

**Government Proceedings Act
(CHAPTER 121)**

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Legislative History

GOVERNMENT PROCEEDINGS ACT
(CHAPTER 121)

An Act to make provision for proceedings by and against the Government.

[25th February 1965]

PART I

PRELIMINARY

Short title

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

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 made for the purposes of this Act.

(2) In this Act, except in so far as the context otherwise requires or it is otherwise expressly provided —

“civil proceedings” means proceedings of whatever kind of a civil nature before a court and includes proceedings for the recovery of fines and penalties and an application at any stage of a proceeding, but does not include such proceedings as would in England be brought on the Crown side of the Queen’s Bench Division;

“law officer” means the Attorney-General and the Solicitor-General;

“legal officer” includes a law officer and a legally qualified member of the Attorney-General’s Chambers;

“officer”, in relation to the Government, includes a person in the permanent or temporary employment of the Government and accordingly (but without prejudice to the generality of the foregoing) includes a Minister of the Government;

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

“prescribed” means prescribed by or under Rules of Court made for the purposes of this Act;

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

“subordinate court” means a District Court and any Magistrate’s Court.

(3) Any reference in Part IV or V to civil proceedings by or against the Government, or to civil proceedings to which the Government is a party, shall be construed as including a reference to civil proceedings to which any officer of the Government as such is a party:

Provided that the Government 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

Right of Government to sue

3. Subject to the provisions of this Act and of any written law, where the Government has a claim against any person which would, if such claim had arisen between private persons, afford ground for civil proceedings, the claim may be enforced by proceedings taken by or on behalf of the Government for that purpose in accordance with the provisions of this Act.

Claims enforceable by proceedings against Government

4. Subject to the provisions of this Act and of any written law, any claim against the Government which —

- (a) is founded on the use or occupation or the right to the use or occupation of State land;
- (b) arises out of the revenue laws;
- (c) arises out of any contract made by the authority of the Government which would, if such claim had arisen between private persons, afford ground for civil proceedings; or
- (d) is a claim (other than a claim in tort) for damages or compensation not included in paragraphs (a), (b) and (c) which might lawfully be enforced by civil proceedings as between private persons,