

S36

THE BAPHALALI SWAZILAND RED CROSS  
SOCIETY ACT, 1969

(Act No. 41 of 1970)



I ASSENT

Public Seal

SOBHUZA II  
King of Swaziland

13th October, 1970

AN ACT

entitled

An Act to Establish and Incorporate the Baphalali Swaziland Red Cross Society and for Matters incidental thereto and connected therewith.

[Date of commencement:  
23rd October, 1970]

ENACTED by the King and the Parliament of Swaziland —

*Short title.*

1. This Act may be cited as the Baphalali Swaziland Red Cross Society Act, 1969.

*Interpretation.*

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

“Branch” means the Swaziland Branch of the British Red Cross Society which was in operation in Swaziland immediately prior to the commencement of this Act;

“Conventions” means the conventions referred to in the Schedule;

“Council” means the Council of the Society constituted in accordance with the provisions of section 6;

"rules" means rules of the Society made under the provisions of section 7;

"Society" means the Baphalali Swaziland Red Cross Society established by section 3.

### *Establishment of the Society.*

3. (1) There is hereby established and constituted a society to be known as the Baphalali Swaziland Red Cross which shall be a body corporate, having perpetual succession, capable of suing and being sued under that name and having the power to acquire, hold and dispose of movable and immovable property, and to perform such other acts as a body corporate may lawfully perform.

(2) The Society shall be the sole national Red Cross Society in Swaziland.

### *Objects of Society.*

4. (1) The objects of the Society shall be —

(a) to carry on and assist in work in the improvement of health, the prevention of disease and the mitigation of suffering throughout the world;

(b) to promote the Junior Red Cross movement among the youth of Swaziland;

(c) propagate the ideals and the humanitarian principles of the Red Cross with a view to developing a feeling of solidarity and mutual understanding among all men and all nations; and,

(d) to do all such other things as in the opinion of the Council are incidental or conducive to the attainment of any of the objects referred to in paragraphs (a) to (c).

(2) In pursuance of its objects the Society shall not make any adverse distinction founded on sex, race, class, nationality, religion or faith, political opinions or any other similar criteria, and shall act in accordance with the spirit and principles of the Conventions.

### *Recognition of Society as independent voluntary aid society and use of Red Cross emblem.*

5. (1) The Society is hereby recognized by the Government as a voluntary aid society auxiliary to the public authorities both for the purpose of the Conventions and otherwise, and shall have the right in conformity with those Conventions to use the heraldic emblem of a red cross on a white ground, formed by reversing the Swiss Federal colours or the emblem of the red crescent or red lion and sun on a white ground or any colourable imitations thereof or the words "Red Cross", or any translation thereof.

(2) The independent and voluntary nature of the Society shall at all times be respected in accordance with the resolution relating to National Red Cross Societies adopted by the General Assembly of the United Nations on the 19th November, 1946.

#### *Council of Society.*

6. (1) The governing body of the Society shall be a Council constituted in accordance with the rules.

(2) The Council may from time to time appoint an Executive Committee with such powers and duties as may be prescribed by the rules.

(3) The first members of the Council shall be those persons who immediately before the coming into operation of this Act were the members of the Committee of the Branch.

#### *Rules of the Society.*

7. (1) The Council shall as soon as possible after the commencement of this Act make rules for the management of the Society and the accomplishment of its objects, and without prejudice to the generality of the foregoing may make rules providing —

(a) that membership of the Society shall not be withheld from any resident of Swaziland on the grounds of sex, race, class, nationality, religion or faith, or political opinions; and

(b) that all members and associates of the Society shall have representation on the Council.

(2) Any rules made under this section may from time to time be altered, added to or repealed by the Council, and new rules may from time to time be made in like manner.

#### *Transfer of assets, etc., of Branch to Society.*

8. On the commencement of this Act —

(a) all the assets and liabilities of the Branch are hereby vested in the Society and the Society shall be entitled to deal therewith as fully and effectually as the Branch might or could had this Act not been passed;

(b) all deeds, bonds, instruments and contracts subsisting immediately before such commencement to which the Branch is a party shall be of as full force and effect against or in favour of the Society and enforceable as fully and effectually as if, instead of the Branch, the Society had been a party thereto;

(c) the Registrar of Deeds shall make any necessary endorsements or attestations to his records and documents relating to the assets referred to in paragraph (a) as may be necessary to give effect to the provisions of this section;

- (d) officers of the Branch shall hold corresponding appointments in the Society until other provision is made pursuant to the rules, and life associates and associates of the Branch shall become corresponding life associates and associates of the Society, but subject to any provision contained in the rules

*Repeal.*

9. The British Protectorates (Geneva Convention) Order, 1917, as published under High Commissioner's Notice No. 20 of 1918 and the British Protectorates (Geneva Convention) Order, 1937 as published under High Commissioner's Notice No. 58 of 1938 are repealed.

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SCHEDULE

Geneva Convention for the amelioration of the condition of the wounded and sick of armed forces in the field, of the 12th August, 1949;

Geneva Convention for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea, of the 12th August, 1949;

Geneva Convention relative to the treatment of prisoners of war, of the 12th August, 1949;

Geneva Convention relative to the protection of civilian persons in time of war, of the 12th August, 1949.