

SUPPLEMENT TO  
THE  
SWAZILAND GOVERNMENT  
GAZETTE

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## THE STATISTICS (AMENDMENT) BILL, 1997

(Bill No. 6 of 1997)

(To be presented by the Minister for Economic Planning and Development)

## MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend the Statistics Act, 1967 so as to -

- (a) re-define the term "authorised officer";
- (b) define the term "government statistics";
- (c) impose a charge for letter, parcels and telegraphic messages relating to statistics even if marked "Statistics-on Government Service";
- (d) provide for other matters incidental thereto.

S.H. ZWANE  
Attorney-General

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A BILL  
entitled

An Act to amend the Statistics Act, 1967.

ENACTED by the King and the Parliament of Swaziland.

*Short title and commencement.*

1. This Act may be cited as the Statistics (Amendment) Act, 1997 and shall be read as one with the Statistics Act, 1967 (hereinafter referred to in this Act as the "Principal Act").

*Amendment of Section 2.*

2. Section 2 of the principal Act is amended -
  - (a) by replacing the definition of "authorised officer" with the following -
 

"authorised officer" means a public officer or other person employed in connection with government statistics and authorised by the Head of the Central Statistical Office;
  - (b) by inserting the following new definition after the definition of "director" -
 

"government statistics" means statistics collected by any government ministry or department;
  - (c) by replacing the words "Prime Minister" with the words "Minister responsible for Statistics".

*Amendment of Section 10.*

3. Section 10 of the principal Act is amended by replacing the words “shall be free of postal, telegraphic or other charge made by the Director of Posts and Telecommunications of Swaziland if marked with the words “Statistics-on-Government Service”” with the words “shall be passed on to the Director or sender without delay and the Managing Director of Posts and Telecommunications Corporation shall invoice the Director for any charges pertaining to such letters, parcels and packets and all telegraphic messages”.

*Amendment of Section 11.*

4. Section 11 of the principal Act is amended by replacing the words “six hundred rand” with the words “two thousand Emalangeni”.

*Amendment of Section 12.*

5. Section 12 of the principal Act is amended in sub-sections (1), (2) and (4) by replacing the words “four hundred rand” wherever they occur with the words “one thousand Emalangeni”.

*Amendment of Section 13.*

6. Section 13 of the principal Act is amended in sub-section (1), by inserting the following new paragraph (d) -

“(d) terms of reference for any committee or commission which may be desirable for the efficient operation of the Central Statistical Office.”

## THE SUGAR EXPORT LEVY ACT, 1997

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(Act No. 4 of 1997)



I ASSENT

MSWATI III  
KING OF SWAZILAND

30th July 1997

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AN ACT  
entitled

An Act to provide for a new Sugar Export Levy and for matters related thereto.

ENACTED by the King and the Parliament of Swaziland.

*Short title.*

1. This Act may be cited as the Sugar Export Levy Act, 1997 and shall come into force on a date to be appointed by the Minister by Notice in the Gazette.

*Interpretation.*

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

“Agreement” means the Swaziland Sugar Industry Agreement set out in Part I of the Schedule to the Sugar Act No. 4 of 1967.

“Association” means the Swaziland Sugar Industry Association established under the Sugar Act, No. 4 of 1967;

“Commissioner” means the Commissioner of Taxes appointed under the Income Tax (Consolidated) Order No. 21 of 1975 and includes a Deputy Commissioner of Taxes;

“Minister” means the Minister for Finance;

“Protocol exports” mean the exportation of sugar from Swaziland to the European Union in terms of the Sugar Protocol with the European Union;

“Sugar” has the same meaning as in the Sugar Act of 1967;

“year” means the period of 12 calendar months ending on 31st March.

*Imposition of Levy.*

3. (1) After the approval of the Cabinet, the Minister shall, by notice in the Gazette, prescribe and impose a levy on the net ex-mill protocol sales to the European Union to be applied two years in arrears.

(2) For the purpose of this section “nett ex-mill export protocol sales proceeds” shall be the Swaziland currency equivalent of the gross amount received by the Association in respect of all sales of sugar exported less the following expenses -

- (a) cost of bags and bagging;
- (b) cost of manufacturing raw sugar into refined and mill white sugar;
- (c) cost of transport from mill to port;
- (d) storage, port dues and loading costs;
- (e) costs of shipping and landing;
- (f) brokerage charges;
- (g) marine insurance charges; and
- (h) any other direct selling expenses, excluding general over-heads and administration costs, which can be proved to the satisfaction of the Commissioner to have been incurred in the sale of sugar protocol exports.

