

THE CROWN PROCEEDINGS ACT

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THE CROWN PROCEEDINGS ACT

Laws
68 of 1958,
12 of 1962
S. 215.

[1st February, 1959.]

1. This Act may be cited as the Crown Proceedings Act.

Short title.

PART I. *Interpretation*

2.—(1) Any reference in this Act to the provisions of this Act shall, unless the context otherwise requires, include a reference to rules of court or Resident Magistrate's Court rules made for the purposes of this Act.

Interpre-
tation.

(2) In this Act, except in so far as the context otherwise requires or it is otherwise expressly provided, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“agent”, when used in relation to the Crown, includes an independent contractor employed by the Crown;

“armed forces of the Crown” means the Jamaica Defence Force, and any other military organization under the control of the Crown which the Minister by order declares to be armed forces of the Crown for the purposes of this Act;

12/1962
S. 215.

“civil proceedings” does not include proceedings which in England would be taken on the Crown side of the Queen's Bench Division;

“Crown” means Her Majesty in right of Her Government in the Island;

“officer”, in relation to the Crown, includes any servant of Her Majesty, and accordingly (but without prejudice to the generality of the foregoing provision) includes a Minister of the Crown;

“order” includes a judgment, decree, rule, award or declaration;

“prescribed” means prescribed by rules of court or Resident Magistrate’s Court rules, as the case may be;

“proceedings against the Crown” includes a claim by way of set-off or counterclaim raised in proceedings by the Crown;

“rules of court” includes the Civil Procedure Rules, 2002;

“statutory duty” means any duty imposed by or under any enactment.

Cap. 177.
(1953 Edn.
omitted).

(3) The Crown shall not for the purposes of Parts IV and V be deemed to be a party to any proceedings by reason only that they are brought by the Attorney-General upon the relation of some other person.

PART II. *Substantive Law*

Liability of the
Crown in tort.

3.—(1) Subject to the provisions of this Act, the Crown shall be subject to all those liabilities in tort to which, if it were a private person of full age and capacity, it would be subject—

- (a) in respect of torts committed by its servants or agents;
- (b) in respect of any breach of those duties which a person owes to his servants or agents at common law by reason of being their employer; and
- (c) in respect of any breach of the duties attaching at common law to the ownership, occupation, possession or control of property:

Provided that no proceedings shall lie against the Crown by virtue of paragraph (a) in respect of any act or omission of a servant or agent of the Crown unless the act or omission

would, apart from the provisions of this Act, have given rise to a cause of action in tort against that servant or agent or his estate.

(2) Where the Crown is bound by a statutory duty which is binding also upon persons other than the Crown and its officers, then, subject to the provisions of this Act, the Crown shall, in respect of a failure to comply with that duty, be subject to all those liabilities in tort (if any) to which it would be so subject if it were a private person of full age and capacity.

(3) Where any functions are conferred or imposed upon an officer of the Crown as such either by any rule of the common law or by statute, and that officer commits a tort while performing or purporting to perform those functions, the liabilities of the Crown in respect of the tort shall be such as they would have been if those functions had been conferred or imposed solely by virtue of instructions lawfully given by the Crown.

(4) Any enactment which negatives or limits the amount of the liability of any Government department or officer of the Crown in respect of any tort committed by that department or officer shall, in the case of proceedings against the Crown under this section in respect of a tort committed by that department or officer, apply in relation to the Crown as it would have applied in relation to that department or officer if the proceedings against the Crown had been proceedings against that department or officer.

(5) No proceedings shall lie against the Crown by virtue of this section in respect of anything done or omitted to be done by any person while discharging or purporting to discharge any responsibilities of a judicial nature vested in him, or any responsibilities which he has in connection with the execution of judicial process.