



FREE STATE PROVINCE

PROVINCIAL GAZETTE

PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

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OFFICE OF THE PREMIER	KANTOOR VAN DIE PREMIER
No. 2 02 August 2002	No. 2 02 Augustus 2002
It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:-	Hierby word bekend gemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby ter algemene inligting gepubliseer word:-
No. 2 of 2002: Free State Privileges and Immunities of Municipal Councillors Act, 2002	No. 2 van 2002: Vrystaat Voorregte en Immunitete van Raadslede Wet, 2002

ACT

To provide for privileges and immunities of municipal councillors; and for matters incidental thereto.

PREAMBLE

Whereas the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) and National Legislation provide for the enactment of legislation by Provinces which must provide for the freedom of speech of members of municipal councils, as well as the privileges and immunities in relation to civil and criminal liability, arrest, imprisonment or damages arising out of their acts as such members.

BE IT THEREFORE ENACTED by the Provincial Legislature of the Free State Province, as follows:-

(Afrikaans text assented to and signed by the Premier.)

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Definitions

1. In this Act, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) has a similar meaning.

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Privileges and immunities of councillors

2. Members of a municipal council -

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- (a) have freedom of speech in municipal council meetings and in the meetings of its committees, subject to the relevant council's rules and orders as envisaged in section 160(6) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), in so far as such matters are in the public interest;

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- (b) are not liable to civil or criminal proceeding, arrest, imprisonment or damages for -

- (i) anything that they have said in, produced before or submitted to the council during a council meeting or any of its committees during a meeting of such a council or committee, which is in the public interest; or

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- (ii) anything revealed as a result of anything that they have said in, produced before or submitted to the council or any of its committees during a meeting of such a council or committee, which is in the public interest.

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Short title

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3. This Act is called the Free State Privileges and Immunities of Municipal Councillors Act, 2002.

WET

Voorsiening vir voorregte en immunitete van munisipale raadslede; en aangeleenthede wat daarmee verband hou.

AANHEF

Waarby daar deur die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996) en Nasionale Wetgewing voorsiening gemaak word vir die bepaling van wetgewing deur Provinsies wat moet voorsorg tref vir die vryheid van spraak van lede van munisipale rade, asook die voorregte en immunitete in verband met siviele en strafregtelike verrigtinge, inhegtenisneming, gevangesetting of skadevergoeding voortspruitend uit hul dade as sodanige lede.

DAAR WORD DUS BEPAAL deur die Provinsiale Wetgewer van die Provinsie Vrystaat, soos volg:-

(Afrikaanse teks deur die Premier bekragtig en geteken.)

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Woordomskrywings

1. In hierdie Wet, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan 'n betekenis toegeskryf is in die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998) 'n soortelyke betekenis.

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Voorregte en immunitete van raadslede

2. Lede van 'n munisipale raad -

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- (a) het vryheid van spraak in munisipale raadsvergaderings en in die vergaderings van sy komitees, behoudens die betrokke raad se reëls en orders soos beoog in artikel 160(6) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), in soverre sodanige sake in openbare belang is;

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- (b) is nie blootgestel nie aan siviele of strafregtelike verrigtinge, inhegtenisneming, gevangesetting of skadevergoeding weens -

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- (i) enigiets wat hulle in of voor of aan die raad of enige van sy komitees gesê, blootgelê of voorgelê het gedurende 'n vergadering van sodanige raad of komitee, wat in openbare belang is; of

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- (ii) enigiets wat aan die lig gebring is as gevolg van enigiets wat hulle in of voor of aan die raad of enige van sy komitees gesê, blootgelê of voorgelê het, gedurende 'n vergadering van sodanige raad of komitee, wat in openbare belang is.

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Kort titel

3. Hierdie Wet heet die Vrystaat Voorregte en Immunitete van Raadslede Wet, 2002.