

THE SWAZILAND BROADCASTING CORPORATION BILL, 2013

(Bill No. 4 of 2013)

(To be presented by the Minister of Information Communications and Technology)

MEMORANDUM OF OBJECTS AND REASONS

The objects of this Bill are to—

- (a) provide for the establishment of the Swaziland Broadcasting Corporation, a national public broadcaster for the Kingdom of Swaziland, by amalgamating the operations and resources of Swazi Television Authority and the Swaziland Broadcasting and Information Services;
- (b) provide for the licencing of the Corporation;
- (c) provide for the establishment of a Board of Directors to run the Corporation and the procedure for the nomination of the members of the Board;
- (d) provide for the repeal of the Swaziland Television Authority Act, 1983; and
- (e) provide for matters incidental to public broadcasting.

J. M. DLAMINI  
ATTORNEY-GENERAL

ARRANGEMENT OF CLAUSES

PART I  
PRELIMINARY

1. Short title and commencement
2. Interpretation

PART II  
ESTABLISHMENT AND FUNCTIONS OF THE CORPORATION

3. Establishment of the Corporation
4. Seal of the Corporation
5. Objects of the Corporation
6. Functions of the Corporation
7. Powers of the Corporation
8. Editorial policy
9. Public Broadcasting service

PART III  
ESTABLISHMENT AND FUNCTIONS OF THE BOARD

10. Constitution of the Board of Directors
11. Disqualification for membership
12. Technical committee
13. Tenure of office and vacancy
14. Functions of the Board
15. Committees of the Board
16. Disclosure of interest
17. Procedure of the Board
18. Immunity
19. Appointment of Director-General
20. Secretary and other staff
21. Inspectors
22. Powers of inspectors
23. Obstruction of inspector

PART IV  
TELEVISION LICENCE AND INSPECTORS

24. Television licence
25. Licence to deal in television receivers
26. Television viewers' licence

PART V  
FINANCIAL PROVISIONS

27. Funds of Corporation
28. Accounts
29. Financial year
30. Annual report

**PART VI  
GENERAL**

31. Exemption of tax  
32. Regulatory powers of the Minister

**PART VII  
SAVINGS AND TRANSITIONAL PROVISIONS**

33. Savings of licences  
34. Vesting of assets and liabilities  
35. Legal proceedings  
36. Existing rights  
37. Engagement of employees  
38. Repeal of the Swaziland Television Authority Act, 1983

Schedule: Proceedings of the Board

**A BILL  
ENTITLED**

**AN ACT** to provide for the establishment of the Swaziland Broadcasting Corporation a national public broadcaster for the Kingdom of Swaziland, by amalgamating the operations and resources of Swazi Television Authority and the Swaziland Broadcasting and Information Services and to provide for incidental matters.

**ENACTED** by the King and the Parliament of Swaziland.

**PART I  
PRELIMINARY**

***Short title and commencement.***

1. (1) This Act may be cited as the Swaziland Broadcasting Corporation Act, 2013.  
(2) This Act shall come into force on a date to be appointed by the Minister by notice in the Gazette.

***Interpretation***

In this Act, unless the context otherwise requires –

- “appointed date” means the date appointed by the Minister under section 1 of this Act;  
“Board” means the Board of Directors established under section 10 of this Act;

“broadcasting services” means a telecommunication service of transmissions consisting of sounds, images and signals which take place by means of radio or television and is intended for reception by the public;

“Chairperson” means the Chairperson of the Board appointed under section 10 of this Act;

“commercial broadcasting” means a broadcasting service operated for profit;

“Commission” means the Commission established under the Swaziland Communications Commission Act, 2010;

“Corporation” means the Swaziland Broadcasting Corporation established under section 3 of this Act;

“dealer” means –

a person who carries on a trade, business or industry in which receivers are assembled, manufactured, imported, bought sold, exchanged, or offered or exposed for sale or exchange;

an auctioneer of television receivers;

“licence” means a broadcasting licence issued by the Commission which allows the licensee to provide television, radio frequencies and sound program services under the Swaziland Communications Commission Act;

“licensee” means a person who holds a valid broadcasting licence granted by the Commission;

“Minister” means the Minister responsible for Information Communications and Technology;

“person” means any individual, partnership, association, joint venture, company or corporation;

“prescribed” means authorized under a statutory instrument issued by the Minister under this Act;

“public broadcasting service” means any broadcasting service by radio or television which is provided by–

the Swaziland Broadcasting Corporation;

any other statutory body; or

a person who receives revenue from the State;

“technical committee” means a technical committee appointed under section 12 of this Act;

“television” means the conveyance of visual information, together with one or more channels or associated audio or suitably encoded textual information; and

“television broadcasting service” means a broadcasting service consisting in the sending of visual images or other visible signals whether with or without accompanying sounds, where the visual images are such that sequences of them are seen as moving pictures.

