ESWATINI GOVERNMENT GAZETTE EXTRAORDINARY

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PUBLISHED BY AUTHORITY

PART C

LEGAL NOTICE NO. 133 OF 2025

The Persons with Disabilities Act, 2018
(Act No. 16 of 2018)

The Persons with Disabilities (Registration) Regulations, 2025
(Under section 49)

In exercise of the powers conferred by Section 49 of the Persons with Disabilities Act, 2018, the Deputy Prime Minister makes the following Regulations -

Arrangements of Regulations

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PART I
PRELIMINARY PROVISIONS

Citation and Commencement.

1. (1) These Regulations may be cited as the Persons with Disabilities (Registration) Regulations, 2025.

(2) These Regulations shall come into force on the date of publication in the gazette.

Interpretation.

2. In these Regulations unless the context otherwise requires –

"Act" means the Persons with Disabilities Act No. 16 of 2018 or its successor.

PART II
ADMINISTRATIVE PROVISIONS

Qualification of Director.

3. A person qualifies to be appointed Director -

(a) where that person has a minimum degree in disability studies, special needs, social sciences or any other related field;

(b) where that person possesses not less than a ten (10) years' experience in programme management, disability services or advocacy; or

(c) as may be prescribed by the public service.

Appointment of Registrar and Deputy Registrar.

4. (1) The Registrar and the Deputy Registrar shall be appointed in accordance with the laws governing the public service.

(2) A person qualifies to be a Registrar, where that person possesses a Bachelor of Arts degree in disability studies, special needs education or related field, with not less than seven (7) years of experience in disability services, advocacy or programme management or as may be prescribed by the public service.

(3) A person qualifies to be Deputy Registrar, where that person possesses a Bachelor of Arts degree in disability studies, special needs education or equivalent qualification, with not less than five (5) years of experience in disability rights advocacy, policy implementation or support services within the public service environment or as may be prescribed by the public service.

Functions of Registrar and Deputy Registrar.

5. (1) The Registrar shall -

(a) receive and process applications for registration in the national register for persons with disabilities, voluntary organizations, institutions and non-profit making organizations;

(b) issue certificates for registration of voluntary organizations, institutions and non-profit making organizations;

(c) take the necessary steps, with the assistance of the Director and the Minister, where necessary to set rules for –

(i) updating the register regularly;

(ii) removal of particulars of the person with disability who has ceased to be such a person;

(iii) report, without delay, to the Royal Eswatini police any unauthorized access to or tempering with information contained in the data base of the register;

(d) introduce security measures, including electronic security measures, to ensure confidentiality of information contained in the data base of the register and protecting such information from unauthorized access by any person unless is personnel staff of the Registrar;

(e) issue disability identity cards for persons with disabilities to access social benefits and services;

(f) prepare quarterly reports, conduct research and disseminate findings related to disability advocacy, social inclusion, education and training programmes; and

(g) enforce disability related policies to promote compliance with relevant laws.

(2) The Registrar shall be assisted by the Deputy Registrar to give effect to the Act and Regulations.

(3) The Deputy Registrar shall –

(a) assist the Registrar in the planning and administration of disability support policies and programmes;

(b) provide expert guidance on inclusive practices and reasonable accommodations in line with legal and institutional frameworks;

(c) liaise with students, academic departments, and external stakeholders on matters related to disability rights and access;

(d) advocate and support the development and implementation of inclusive education and training programmes;

(e) coordinate training programmes for staff and faculty on disability awareness and inclusivity;

(f) monitor compliance and produce reports on the institution's disability inclusion objectives;

(g) oversee the registration process for persons with disabilities in the absence of the Registrar;

(h) prepare quarterly reports, conduct research and disseminate findings related to disability advocacy; and

(i) perform any other function or duty as the Registrar may deem necessary.

Staff of Registrar.

6. (1) The Principal Secretary in the Deputy Prime Minister's Office shall, after consultation with the Director and Registrar, and subject to laws governing employment within the public service appoint-

(a) a number of fit and proper persons for the office of the Registrar; or

(b) a number of fit and proper persons that is necessary to assist the Registrar in the exercise and performance of the powers, duties and functions of the Registrar.

