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THE SAFEGUARDING OF SWAZI AREAS ACT

*Date of commencement: 25th July, 1910.*

*An Act to make provision for the protection of the rights of the Swazi people to areas set apart under the Concessions Partition Act for their sole and exclusive use and occupation.*

*Short title.*

1. This Act may be cited as the Safeguarding of Swazi Areas Act, 1910.

*Definitions.*

2. In this Act

“Swazi area” means any piece of land set apart for the sole and exclusive use and occupation of the Swazi nation under section 2 of the Concessions Partition Act No. 28 of 1907;

“game” and “hunt” have the meanings respectively assigned to them by the Game Act No. 51 of 1953;

“mineral concession” means any concession made by or on behalf of the Ngwenyama, and confirmed either by the late Chief Court of Swaziland or by the High Commissioner under the Concessions Act No. 3 of 1904, giving a right to precious or base metals, precious stones, minerals or mineral products on any areas;

*Use of land in Swazi areas.*

3. (1) No person other than a Swazi shall without the written permission of the Ngwenyama use or occupy any portion of a Swazi area or allow any cattle or sheep which are his property or in his charge to graze upon any Swazi area or burn grass or cause it to be burnt on any Swazi area:

Provided that this section shall not affect the exercise in respect of any Swazi area of rights created by law or held under any mineral concession.

- (2) Any permission referred to in this section may at any time be withdrawn by notice in writing from the Ngwenyama.

*Hunting in Swazi areas.*

4. No person other than a Swazi shall hunt any game on any Swazi area without the written permission of the Ngwenyama.

*Offence and penalty.*

5. Any person who contravenes sections 3 or 4 shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand and in default of payment thereof to imprisonment for a period not exceeding three months.

*Judgment for damage caused.*

6. (1) Whenever any person is convicted of an offence under this Act and it appears that he has by that offence caused damage to any Swazi area the court convicting him may at the request of the Ngwenyama but in the presence of the convicted person enquire summarily and without pleadings into the amount of damage so caused.

(2) Upon proof of such amount the court shall give judgment therefor in favour of the Ngwenyama and against the convicted person and such judgment shall be of the same force and effect and be executable in the same manner as if it had been given in a civil action duly instituted before such court:

Provided that judgment shall not be given under this section for a sum exceeding the civil jurisdiction of such court.

(3) The Ngwenyama shall distribute any amount recovered by him under this section among the Swazis who appear to him to have been affected by such damage or shall otherwise apply such amount for the benefit of such Swazis according to his discretion.

(4) Where judgment has been given in favour of the Ngwenyama under this section no action in respect of such damage shall be maintainable by any other person.