

eSwatini

Government Liabilities Act, 1967

Act 2 of 1967

Legislation as at 1 December 1998

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Government Liabilities Act, 1967

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Government Liabilities Act, 1967

Act 2 of 1967

Assented to on 21 August 1967

Commenced on 25 August 1967

[This is the version of this document at 1 December 1998.]

An Act to impose liabilities on the Government in respect of acts of its servants.

1. Short title

This Act may be cited as the Government Liabilities Act, 1967.

2. Claims against the Government cognisable in any competent court

Any claim against the Swaziland Government which would, if it had arisen against an individual person or corporate body, be the ground of an action in any competent court, shall be cognisable by any such court, whether the claim arises or has arisen out of any contract lawfully entered into on behalf of the Government or out of any wrong committed by any servant of the Government acting in his capacity and within the scope of his authority as such servant:

Provided that nothing in this section shall be construed as affecting the provisions of any law which limits the liability 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.

3. Proceedings to be taken against the Attorney-General

In any action or other proceedings which are instituted by virtue of [section 2](#), the plaintiff, the applicant or the petitioner, as the case may be, may make the Attorney-General the nominal defendant or respondent and in any action or other legal proceedings by the Government or any Minister, the Attorney-General may be cited as the nominal plaintiff or applicant, as the case may be.

[Amended K.O-I-C. 40/1975]

4. No execution or attachment to be issued, but Government required to pay the sum awarded

No execution or attachment or process in the nature thereof shall be issued against the defendant or respondent in any such action or proceedings referred to in [section 2](#) or against any property of the Government:

Provided that the Accountant-General shall cause 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, to be paid out of the revenues of Swaziland.