



**BERMUDA
1951 : 42**

CROWN CAUSES ACT 1951

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[30 May 1951]

[*preamble and words of enactment omitted*]

Interpretation

- 1 (1) In this Act —

"the Crown" includes a Minister, Government Department and a Government Board;

"Crown action" means a civil cause or matter commenced by or on behalf of the Crown under this Act;

"Crown right" means any right vested in the Crown by, or by the operation of, any provision of law, to enforce any obligation due to the Crown where the money if recovered, would be payable into the Consolidated Fund or where the performance or abstention, if any, would enure for the benefit of the Crown

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for the use of the Government; and for the purposes of this paragraph "obligation" includes any obligation arising from contract or implied contract, or from any wrongful act or omission, or from any recognizance or bond, or from the imposition of any penalty, or in any other way, whether the obligation is to pay money or is to do or abstain from doing any act or thing.

(2) For the purposes of any provision of law which has effect in relation to a Crown claim, any right vested in the Crown to recover any penalty or the amount of any recognizance, bond, escheat, forfeiture or confiscation shall be treated as though it were a claim upon an express or implied contract to recover a debt or liquidated demand in money.

Savings

2 (1) This Act shall be in addition to and not in substitution for or in derogation from any privileges, rights and powers vested in the Crown by or under any provision of law with respect to the enforcement of claims by or on behalf of the Crown.

(2) Nothing in this Act shall—

(a) derogate from or abridge any power conferred by any statutory provision upon a Government Board whereby that Board may sue or be sued; or

(b) derogate from or abridge any power conferred by any statutory provision upon a public officer to enforce any claim on behalf of the Crown.

(3) Nothing in this Act shall affect the law and practice in Prize.

Crown actions

3 (1) All claims of any kind whatsoever by or on behalf of the Crown against any person may, subject to this Act, be commenced and enforced —

(a) by action in the Supreme Court in the name of the Attorney-General in the same manner in all respects as in a suit between subject and subject; or

(b) where the claim is a claim which falls within the civil jurisdiction of a court of summary jurisdiction, then by action in a court of summary jurisdiction—

(i) in the name of the Government Board charged with the administration of the Government Department in connection with the discharge of whose functions the claim arose; or

- (ii) where there is no Government Board, in the name of the Minister to whom responsibility is assigned for the administration of the Government Department in connection with the discharge of whose functions the claim arose; or
- (iii) where there is no Minister or Government Board, then in the name of the public officer administering the Government Department in connection with the discharge of whose functions the claim arose; or
- (iv) where the claim is, or is to be treated as, a claim upon an express or implied contract in respect of the recovery of a debt or liquidated demand in money, then (without prejudice to anything in sub-paragraph (i) or sub-paragraph (ii)) in the name of the Minister of Finance,

in the same manner in all respects as in a suit between subject and subject.

(2) Nothing in subsection (1) shall affect any power conferred upon a court of summary jurisdiction by section 15 or section 18 of the Magistrates Act 1948 [*title 8 item 15*], to decline jurisdiction in a civil cause.

Costs

- 4 (1) A court, in connection with a Crown action—
- (a) may by order award costs to the Crown or to the public authority or public officer suing on behalf of the Crown; or
 - (b) may, as respects any costs, declare that it is just that those costs should be paid by the Crown;

and in making any award or declaration as aforesaid the court shall, as far as practicable, be guided by the principles which apply in respect of the award of costs in an action between subject and subject.

(2) An order made in connection with a Crown action awarding costs to the Crown or to any public authority or public officer on behalf of the Crown shall have the same effect and shall confer upon the public authority or public officer to whom the costs are payable the same rights and powers as are conferred by an order for the payment of costs made in a similar matter in connection with a similar action between subject and subject.

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(3) Any costs recovered by or on behalf of the Crown shall be paid into the Consolidated Fund by the person receiving or recovering the amount of the costs.

(4) Any declaration made by a court as to any costs which it is declared just for the Crown to pay shall specify the amount of such costs and shall specify the person to whom the costs are to be paid.

(5) Any declaration made as aforesaid shall be transmitted to the Minister of Finance, who may by warrant under his hand direct the amount specified in the declaration to be paid out of the Consolidated Fund to the person specified in the declaration.

(6) Any amounts paid out of the Consolidated Fund under this section shall be paid out of monies provided by the Legislature.

Appeals

5 Any judgment or order given or made in connection with a Crown action shall, for the purposes of any Act relating to appeals in civil causes —

(a) from courts of summary jurisdiction to the Supreme Court; or

(b) from the Supreme Court,

be treated as though it were a judgment or order given or made in connection with an action between subject and subject.

Rules

6 (1) Section 62 of the Supreme Court Act 1905 (which relates to the making of rules of court) shall have effect so as to extend to the making of rules of court in connection with Crown actions.

(2) Section 21 of the Magistrates Act 1948 [*title 8 item 15*] (which relates to the making of rules for regulating pleadings, practice and procedure in courts of summary jurisdiction) shall have effect so as to extend to the making of rules in connection with Crown actions.

Representation before courts of summary jurisdiction

7 Without prejudice to any statutory provision providing for the representation of a public authority in legal proceedings before courts of summary jurisdiction, any Government Board or public officer in whose name a Crown action is brought before a court of summary jurisdiction may appear and be represented in any proceedings in connection with the Crown action in the court of summary jurisdiction by any officer of the Government Department administered by the Board or officer in whose name the action is brought duly authorized in that behalf.

Acts or omissions occurring before 30 May 1951

8 [omitted]

Application to Crown

9 This Act shall bind the Crown.

[Amended by

1951 78

1952 11

1969 182

197183]