

BECHUANALAND PROTECTORATE.

No. 78 OF 1948.

(Promulgated 31st December, 1948.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER
Entitled the Bechuanaland Protectorate Crown
Liabilities Proclamation, 1948.

Whereas it is expedient to impose liabilities on the Crown in respect of acts of its servants;

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

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

Claims
against
the Crown
cognizable
in any
competent
court.

Provided that nothing in this section contained shall be construed as affecting the provisions of any law which limits the liability of the Crown or of the Government or any department thereof in respect of any act or omission of its servants, or which prescribes specified periods within which a claim shall be made in respect of any such liability or imposes conditions on the institution of any action.

2. In any action or other proceedings which are instituted by virtue of section *one* of this Proclamation, the plaintiff, the applicant or the petitioner (as the case may be) may make the Government Secretary the nominal defendant or respondent.

Proceed-
ings to be
taken
against the
Govern-
ment
Secretary.

No execution or attachment to be issued, but nominal defendant or respondent authorized to pay the sum awarded.

3. No execution or attachment or process in the nature thereof shall be issued against the defendant or respondent in any such action or proceedings aforesaid or against any property of His Majesty; but the nominal defendant or respondent may cause to be paid out of the revenues of the territory such money as may, by a judgment or order of the court, be awarded to the plaintiff, the applicant or the petitioner (as the case may be).

Repeal.

4. The Crown Liabilities Act of the Cape of Good Hope (No. 37 of 1888) as applied to the Bechuanaland Protectorate by Proclamation No. 36 of 1909 is hereby repealed.

Short title.

5. This Proclamation may be cited as the Bechuanaland Protectorate Crown Liabilities Proclamation, 1948.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twenty-fourth day of December, One thousand Nine hundred and Forty-eight.

WALTER HARRAGIN,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.