

No. 20, 1957.]

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.

ACT

To consolidate the law relating to the liability of the State in respect of acts of its servants.

(Afrikaans text signed by the Governor-General.)
(Assented to 26th March, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Claims against the State cognizable in any competent court.

1. Any claim against the State which would, if that claim had arisen against a person, be the ground of an action in any competent court, shall be cognizable by such court, whether the claim arises out of any contract lawfully entered into on behalf of the State or out of any wrong committed by any servant of the State acting in his capacity and within the scope of his authority as such servant.

Proceedings to be taken against Minister of department concerned.

2. In any action or other proceedings instituted by virtue of the provisions of section *one*, the Minister of the department concerned may be cited as nominal defendant or respondent.

Satisfaction of judgment.

3. No execution, attachment or like process shall be issued against the defendant or respondent in any such action or proceedings or against any property of the State, but the amount, if any, which may be required to satisfy any judgment or order given or made against the nominal defendant or respondent in any such action or proceedings may be paid out of the Consolidated Revenue Fund or the Railways and Harbours Fund, as the circumstances may require.

Savings.

4. Nothing in this Act contained shall affect any provision of any law which—

- (a) limits the liability of the State or the Government or any department thereof in respect of any act or omission of its servants; or
- (b) prescribes specified periods within which a claim is to be made in respect of any such liability; or
- (c) imposes conditions on the institution of any action.

Repeal of Act 1 of 1910.

5. The Crown Liabilities Act, 1910, is hereby repealed.

Short title.

6. This Act shall be called the State Liability Act, 1957.