

INDEMNITY ACT 61 OF 1961

[ASSENTED TO 28 JUNE 1961]

[DATE OF COMMENCEMENT: 5 JULY 1961]

(English text signed by the State President)

as amended by

Justice Laws Rationalisation Act 18 of 1996

ACT

To indemnify the Government, its officers and all other persons acting under its or their authority in respect of acts, announcements, statements or information advised, commanded, ordered, directed, done, made or published in good faith for the prevention or suppression 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 South Africa included in the Republic or the termination of a state of emergency in certain areas included in the Republic, and to provide for matters incidental thereto.

1 Indemnity

(1) No proceedings, whether civil or criminal, shall be brought in any court of law against-

(a) the President; or

[Para. (a) amended by s. 4 of Act 18 of 1996 .]

(b) any member of the Executive Council of the Republic; or

(c) any officer or member of the defence forces of the Republic; or

(d) any person employed in the public services or the railways and harbours service or in the police forces or the Department of Correctional Services of the Republic; or

[Para. (d) amended by s. 4 of Act 18 of 1996 .]

[NB: 1. In terms of s. 36 (1) of the Legal Succession to the South African Transport Services Act 9 of 1989 , the reference to 'the railways and harbours service' in para. (d) above shall be construed as a reference to the Company (Transnet Limited) and the Corporation (the South African Rail Commuter Corporation Limited). **2.** Para. (d) has been amended by the substitution of the expression 'the Department of Correctional Services' for the expression 'prison service' by s. 4 of the Justice Laws Rationalisation Act 18 of 1996 , a provision which will be put into operation by proclamation.]

(e) any person acting under the authority or by the direction or with the approval of any officer, member or person referred to in the preceding paragraphs of this subsection,

by reason of any act, announcement, statement or information advised, commanded, ordered, directed, done, made or published by him in good faith on or after the twenty-first day of March, 1960, and before the commencement of this Act, with intent to prevent or suppress internal disorder in any part of South Africa included in the Republic or to maintain or restore good order or public safety or essential services therein or to preserve life or property therein or to terminate a state of emergency in any area included in the Republic, whether such state of emergency was declared in terms of section *two* of the Public Safety Act, 1953 (Act 3 of 1953), to exist within such area or not.

(2) Every such proceeding which may have been brought or commenced prior to the coming into operation of this Act, shall lapse and shall be deemed void.

(3) If in any proceedings brought against any officer, member or person referred to in subsection (1) the question arises whether any act, announcement, statement or information advised, commanded, ordered, directed, done, made or published by him was advised, commanded, ordered, directed, done, made or published by him in good

faith with an intent mentioned in the said subsection, it shall be presumed, until the contrary is proved, that such act, announcement, 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 officer, member or person referred to in subsection (1) in complying with any provision of a law or regulation in connection with advising, commanding, ordering, directing or doing any such act aforesaid.

2 Short title

This Act shall be called the Indemnity Act, 1961.