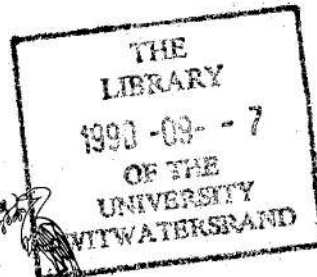


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COUNCIL OF STATE

DECREE No. 21 & 22 OF 1990

STATE LIABILITY DECREE, 1990

COUNCIL OF STATE — REPUBLIC OF CISKEI

STATE LIABILITY DECREE, 1990

DECREE No. 21

To define the law relating to the liability of the State in respect of acts of its servants and to provide for incidental matters.

BE IT DECREED by the Council of State of the Republic of Ciskei, as follows:-

1. Claims against the State cognizable in any competent court. - (1) (a) Subject to the provisions of this section, 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 person in the service of the State acting in his capacity and within the scope of his authority as a servant of the State.

(b) In respect of any proceedings of the nature hereinbefore contemplated which are to be brought against the State, or against any other defendant or respondent as well as the State, the Councillor of the department concerned may, as regards the claim against the State, be cited as nominal defendant or respondent.

(2) No execution, attachment or like process shall be issued against the nominal defendant or respondent in any such action or proceeding as aforesaid 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 shall be paid out of the Ciskeian Revenue Fund.

2. Savings. - Nothing in this law contained shall affect any provision of any other law which —

(a) limits the liability of the State or any department or institution in respect of any or omission of any servant of the State; or

(b) prescribes specified periods within which a claim is to be made in respect of any such liability;

(c) permits any other person or any officer to be cited as nominal defendant or respondent in any claim against the State; or

(d) imposes conditions on the institution of any action.

3. Short title. - This decree shall be called the State Liability Decree, 1990.

O. J. GOZO
THE CHAIRMAN: COUNCIL OF STATE

COUNCIL OF STATE — REPUBLIC OF CISKEI

CONSTITUTION AMENDMENT DECREE, 1990

DECREE No. 22

To amend the Republic of Ciskei Constitution Act, 1981, to repeal the Tenure of Office of the President Act, 1983 and to provide for incidental matters.

BE IT DECREED by the Council of State of the Republic of Ciskei, as follows:-

1. Repeal of section 31 of Act 20 of 1981, as amended by section 6 of Act 10 of 1984 and section 3 of Act 14 of 1986. - Notwithstanding anything in section 1(b) of Decree No. 1 of 1990 contained, section 31 of the Republic of Ciskei Constitution Act, 1981 is hereby repealed.

(2) Subsection (1) shall be deemed to have come into operation on 4 December 1981.

2. Repeal of Act 16 of 1983. - (1) The Tenure of Office of the President Act, 1983 is hereby repealed.

(2) Subsection (1) shall be deemed to have come into operation on 5 August 1983.

3. Repeal of other laws. - Subject to the provisions of subsection (2) of section 1, the laws mentioned in the Schedule are hereby repealed to the extent indicated in the third column of the Schedule.

4. Short title. - This decree shall be called the Constitution Amendment Decree, 1990.

SCHEDULE

REPEAL OF LAWS (section 3)

No. & year of law	Short title	Extent of repeal
Act 10 of 1984	Republic of Ciskei Constitution Amendment Act, 1984	Section 6 repealed
Act 14 of 1986	National Assembly Amendment Act, 1986	Section 3 repealed

BRIGADIER O. J. GOOZO
THE CHAIRMAN: COUNCIL OF STATE

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