



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 386.

16 Maart 1977.

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

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

DEPARTMENT OF THE PRIME MINISTER

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,

WET

Tot vrywaring van die Staat, lede van die Uitvoerende Raad van die Republiek, persone in diens van die Staat en persone wat op hulle gesag handel ten opsigte van handeling, aankondigings, verklarings of inligting te goeder trou aangeraai, gebied, beveel, gelas, verrig, gemaak of gepubliseer ter voorkoming, onderdrukking of beëindiging van binnelandse onluste of handhawing of instandhouding of herstel van die goeie orde of openbare veiligheid of noodsaaklike dienste of behoud of bewaring van lewens of eiendom in enige deel van die Republiek, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 8 Maart 1977.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. (1) Geen siviele of strafregtelike geding word in enige geregshof teen—
- (a) die Staat; of
- (b) 'n lid van die Uitvoerende Raad van die Republiek; of
- (c) iemand in diens van die Staat; of
- (d) iemand wat handel op gesag of op las of met die goedkeuring van 'n lid of persoon in paragraaf (b) of (c) vermeld,

Vrywaring in verband met sekere handelwyse.

ingestel of voortgesit nie op grond van 'n handeling, aankondiging, verklaring of inligting wat op of na 16 Junie 1976 en voor die inwerkingtreding van hierdie Wet te goeder trou deur 'n in paragraaf (b), (c) of (d) vermelde lid of persoon aangeraai, gebied, beveel, gelas, verrig, gemaak of gepubliseer is met die bedoeling om binnelandse onluste in enige deel van die Republiek te voorkom of te onderdruk of te beëindig of om die goeie orde of openbare veiligheid of noodsaaklike dienste daarin te handhaaf of in stand te hou of te herstel of om lewens of eiendom daarin te behou of te bewaar.

- (2) (a) Wanneer die hof waarin 'n geding ingestel is, van mening is dat die geding uit hoofde van subartikel (1) nie voortgesit mag word nie, moet die hof 'n bevinding in dier voege maak.
- (b) Wanneer die hof so 'n bevinding gemaak het, vervall sodanige geding en word dit geag nietig te wees.

(3) Indien by 'n geding wat teen die Staat of teen 'n in subartikel (1) (b), (c) of (d) vermelde lid of persoon ingestel word, die vraag ontstaan of 'n handeling, aankondiging, verklaring of inligting wat deur sodanige lid of persoon aangeraai, gebied, beveel, gelas, verrig, gemaak of gepubliseer is, deur hom te goeder trou met 'n in subartikel (1) vermelde bedoeling aangeraai, gebied, beveel, gelas, verrig, gemaak of gepubliseer is, word vermoed, totdat die teendeel bewys word, dat daardie handeling,

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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.

WET OP VRYWARING, 1977.

Wet No. 13, 1977

aankondiging, verklaring of inligting deur hom te goeder trou met so 'n bedoeling aangeraai, gebied, beveel, gelas, verrig, gemaak of gepubliseer is.

(4) Die bepalings van hierdie artikel is ook van toepassing ten aansien van enige versuim deur 'n in subartikel (1) (b), (c) of (d) vermelde lid of persoon om in verband met die aanraai, gebied, beveel, gelas of verrig van 'n voormelde handeling 'n voorskrif van 'n wet of regulasie na te kom.

2. Hierdie Wet heet die Wet op Vrywaring, 1977.

Kort titel.