**PART II**  
ESTABLISHMENT OF CORPORATION

***Establishment of the Corporation***

3. (1) There is hereby established a Corporation to be known as the Swaziland Broadcasting Corporation which shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and, subject to the provisions of this Act, of performing all such acts that a body corporate may by law do or perform.

(2) The Corporation shall be a national public broadcaster.

(3) The Corporation shall take over and amalgamate the operations and resources of the existing two public broadcasters, Swazi Television, which is currently responsible for television broadcasting and Swaziland Broadcasting and Information Services which is currently responsible for radio broadcasting.

(4) All frequencies allocated before the appointed date to Swazi Television and Swaziland Broadcasting and Information Services under any enactment shall continue to be operated exclusively by the Corporation.

(5) Notwithstanding any other provision of this Act, the Corporation shall be deemed to be licensed to provide every class of broadcasting service that it provided immediately before the appointed date.

(6) The Commission shall without delay cause the relevant licenses to be issued to the Corporation and those licenses may be renewed or amended in all respects as if they had been issued in terms of the Electronic Communications Act, 2010.

***Seal of the Corporation***

4. (1) The seal of the Corporation shall be such a device as may be determined by the Board and shall be kept by the Director-General or any other person as the Board may direct.

(2) The Board may use a wafer of rubber stamp *in lieu* of the seal.

(3) The affixing of the seal shall be authenticated by the Chairperson or the Vice Chairperson of the Board and the Director-General or one other person authorized in that behalf by a resolution of the Board.

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed without seal on behalf of the Board by the Director-General or any other person generally or specifically authorized by the Board in that behalf.

(5) Any document purporting to be a document under the seal of the Corporation or issued on behalf of the Corporation shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

***Objects of the Corporation***

5. (1) The main object of the Corporation shall be to endeavour to satisfy the aspirations and interests of listeners and viewers in the field of information by providing them with programming that educates, entertains and informs.

(2) Without derogating from the generality of subsection (1), the objects of the Corporation shall be to -

- (a) provide broadcasts that are fair, balanced, accurate and neutral;
- (b) refrain from giving unnecessary publicity to any person or matter;
- (c) afford a fair hearing to any person who can be identified in a broadcast;
- (d) strike the right balance in promoting the languages taught or spoken in Swaziland;
- (e) put across the various points of view on controversial matters;
- (f) comply with any code of conduct prescribed by the Commission; and
- (g) make its services available throughout Swaziland;
- (h) to promote local artistic and cultural talent.

***Functions of Corporation***

6. The functions of the Corporation shall be to -

- (a) provide sound and television broadcasting services, whether by analogue or digital means, funded through advertisements, subscriptions, sponsorships, licence fees or any other means of lawful finance;
- (b) provide, in its public broadcasting service, radio and television programming that is informative, educational, and entertaining;
- (c) be responsive to audience needs and account on how to meet these needs;
- (d) provide other services, whether or not broadcasting or programme supply services, which services shall be ancillary services;
- (e) provide television and radio programmes and any other material to be transmitted or distributed by the common carrier for free to air reception by the public, subject to this Act;
- (f) provide to other bodies by such means and methods as maybe convenient, service, programmes and materials to be transmitted or distributed by such bodies;
- (g) adhere, in its operations to the Public Enterprises (Control and Monitoring) Act, 1989 in so far as it concerns finances, audits, budgets and appointment of auditors; and
- (h) serve the public interest, meet high professional quality standards, and make its services available throughout the Kingdom of Swaziland.

***Powers of the Corporation***

7. (1) The Corporation shall have power, subject to the provisions of this Act, to do all or any of the matters and things specified in this Act.

