

THE COSTS (CROWN SUITS' AND LAW OFFICERS') ACT

Cap. 79.
Act
12 of 1962
S. 215.

[1863.]

1. This Act may be cited as the Costs (Crown Suits' and Law Officers') Act.

Short title.

COSTS IN CROWN SUITS.

2. In all informations, actions, suits, and other proceedings to be hereafter instituted before any court or tribunal whatever in this Island by or on behalf of the Crown against any corporation or person, in respect of any lands, tenements, or hereditaments, or of any goods or chattels belonging or accruing to the Crown, or in respect of any sum or sums of money due and owing to Her Majesty, by virtue of any Act of the United Kingdom Parliament or of the Legislature of this Island, for any public or parochial service, Her Majesty's Attorney-General shall be entitled to recover costs for and on behalf of Her Majesty where judgment shall be given for the Crown, in the same manner, and under the same rules, regulations, and provisions as are or may be in force touching the payment or receipt of costs in proceedings between subject and subject; and such costs shall be paid into the hands of the Accountant-General of this Island, and be held by him to the credit of the public.

Costs may
be awarded
to Crown.

3. If, in any such information, action, suit, or other proceeding judgment shall be given against the Crown, the defendant or defendants shall be entitled to recover costs,

Costs to
defendant.

[The inclusion of this page is authorized by L.N. 480/1973]

in like manner, and subject to the same rules and provisions, as though such proceeding had been had between subject and subject :

Provided, that the presiding Judge shall certify on the record that, in his opinion, the case is one in which the defendant is entitled to his costs; and the Minister is hereby required to direct the Accountant-General to pay the last-mentioned costs out of any sum of money voted by the Legislature for that purpose.

Suits to be under same regulations as ordinary suits.

4. The proceedings in all such suits shall, as far as applicable, be regulated by the rules of pleading and of practice in suits between subject and subject, and the Rules Committee of the Supreme Court may from time to time frame all such further rules as may be necessary for the practice in such cases.

Costs of Public Officers, or Officers of the Defence Force succeeding in litigation recoverable, though officers not personally liable for same.
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5. When a person holding any military office under the provisions of the Defence Act, or any office in the Civil Service of this Island, shall be a party to any action, suit or proceeding, and the Law Officers of the Crown or either of them or any legal officer of Government or any private legal practitioner shall, in accordance with the General Orders of Government or by the direction or at the instance of the Minister, or at the instance of the Defence Board constituted under the Defence Act as the case may be, undertake the case of such person, such person, if he shall get judgment for his costs against the other party to such action, suit or proceeding, shall not be disentitled to recover the costs incurred in his behalf, by reason of his not having personally retained the Law Officers of the Crown, Legal Officers of Government or other legal practitioner, or by reason of his not being personally responsible to the said Law Officers of the Crown, Legal Officers of Government or other legal practitioner for the costs of undertaking his said case.

6. In taxation of the costs to be recovered as aforesaid, the same fees and charges shall be allowed for the services of the Law Officers of the Crown, or either of them or any Legal Officer of Government, as if such officers had been retained and employed by the party in question as private legal practitioners.

As to costs of Law Officers of the Crown.

7. In every legal proceeding to which the Crown shall be entitled to recover costs from the other party, the same fees shall be allowed for the services of the Law Officers of the Crown or any Legal Officers of Government, as if such Officers, instead of being remunerated by fixed salaries, were remunerated in the ordinary way by fees for their specific services in the proceeding in respect of which the Crown shall be entitled to costs.

Provision as to the fees to be allowed to Law Officers of the Crown for services in any proceeding in which the Crown recovers costs.