

INDEMNITY ACT 13 OF 1977

[ASSENTED TO 8 MARCH 1977]

[DATE OF COMMENCEMENT: 16 MARCH 1977]

(Afrikaans text signed by the State President)

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.

1 Indemnity in connection with certain course of action

(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 him in good faith with an intent mentioned in subsection (1), 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 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.

2 Short title

This Act shall be called the Indemnity Act, 1977.

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