(2) Without derogating from the generality of subsection (1), the Corporation shall have power to –

- (a) commission, complete, prepare, edit, make, print, publish with or without charge, such books, magazines, periodicals, journals, printed matter, records, cassettes, compact disks, video tapes, audio visuals and interactive material, whether analogue or digital and whether on media know how or invented, as may be conducive to any of the objects of the Corporation;
- (b) commission programmes from independent producers;
- (c) establish and maintain libraries and archives containing material relevant to the objects of the Corporation and to make available to the public such libraries or archives with or without charge;
- (d) organise, present, produce or provide concerts, shows, live recorded performances in connection with broadcasting and programs supply service of the Corporation;
- (e) collect news and information in any part of the world and to establish and subscribe to news agencies;
- (f) carry out research and development work in relation to any technology relevant to the objects of the Corporation;
- (g) carry on or operate such other services including diffusion in exercise of its functions under the Act; and
- (h) perform all such things so as to ensure the proper implementation of the objectives of this Act.

**Editorial Policy**

8. (1) The Corporation shall have an independent editorial policy free from any undue interference or influence.

(2) The Corporation shall, for the effective carrying out of its functions, develop the following –

- (a) news editorial policy;
- (b) programming policy;
- (c) local content policy;
- (d) educational policy;
- (e) access policy;
- (f) language policy;
- (g) religious policy; and
- (h) political policy.

(3) In developing the policies referred to in subsection (2), community attitudes to the following matters shall be taken into account-

- (a) the portrayal in programmes of physical and psychological violence;
- (b) the portrayal in programmes of sexual conduct and nudity;
- (c) the use in programmes of offensive language, including hate speech;
- (d) the portrayal in programmes of the use of drugs, including alcohol;
- (e) the portrayal in programmes of matter that is likely to incite or perpetuate hatred against, or vilifies, any person or group on the basis of ethnicity, nationality, race, gender, natural difference or condition, age, religion or physical or mental disability;
- (f) the reasonable protection of the name and reputation of an individual;
- (g) such other matters relating to programme content as are of concern to the community.

(4) The editorial policy of the Corporation shall –

- (a) reflect without bias a range of opinions and political, philosophical, religious, cultural, traditional, scientific and artistic trends;
- (b) contribute to the development of free and informed opinion;
- (c) respect human dignity, human rights and freedoms as enshrined in the Constitution of Swaziland;
- (d) advance and further international understanding of the sense of peace and social justice of the public and to defend democratic freedoms;
- (e) contribute to the realization of equal treatment and gender balance; and
- (f) promote moral values and not broadcast programmes which contain, promote or perpetuate hate speech, messages or any prejudices against any person or group of persons.

(5) The Corporation shall provide suitable means for the public to provide feedback on its programming and its services and shall ensure that the feedback is given due consideration.

(6) The Corporation shall ensure a high standard of accuracy, fairness and impartiality in news and programmes that deal with matters of public interest.

**Public broadcasting service**

9. (1) The Corporation shall provide public and commercial broadcasting services.

(2) The public broadcasting service provided by the Corporation shall –

- (a) make programmes available to Swazis in all the languages commonly used in Swaziland;

- (b) reflect both the unity and cultural nature of Swaziland;
  - (c) strive to be of high quality in all the languages of broadcast;
  - (d) provide news and public affairs programming which meets the highest standards of journalism, and which is fair and unbiased and independent from government, commercial or other interests;
  - (e) include significant amounts of educational programming, both curriculum-based and informal, including educative topics from a wide range of social, political and economic issues such as human rights, health, early childhood development, agriculture, culture, justice and commerce;
  - (f) enrich the cultural heritage of Swaziland by providing support for traditional and contemporary artistic expression;
  - (g) strive to offer a broad range of services aimed in particular at children, women, the youth and the disabled;
  - (h) include programmes commissioned from independent producers;
  - (i) include programmes featuring national sports as well as developmental and minority sports;
  - (j) promote programs with local content in line with the local content policy developed under section 6;
  - (k) include national sports programming as well as developmental and minority sports; and
  - (l) comply with copyright laws.
- (3) The commercial broadcasting service provided by the Corporation shall -
- (a) be subject to the same policy and regulation for commercial broadcasting services as prescribed; and
  - (b) comply with the values of the public broadcasting service in the provision of programmes and services.