(2) The persons appointed in terms of sub-regulation (1), shall perform the duties and functions, under section 18 of the Act or as may be assigned by the Registrar.

PART III

ESTABLISHMENT OF REGISTER AND REGISTRATION OF PERSONS WITH DISABILITIES, VOLUNTARY ORGANISATIONS AND INSTITUTIONS

Establishment of Register.

7. (1) There is established a Register for persons with disabilities, voluntary organization and institutions.

(2) The Register shall contain particulars of persons with disabilities, voluntary organizations and institutions.

(3) The Registrar shall keep and maintain the Register in electronic or other format approved by the Minister in a manner that -

(a) such register is updated from time to time when a need arise; and

(b promotes protection of confidential data by persons who have access to the data base of the Register.

Medical Examination before application.

8. (1) A person with a disability shall before completing an application for registration as such, undergo a medical examination carried out by a Doctor or Medical Practitioner under the Medical and Dental Practitioners Act, 1970 or its successor.

(2) The Doctor or Medical Practitioner shall –

(a) complete a medical record of the person with a disability;

(b) state the severity and the type of the disability, whether permanent or temporal; and

(c) make the medical record available to the Registrar to whom a person with a disability has to be registered.

(3) The Registrar or staff of the Registrar shall explain and read the contents of the medical report to the applicant in a language that the person understands, before an application for registration is initiated.

Application.

9. (1) A person with a disability shall apply for registration in the manner specified in Form 1 to the Schedule.

(2) The Registrar shall, on approval of an application made under sub-regulation (1), issue a disability card in accordance with Form VI to the Schedule.

(3) The Registrar shall, upon refusal to register a person as a person with a disability, complete Form IV to the Schedule.

(4) A person aggrieved by the decision of the Registrar to refuse an application for registration under this Regulation may lodge an appeal in the manner specified in Form XI to the Schedule.

(5) A voluntary organization or institution shall complete application Form III to the Schedule to register with the Registrar of the persons with disability.

(6) A voluntary organization or institution whose application has been denied or cancelled by the Registrar may, lodge an appeal by completing Form X, to the Schedule.

(7) The Registrar may require an applicant to submit additional documents or information in accordance to Form II to the Schedule.

(8) An application to the Registrar, made on behalf of a person with a disability by a family member or interested party, shall be made in accordance to Form V to the Schedule.

Incentive application to Council.

10. (1) A non-governmental organization or caregiver may apply for an incentive for providing care to persons with severe disability by completing Form VII to the Schedule.

(2) The Registrar shall, on approval of an application made under sub-regulation (1), issue a certificate of registration in accordance with Form VII to the Schedule

SCHEDULE

FORM I
(Under regulation 9)

APPLICATION FOR REGISTRATION AS A PERSON WITH DISABILITY

In terms of Section 22 (1) of the Act, an application for registration as a person with disability shall be made to the office of the Registrar.

Date .....

OFFICIAL STAMP OF REGISTRAR

PARTICULARS OF THE PERSON WITH DISABILITY

(a) Names: .....

(b) Surname: .....

(c) National ID No: .....

(d) Birth date: .....

(e) Gender: .....

(f) Impairment type: .....

(g) Area: .....

(h) Region: .....

(i) Occupational status: .....

(j) Chiefdom: .....

(k) Inkhundla: .....

(l) Chief: .....

(m) Indvuna: .....

(n) Contact details: .....

(o) Email address: .....

APPLICANT'S SIGNATURE .....

FORM II

CALL FOR ADDITIONAL DOCUMENT OR INFORMATION
(Under regulation 9)

The Persons with Disabilities Act, No. 16 of 2018.

Date .....

OFFICIAL STAMP OF REGISTRAR

NOTE

In terms of section 23 of the Act, the Registrar may in relation to an application made under section 22 and 27, call for any additional documents or information to be supplied by the applicant with the period prescribed by the Registrar.

(a) Name of applicant .....

(b) Company registered number .....

(c) Covered area .....

(d) Additional documents or information required

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.....

Information required before the end of: .....

Name and Surname of officer responsible: .....

Signature ..... Date .....

