

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 386.

16 Maart 1977.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby vir algemene inligting gepubliseer word:—

No. 13 van 1977: Wet op Vrywaring, 1977.

No. 386.

16 March 1977.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 13 of 1977: Indemnity Act, 1977.

Act No. 13, 1977

INDEMNITY ACT, 1977.

ACT

To indemnify the State, members of the Executive Council of the Republic, persons in the service of the State and persons acting under their authority in respect of acts, announcements, statements or information advised, commanded, ordered, directed, done, made or published in good faith for the prevention, suppression or termination of internal disorder or the maintenance or restoration of good order or public safety or essential services or the preservation of life or property in any part of the Republic, and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 8 March 1977.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Indemnity in connection with certain course of action.

1. (1) No civil or criminal proceedings shall be instituted or continued in any court of law against—

- (a) the State; or
- (b) any member of the Executive Council of the Republic; or
- (c) any person in the service of the State; or
- (d) any person acting under the authority or by the direction or with the approval of any member or person mentioned in paragraph (b) or (c),

by reason of any act, announcement, statement or information advised, commanded, ordered, directed, done, made or published by any member or person mentioned in paragraph (b), (c) or (d) in good faith on or after 16 June 1976, and before the commencement of this Act, with intent to prevent or suppress or terminate internal disorder in any part of the Republic or to maintain or restore good order or public safety or essential services therein or to preserve life or property therein.

(2) (a) Whenever the court in which any proceedings have been instituted, is of the opinion that by virtue of subsection (1) the proceedings may not be continued, the court shall make a finding to that effect.

(b) Whenever the court has made such a finding, such proceedings shall lapse and be deemed to be void.

(3) If in any proceedings instituted against the State or against any member or person mentioned in subsection (1) (b), (c) or (d), the question arises whether any act, announcement, statement or information advised, commanded, ordered, directed, done, made or published by such member or person was advised, commanded, ordered, directed, done, made or published by him in good faith with an intent mentioned in subsection (1), it shall be presumed, until the contrary is proved, that such act, announcement,

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statement or information was advised, commanded, ordered, directed, done, made or published by him in good faith with such an intent.

(4) The provisions of this section shall apply also in respect of any default by any member or person mentioned in subsection (1) (b), (c) or (d) in complying with any provision of a law or regulation in connection with advising, commanding, ordering, directing or doing any such act aforesaid.

Short title.

2. This Act shall be called the Indemnity Act, 1977.