### PART III ESTABLISHMENT AND FUNCTIONS OF THE BOARD

#### *Constitution of Board of Directors*

10. (1) There is hereby established the Swaziland Broadcasting Corporation Board which shall, subject to the provisions of this Act, perform the functions and powers of the Corporation under this Act.

(2) The Board shall consist of at least five and not more than nine members, including a Chairperson, appointed by the Minister on the recommendations of a technical committee in accordance with section 12 of this Act.

(3) The appointment of the Board shall in so far as possible conform to the provisions of the Public Enterprises (Control and Monitoring) Act, 1989.

(4) The Vice-Chairperson shall be elected by members of the Board from among themselves.

(5) The members of the Board shall be paid such allowances as the Minister, with the approval of the Minister of Finance, may determine.

#### *Disqualification for membership*

11. (1) A person shall not be qualified to be appointed to the Board unless the person is committed to fairness, freedom of expression, openness and accountability.

(2) The persons appointed to the Board, when viewed collectively, shall be representative of a broad section of the population of Swaziland.

(3) A person shall not be appointed as a member of the Board if that person -

- (a) is not a citizen of Swaziland;
- (b) is not a permanent resident in Swaziland;
- (c) is a member of Parliament, Senate or a local authority;
- (d) is an office bearer or employee of any political party or organisation;
- (e) is an immediate family member of a person referred to in paragraph (d) above;
- (f) is an un-rehabilitated insolvent;
- (g) has been convicted of an offence involving fraud or dishonesty; or
- (h) has been convicted of an offence under any other written law and sentenced to a term of imprisonment of not less than six months, without the option of a fine.

#### *Technical Committee*

12. (1) The Minister shall, for the purposes of section 10, on a temporary basis whenever the need arises, constitute a technical committee consisting of the following-

- (a) one member nominated by the Law Society of Swaziland;
- (b) one member nominated by the Media Institute of Southern Africa;
- (c) one member nominated by the Ministry responsible for Information;
- (d) one representative of the Swaziland National Association of Journalists; and
- (e) a representative of traditional institutions established or recognised under the Constitution of Swaziland.

(2) The Chairperson of the technical committee shall be elected by the members from amongst their number.

(3) The members of the technical committee shall be appointed on such terms and conditions as the Minister may determine.

(4) The functions of the technical committee shall be to –

- (a) invite applications from persons with such qualifications as may be specified for appointment to the Board;
- (b) interview and shortlist the candidates, and submit the names to the Minister for appointment, making an allowance of three persons over the prescribed complement.

(5) The technical committee shall determine its own procedure for carrying out its functions.

(6) The members of the technical committee shall be paid such allowances as the Minister, with the approval of the Minister of Finance, may determine which expenses shall be borne by the Government.

#### *Tenure of office and vacancy*

13. (1) The Chairperson of the Board shall be appointed for a term not exceeding five years and shall be eligible for re-appointment for one further term.

(2) A member, other than the Chairperson, shall be appointed for a term not exceeding three years and shall be eligible for re-appointment for one further term.

(3) On the expiration of the period for which a member is appointed, the member shall continue to hold office until the successor to the member is appointed, but in no case shall such further period exceed three months.

(4) The office of a member shall become vacant –

- (a) upon resignation;
- (b) upon the death of the member;
- (c) if that member without good cause or approval of the Chairperson is absent from three consecutive meetings of the Board of which that member had notice;
- (d) if that member is declared bankrupt;
- (e) if the member is party to or participates in the profits of any contract with the Corporation;
- (f) if that member is declared to be of unsound mind; or
- (g) if that member is convicted of an offence for a period exceeding six (6) months without the option of a fine or is convicted of any offence involving dishonesty.

(5) A member may resign from office by giving three months' written notice to the Minister.

(6) Whenever the office of a member becomes vacant before the expiry of the term of office, the Minister may, on the recommendation of the technical committee, appoint another member in place of the member who vacates office and such member shall hold office only for the unexpired term.

(7) Within seven days of the date of appointment as Chairperson or member as the case may be, the Chairperson or member shall submit to the Minister a statement in writing of any directorship, office, post, shareholding or financial interest, direct or indirect, held or acquired by such person or their spouse in a company or firm which carries on a radio communication service or operates a diffusion service or deals in receivers or manufactures, assembles, imports or sells apparatus or equipment for use in radio communication or diffusion services.