FORM III

(Under regulation 9)

APPLICATION FOR REGISTRATION OF VOLUNTARY ORGANIZATION OR INSTITUTION

The Persons with Disabilities Act No. 1 6 of 2018

Date .....

OFFICIAL STAMP OF REGISTRAR

NOTE -

In terms of section 26 (1) of the Act, a voluntary Organisation or Institution shall not engage in providing services or assistance to persons with disability either directly or through an institution or other body or organisation, unless that voluntary organization or institution is registered under this Act.

(a) Name of organization or institution: .....

(b) Category: .....

(c) Place: .....

(d) Coverage area: .....

(e) Certificate of incorporation .....

(f) Submission of Constitution .....

(g) Submission of organization or institution profile: .....

(h) Physical address: .....

(i) Postal address: .....

(j) Email address: .....

(k) Contact details: .....

(l) Name and Surname of Directors or Chief Executive officer or Company Secretary

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(m) Signature: ..... Date: .....

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Name of the organization: .....

Company registration: .....

Coverage area: .....

Registration No .....

Terms and Conditions of registration: .....

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SIGNATURE OF REGISTRAR: ..... DATE: .....

FORM IV

REFUSAL TO REGISTER
(Under regulation 9)

The Persons with Disabilities Act, No. 16 of 2018.

NOTE

In terms of section 24 (1) paragraph (b) of the Act, the Registrar shall refuse to register a person as a person with disability where the Registrar is satisfied that that person is not a person with a disability.

OFFICIAL STAMP OF REGISTRAR

(a) Name of the person .....

(b) Registration Number where applicable .....

(c) Coverage Area where applicable .....

(d) Email address .....

(e) Region .....

(f) Inkhundla .....

(g) Chiefdom where applicable .....

(h) Reasons for refusal or cancellation: .....

Name and Surname of Registrar .....

Signature ..... Date .....

FORM V

APPLICATION TO BE COMPLETED BY AN INTERESTED PARTY OR FAMILY MEMBER
(Under regulation 9)

NOTE

In terms of section 22 (1) of the Persons with Disabilities Act, No.16 of 2018, the object of the Register is to register persons with disability.

Date .....

OFFICIAL STAMP OF REGISTRAR

INTERESTED PERSON'S PARTICULARS

(a) Name and Surname: .....

(b) Date of birth: .....

(c) Age: ..... ID No. : .....

(d) Place of residence: .....

(e) Relationship with the person with disability: .....

(f) Chiefdom: .....

(g) Indvuna: .....

(h) Region: .....

(i) Inkhundla: .....

(j) Physical address: .....

(k) Email address: .....

(l) Postal address: ..... Contact details: .....

(m) Certificate or report from Medical Practitioner: .....

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Signature: ..... Date: .....

OR

FAMILY MEMBER

(a) Name and Surname: .....

(b) Date of birth: .....

(c) Age: ..... ID No:.....

(d) Relationship with the person with disability: .....

(e) Place of Residence: .....

(f) Chiefdom: .....

(g) Inkhundla: .....

(h) Physical address: .....

(i) Email address: .....

(j) Postal address: .....

(k) Contact details: .....

PARTICULARS OF THE PERSONS WITH DISABILITY

(l) Name (s) of person with disability: .....

(m) Surname: .....

(n) Impairment type: .....

(o) Certificate or report from a Medical Practitioner or Medical Dental Board:

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(p) Date of birth: .....

(q) Age: .....

(r) Place of residence: .....

(s) Chiefdom: .....

(t) Inkhundla: .....

(u) Physical address: .....

(v) Postal address: ..... Contact details: .....

(w) Email address: .....

(x) Indvuna: .....

(y) Region: .....

Signature of the person with disability: ..... Date:.....

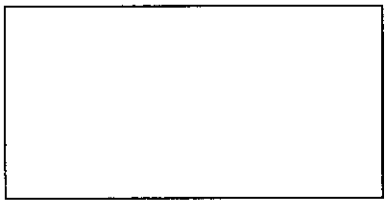
FORM VI

DISABILITY CARD
(Under regulation 9)

Section 25 of the Persons with Disability Act, No. 16 of 2018, requires that a person with disability shall be issued with a disability card.

Date .....

