of Procedure, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), bears that meaning and—

“Commissioner-General” means the Commissioner-General of the Swazi National Unit appointed in terms of the Promotion of Bantu Self-government Act, 1959 (Act 46 of 1959);

“Director” means the administrative head of one of the departments of the Government of KaNgwane;

“KaNgwane” means the area for which the KaNgwane Legislative Assembly was established;

“Legislative Assembly” means the KaNgwane Legislative Assembly; and

“Secretary” means the Secretary of the Legislative Assembly appointed as such in terms of rule 52.

ANNEXURE

PRAYER

O, Almighty God and Heavenly Father, who in Thy infinite mercy and wisdom hast called rulers and appointed governments for the welfare of society and the just government of men, we beseech Thee to bestow Thy abundant favour upon us Thy servants whom Thou hast been pleased to call to the performance of such important trusts in this our land.

Let Thy blessing descend upon us here assembled and grant that we may under Thy guidance treat and consider all matters that shall come before us in so just and faithful a manner as to promote Thy honour and glory and so advance the welfare of our people whom Thou hast called us to serve. All this we ask in the name and for the sake of Our Lord Jesus Christ. Amen.

Our Father which art in heaven, hallowed be Thy Name. Thy kingdom come. Thy will be done on earth, as it is in heaven. Give us this day our daily bread and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power and glory, for ever and ever, Amen.

(File R 223/2)



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