#### *Functions of the Board*

14. The functions of the Board shall be to –

- (a) determine the policy of the Corporation in the fulfilment of its objects;
- (b) recruit and exercise disciplinary control over the staff of the Corporation;
- (c) approve the annual recurrent and capital budgets of the Corporation prepared by management, and monitor its implementation;
- (d) ensure that the Corporation is run as an economically independent body with its own human resources, remuneration and conditions of service policy;
- (e) ensure that the finances of the Corporation are subject to periodic internal and external audit and comply with the provisions of the Public Enterprises (Control and Monitoring) Act, 1989; and
- (f) generally ensure that the Corporation conducts its affairs in accordance with principles of good corporate governance and operates to the optimum in carrying out its objectives.

#### *Committees of the Board*

15. (1) The Board may, for the purposes of performing the functions of the Corporation under this Act, establish such committees as it considers necessary to effectively carry out its functions and powers under this Act, and to delegate to any of those committees any of the functions of the Corporation.

(2) The Board may appoint as members of a committee persons who are not members of the Board, except that at least one member of the Board shall be a member of the committee.

(3) A person serving as a member of a committee shall hold office for such period as the Board may determine.

(4) Subject to any specific or general directions of the Board, a committee may regulate its own procedure.

**Disclosure of interest**

16. (1) If any person is present at a meeting of the Board or any committee of the Board at which any matter is the subject of consideration and in which matter, that person or the spouse of that person is directly or indirectly interested in a private capacity, that person shall, as soon as is practicable after the commencement of the meeting, declare such interest and shall not, unless the Board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question regarding that matter.

(2) A declaration of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

(3) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one thousand Emalangeni (E1000) or to imprisonment for a term not exceeding three months, or to both.

**Procedure of the Board**

17. The Schedule to this Act shall apply to the proceedings of the Board.

**Immunity of members**

18. Any action or other proceedings shall not lie against any member of the Board, member of staff, agent or representative of the Corporation for or in respect of any act done or omitted to be done in good faith in the exercise or purported exercise of the functions of the Corporation.

**Appointment of Director-General**

19. (1) The Board shall, subject to the approval of the Minister, after consultation with Cabinet, appoint a Director-General.

(2) The Director-General shall be the Chief Executive Officer of the Corporation whose terms and conditions of service shall be determined by the Board.

(3) The appointment and dismissal of the Director-General shall be in terms of the provisions of the Public Enterprises (Control and Monitoring) Act, 1989.

(4) The Director-General shall be responsible for the-

- (a) day to day control and management of the Corporation, subject to compliance with the policy decisions of the Board;
- (b) program content of the radio and television service;
- (c) technical quality of transmission; and
- (d) duration of broadcasting time used or set aside for advertising.

(5) The Director-General shall be an *ex officio* member of the Board who shall attend Board meetings and may address the meetings, but shall have no vote.

(6) The Director-General shall have full editorial freedom within guidelines prescribed by the Board with respect to the content of the programmes and other transmissions.

**Secretary and other staff**

20. (1) The Board shall appoint a secretary who shall assist the Director-General and whose terms and conditions shall be determined by the Board.

(2) The secretary shall, subject to the general supervision of the Director-General, perform such functions as the Board may direct.

(3) The Board may appoint, on such terms and conditions as it may determine such other staff as it considers necessary for the performance of its functions under this Act.

**Inspectors**

21. (1) The Corporation shall establish an inspectorate unit and may appoint a number of inspectors as are necessary for the performance of its functions under this Act.

(2) An inspector appointed under this section shall be issued with a certificate of appointment which shall be *prima facie* evidence of the appointment of that inspector.

(3) An inspector carrying out any function under this Act shall, on demand by a person affected by the exercise of that power, produce for inspection the certificate of appointment referred to in subsection (2).

**Powers of inspectors**

22. (1) To ensure that the provisions of this Act are complied with, an inspector shall have power, on production of the certificate of appointment issued under section 22, to demand the production of, and to inspect or make copies of a licence issued under sections 25, 26 and 27.

(2) An inspector or police officer may upon probable cause sworn on oath to a magistrate, obtain a warrant to enter upon and search or examine the premises prescribed in the warrant in order to ascertain whether any offence under this Act has been or is being committed on the premises.

(3) Where an inspector or police officer is satisfied that a person does not have a valid television licence in respect of a matter for which a licence is required under this Act, the inspector or police officer may serve on that person a notice in the prescribed form to comply with the provisions of this Act.