OFFICIAL STAMP OF REGISTRAR



PARTICULARS OF THE PERSON WITH DISABILITY

(a) Name and Surname: .....

(b) Age: .....

(c) Date of Birth: .....

(d) Placé of Residence: .....

(e) National ID No: .....

(f) Chiefdom: .....

(g) Inkhundla: .....

(h) Postal address: .....

(i) Physical address: .....

(j) Email address: .....

(k) Contact details: .....

(l) Type of disability: .....

(m) Date of Issue: .....

***NOTE: The disability card remains the property of the Government**

FORM VII
(Under regulation 9)

CERTIFICATE OF REGISTRATION

The Persons with Disabilities Act, No. 16 of 2018.

Date .....

OFFICIAL STAMP OF REGISTRAR

NOTE

In terms of section 27 (2) of the Act, the Registrar, on receipt of an application under the Act shall, having regard to the services and assistance provided by that voluntary organization, grant registration to such organization and issue a certificate to that effect where the Registrar deems fit.

DETAILS OF THE ORGANIZATION OR INSTITUTION

Name of Organization: .....

Date of registration: .....

Organization or Institution profile: .....

Certificate of Incorporation: .....

Organisation or Institution Constitution: .....

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Services provided: .....

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Name of authority: .....

Signature of authority: ..... Date: .....

***NOTE : The certificate of registration remains the property of the Government**

FORM VIII

APPLICATION FOR AN INCENTIVE BY A NON-GOVERNMENTAL ORGANIZATION OR CAREGIVER
(Under regulation 10)

NOTE:

In terms of Section 41 (2) of the Persons with Disability Act, 2018, a non-governmental organization intending to provide or providing institutional care for persons with severe disabilities or caregivers for persons with severe disabilities may make an application for an incentive for providing such care to the Council.

(a) Name of the person with severe disability: .....

(b) Date of birth: .....

(c) National identity: .....

(d) Gender: .....

(e) Chiefdom: .....

(f) Inkhundla Constituency: .....

(g) Birth certificate of the parent: .....

(h) Death certificate of the parent: .....

(i) Reasons for request of incentive: .....

(j) Contact details of non-governmental organization or

caregiver .....

(j) Name of person requesting on behalf of organization or caregiver:

.....

Signature: ..... Date:.....

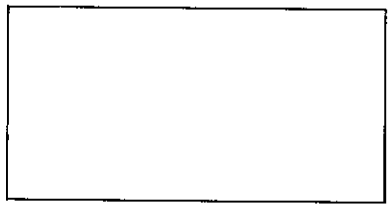
FORM IX

APPEAL APPLICATION BY A PERSON WITH DISABILITY
(Under regulation 9)

In terms of section 24 (2) of The Persons with Disabilities Act, No. 16 of 2018.

Date .....

OFFICIAL STAMP OF REGISTRAR
MINISTER responsible of persons with disabilities.



Particulars of the person

(a) Name: .....

(b) Surname: .....

(c) Impairment type: .....

(d) Date of birth: .....

(e) Sex: .....

(f) Postal address: .....

(g) Email address: .....

(h) Inkhundla: .....

(i) Chiefdom: .....

(j) Chief: .....

(k) Indvuna: .....

(l) Contact details: .....

(m) Reason(s) or ground(s) of appeal: .....

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.....

.....

SIGNATURE OF APPLICANT ..... **DATE** .....

FORM X

APPEAL APPLICATION BY AN ORGANIZATION OR INSTITUTION
(Under regulation 9)

The Persons with Disabilities Act, No. 16 of 2018.

Date .....

OFFICIAL STAMP OF REGISTRAR
MINISTER responsible of persons with disabilities.

Particulars of the organization or institution

(a) Name of organization or institution: .....

(b) Category: .....

(c) Place: .....

(d) Coverage area: .....

(e) Certificate of incorporation: .....

(f) Company profile: .....

(g) Physical address: .....

(h) Postal address: .....

(i) Email address: .....

(j) Name of authorized person: .....

(k) Reason(s) or ground(s) of appeal: .....

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(l) Contact details: .....

SIGNATURE OF AUTHORIZED PERSON ..... **DATE** .....

The Government Printer, Mbabane