*Method of payment of Levy.*

4. (1) The levy shall be deemed to be an Industry obligation in terms of clauses 53 and 54 of the Agreement.

(2) The Association shall remit to the Commissioner an amount equal to a quarter of the levy imposed under section 3, on or before the 31st July, 31st October, 31st January and 31st March of each year.

(3) Interest on the amount of any payment, or portion thereof, not made by the due date, calculated at the rate of one and a half per centum per month, shall be payable by the Association to the Commissioner on demand.

*Deduction from taxable income.*

5. The amount of the levy paid by the Association in respect of any year shall be deducted from its income for the purpose of ascertaining the amount of its taxable income under the Income Tax Order, No. 21 of 1975, during the relevant year of assessment as defined in such Act.

*Statement of sales to be produced.*

6. The Association shall on the request of the Commissioner produce for his inspection all such statements and documents in connection with the sale of any sugar exported by it as the Commissioner may deem necessary.

*Offences, Objections and Appeals.*

7. (1) The provisions of the Income Tax (Consolidated) Order No. 21 of 1975 in regard to any objections and appeals against any decision by the Commissioner shall mutatis mutandis apply to any decision made by the Commissioner in terms of this Act.

(2) The provisions of the Income Tax (Consolidated Order No. 21 of 1975 shall apply mutatis mutandis to any offences committed in contravention of this Act.

*Regulations.*

8. The Minister, after Cabinet approval, may make such regulations as he deems necessary for the better carrying out of the purposes of this Order.

*Repeal.*

9. The Sugar Export Levy Order, 1973 is repealed.

## LEGAL NOTICE NO. 142 OF 1997

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

AUTHORITY FOR PREPARATION OF TOWN PLANNING SCHEMES  
(Under Section 9)

In exercise of the powers conferred by Section 9 of the Town Planning Act, 1961, the Minister of Housing and Urban Development has granted authority to the Hlathikhulu and Mankayane Town Boards to prepare Town Planning Schemes for their Urban Areas as per their respective applications made to the Minister.

M.C. DLAMINI  
*Principal Secretary*

## LEGAL NOTICE NO. 143 OF 1997

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THE COTTON ACT, 1967  
(Act No. 26 of 1967)

THE COTTON (DESTRUCTION AND PLANTING DATE) REGULATIONS, 1997  
(Under Section 10 and 17)

In exercise of the Power Conferred by Section 10 and 17 of the Cotton Act, 1967, the Minister of Agriculture and Co-operatives after consulting The Cotton Board, hereby makes the following regulations:

*Citation.*

1. These Regulations may be cited as the Cotton (Destruction and Planting Dates) Regulations, 1997.

*Destruction of Cotton Plants.*

2. Cotton growers in Swaziland shall have all their cotton plants destroyed by the 15th September, 1997.

*Method of destruction.*

3. A cotton grower shall, in terms of these Regulations, destroy the cotton plants by -
  - (a) removing the upper portion of the plant by severing it at a point not more than 10cm above the surface of the ground and burning of the portion so removed;
  - (b) means of an agricultural implement, so lacerating and burying the plant as to prevent its growth; and
  - (c) ploughing in or causing to be destroyed any portion of the cotton plant which remains above the surface of the ground.

*Default in destruction.*

4. (1) An owner of land upon which is grown a cotton plant to be destroyed as required by Regulation 3 shall ensure that the cotton grower complies with these Regulations.

(2) If a cotton grower or an owner of the land fails to comply with Regulation 3 the Principal Secretary of the Ministry of Agriculture and Co-operatives or the cotton Board shall cause the cotton plants to be destroyed and recover from the grower the full expense of the destruction.

*Planting of Cotton.*

5. No cotton grower shall plant cotton before the 15th October, 1997.



*Penalties.*

6. A cotton grower or the owner of the land upon which the cotton is grown who contravenes Regulation 5 commits an offence and is liable on conviction to a fine not exceeding one thousand Emalangeni or to imprisonment for a period not exceeding 6 months, and the Court may order the destruction of such plants within such times as it may determine.

*Revocation of Legal Notice No. 136 of 1996.*

7. The Cotton (Destruction and Planting Dates) Regulations, 1996 are hereby revoked

N.M. NKAMBULE  
*Principal Secretary*