(4) Where a person fails to comply with such notice, that person commits an offence and shall be liable on conviction to a fine of one thousand Emalangeni (E1000) or to imprisonment for a period not exceeding one year, or to both.

**Obstruction of inspectors**

23. Any person who-

- (a) wilfully delays or obstructs an inspector in carrying out his duties under this Act; or
- (b) knowingly or negligently gives an inspector false or misleading information orally, in writing or otherwise;

commits an offence and shall be liable on conviction to a fine not exceeding one thousand Emalangeni (E1000) or to imprisonment for a period not exceeding one year or to both.

**PART IV**  
TELEVISION LICENCES AND INSPECTORS

**Television licence**

24. (1) Notwithstanding the provisions of any electronic communications law in place, and subject to the provisions of this Act, a person shall not have in the possession of that person a television receiver otherwise than in accordance with the terms and conditions of a licence issued by the Corporation under this Act and on payment of a monthly prescribed fee.

(2) Where in a private household there is more than one television receiver, a licence fee shall be paid in respect of only one television receiver.

(3) For the purposes of subsection (1), a proprietor of a hotel, inn, motel, lodge guesthouse, rest house, club, holiday resort or such other commercial enterprise as the Minister may, by statutory instrument prescribe, shall pay a licence fee in respect of each television receiver that is used on the premises concerned.

(4) The Minister may, on the recommendation of the Corporation, by statutory instrument, prescribe the fees to be paid on the issue of a licence referred to in subsection (1).

(5) Licence fees referred to under this section shall be paid into the general funds of the Corporation for the use of the Corporation.

(6) The provisions of subsection (1) shall not apply to a person –

- (a) who is a *bona fide* tourist residing outside Swaziland and whose television receiver is temporarily in Swaziland; or
- (b) whose television receiver is capable of use solely in connection with a diffusion service.

(7) Any person who owns or operates a television receiver without a licence issued under this Act, or payment of the monthly licence fee, commits an offence and is liable on conviction to a fine not exceeding one thousand Emalangeni (E1000) or to imprisonment for a period not exceeding one year or to both.

**Licence to deal in television receivers**

25. The Corporation may, subject to the approval of the Minister, grant to any person a licence to deal in, or trade, whether by way of sale, hire or otherwise, in television receivers, recorders and other television equipment or accessories in Swaziland upon such terms and conditions as the Board may determine, including payment of a licence fee.

**Television viewers' licence**

26. (1) The Corporation shall issue a television viewers' licence or a video cassette recorder's licence to any person who possesses a television receiver or video cassette recorder capable of receiving or recording television broadcasts.

(2) The television viewers' licence shall only be validly transferred when duly endorsed to that effect by the Board or its duly appointed officer.

**PART V**  
FINANCIAL PROVISIONS

**Funds of Corporation**

27. (1) The funds of the Corporation shall consist of such moneys as may –

- (a) be appropriated to the Corporation by Parliament for the purposes of the Corporation;
- (b) be paid to the Corporation by way of licence fees, charges, grants or donations; and
- (c) otherwise vest in or accrue to the Corporation.

(2) The Corporation may –

- (a) accept moneys by way of grants and donations from any source in Swaziland and, subject to the approval of the Minister, and the Minister responsible for finance from any source outside Swaziland;
- (b) subject to the approval of the Minister, and the Minister responsible for finance, raise by way of loans or otherwise such moneys as it may require for the discharge of its functions; and
- (c) in accordance with regulations made under this Act charge licence and other fees for services provided by the Corporation.

(3) There shall be paid from the funds of the Corporation –

- (a) salaries, fees, loans, gratuities and pensions of the staff of the Corporation and other payments for the recruitment and retention of staff;
- (b) such reasonable travelling and subsistence allowances or other allowances for members of the Board, members of any committee of the Board and staff when engaged on the business of the Corporation and at such rates as the Board may, with the approval of the Minister, determine;
- (c) interest on sums placed at the disposal of, raised by or accruing to, the Corporation;
- (d) rates, taxes, insurance premiums and other outgoings and expenses of maintenance or disposal in connection with lands or buildings which become vested in the Corporation;
- (e) the provision and maintenance of television receivers and other equipment and accessories;
- (f) such capital expenditure as may be authorised by the Board; and
- (g) all other expenses authorised by or incidental to the operation of the Corporation.

(4) The Board may, with the approval of the Minister, invest in such manner as it thinks fit, such funds as it does not immediately require for the discharge of its functions.



**Accounts**

28. The Corporation shall cause to be kept proper books of account and other records relating to its accounts.

**Financial year**

29. (1) The financial year of the Corporation shall be a period of twelve months beginning on the 1<sup>st</sup> April and ending on the 31<sup>st</sup> March of each year.

(2) The provisions of the Public Enterprises (Control and Monitoring) Act, 1989 shall apply to the appointment of auditors of the Corporation.

**PART VI  
GENERAL**

**Annual report**

30. (1) As soon as is reasonably possible, but not later than three months after the end of the financial year, the Corporation shall submit to the Minister a report of its activities during the financial year.

(2) The Board shall as soon as possible after the end of the financial year -

(a) submit to the Minister a comprehensive report of its operations in terms of the Public Enterprises (Control and Monitoring) Act, 1989 and the report shall, at the minimum, contain-

- (i) the business plan of the Corporation for that year;
- (ii) performance measurement criteria to be applied by the Corporation in the annual report of the following year; and
- (iii) the audited accounts of the Corporation.

**Exemption from tax**

31. Notwithstanding any other law, the Corporation shall be exempt from the payment of any tax or duty chargeable upon income, profits, turnover, capital or transfer duty, loan or property in respect of any transaction entered into by it, and every other deed or instrument evidencing the discharge of any such transactions, shall be exempt from the payment of stamp duty.

**Regulatory powers of Minister**

32. (1) The Minister may, by notice in the Gazette, make regulations to prescribe matters which are necessary for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations made under that subsection may provide for-

- (a) the registration of dealers with the Corporation and the information to be supplied to the Corporation;

- (b) the keeping of books, records and documents, the furnishing of returns and the supply of information to the Corporation relating to the dealings in television receivers;
- (c) the form and manner in which an application for licenses is to be made and the information to be supplied with the application;
- (d) the circumstances, terms and conditions subject to which licenses shall be issued;
- (e) the form of licenses, the terms, conditions and periods for which licenses shall remain in force;
- (f) the fees to be paid under the provisions of this Act;
- (g) the form of notice required to be served under this Act;
- (h) the methods of payment and collection of fees payable under this Act; and
- (i) any other matters required to be prescribed under this Act.

**PART VII  
SAVINGS AND TRANSITIONAL PROVISIONS**

**Savings of licenses**

33. A licence issued under the Swaziland Television Authority Act, 1983 shall continue to be valid until it expires or is revoked.

**Vesting of assets and liabilities**

34. (1) On or after the appointed date, there shall be transferred to, vest in and subsist in the Corporation by virtue of this Act and without further assurance all assets, rights and obligations which immediately before the appointed date were the assets, rights, liabilities and obligations of the Authority.

(2) Where under this Act, any assets, rights, liabilities and obligations of the Authority are deemed transferred to the Corporation in respect of which transfer the prevailing law provides for registration, the Corporation shall make an application in the manner so required by that law to the appropriate registration authority for registration of such transfer.

(3) Subject to subsection (1), every deed, bond and agreement, other than an agreement for personnel service, to which the Authority was a party immediately before the commencement of this Act or on the appointed date whether or not of such a nature that rights, liabilities and obligations could be assigned, shall unless its subject matter or terms make it impossible that it should have effect as modified, as provided under this section, have effect as if -

- (a) the Corporation had been party to it;
- (b) for any reference to the Corporation there was substituted, with respect to anything falling to be done on or after the commencement of this Act, a reference to the Corporation; or

- (c) for any reference to any officer of the Corporation, not being party to it and beneficially interested, there were substituted, as respects anything falling to be done on or after the commencement of this Act or appointed date a reference to such officer of the Corporation as the Corporation shall designate.

***Legal proceedings***

35. (1) Without limiting the other provisions of this Act, where any right, liability or obligation vests in the Corporation by virtue of this Act or any other law, the Corporation and all other persons shall, as from the appointed date, have the same rights, powers and remedies, and in particular, the same rights as to the instituting or defending of legal proceedings or the making or resisting of applications to any authority for ascertaining or perfecting that right, liability or obligation as they would have had if at all times a right, liability or obligation of the Corporation.

(2) Any legal proceedings or applications to the Authority pending immediately before the appointed date by or against the Authority in respect of the Authority may be continued by or against the Corporation.

(3) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the Authority may be instituted by or against the Corporation.

***Existing rights***

36. After the commencement of this Act or on an appointed date, any existing rights shall continue to be held by the person or licensee as if they were granted under this Act and for the purposes of this Act.

***Engagement of employees***

37. (1) Subject to the provisions of this Act, on or after the appointed date, the Board shall, on such terms and conditions as it may determine, engage the employees of the Authority as may be necessary for the performance of the functions of the Corporation.

(2) Any employee not engaged under subsection (1) shall be retired in accordance with the retirement and redundancy policies of the Authority.

(3) Where a public officer or employee of the Authority is appointed to the service of the Corporation under subsection (1), the terms and conditions of service with the Corporation shall not be less favourable than those the employee enjoyed whilst employed by the Authority.

***Repeal of the Swaziland Television Authority Act, 1983***

38. The Swaziland Television Authority Act, 1983 is hereby repealed.

**SCHEDULE**  
(under section 17)

***Proceedings of the Board***

1. Subject to the provisions of this Act, the Board may regulate its own proceedings.
2. The Board shall hold its first meeting on such date, place and time as the Minister may determine, and thereafter the Board shall meet for the transaction of business at such places and at such times as the Chairperson may determine.
3. The Chairperson may, upon giving notice of not less than fourteen days, call a meeting of the Board and shall call a special meeting to be held within fourteen days of receipt of a written request to the Chairperson by at least three members.
4. If the urgency of any particular matter does not permit the giving of such notice as is required under subparagraph (3), a special meeting may be called by the Chairperson upon giving a shorter notice.
5. Five members shall form a quorum at any meeting of the Board.
6. There shall preside at any meeting of the Board –
  - (a) the Chairperson;
  - (b) the Vice-Chairperson in the absence of the Chairperson; or
  - (c) in the absence of both the Chairperson and the Vice-Chairperson, any member as the members present may elect to be Chairperson for the purposes of that meeting.
7. A decision of the Board on any question shall be by a majority of the members present after voting at the meeting and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to the deliberative vote.
8. The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in the membership of the Board or any defect in the appointment of any member or by reason that any person not entitled to do so took part in the proceedings.
9. The Board shall cause minutes of all proceedings of and decisions taken at every meeting of the Board to be entered in books kept for the purpose.

## LEGAL NOTICE NO. 25 OF 2013

THE LIQUOR LICENCES ACT, 1964  
(Act No. 30 of 1964)

APPOINTMENT OF MEMBERS OF THE LIQUOR LICENSING  
BOARD NOTICE, 2013  
(Under Section 6)

In the exercise of the powers conferred by Section 6 of the Liquor Licences Act, 1964, the Minister of Commerce, Industry and Trade issues the following Notice-

**Citation and Commencement**

1. (1) This Notice may be cited as the Appointment of Members of the Liquor Licencing Board Notice, 2013.

(2) This Notice shall come into force on 1 st February, 2013.

**Appointment of Members of the Liquor Licensing Board**

2. The following persons are appointed as Members of the Liquor Licencing Board from 1 February 2013 to 31 January 2015.

**All Regions**

3. (a) Mr S. J. K. Matsebula - Chairperson  
(b) Senior Tourism Officer or Representative - Member  
(c) Esther K. Matsebula or Representative - Secretary

**Hhohho Region**

4. (a) Judith Nkosi - Member  
(b) Odysious K. Dlamini - Member  
(c) Matfobhi T. Dube - Member  
(d) Regional Secretary - Member

**Manzini Region**

5. (a) Johnson Mtshali - Member  
(b) Khehla matshwako - Member  
(c) Regional Secretary - Member

**Lubombo Region**

6. (a) Dumsile Simelane - Member  
(b) Albert Ntshalintshali - Member  
(c) Paul Dlamini - Member  
(d) Regional Secretary - Member

**Shiselweni Region**

- (a) Nyoniyandiza Zwane - Member  
(b) Oswald Mkhabela - Member  
(c) Regional Secretary - Member

JINNO L. NKHAMBULE  
PRINCIPAL SECRETARY  
MINISTRY OF COMMERCE, INDUSTRY AND TRADE