



BELIZE

**CROWN PROCEEDINGS ACT
CHAPTER 167**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
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Amendments in force as at 31st December, 2000.	



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CHAPTER 167

CROWN PROCEEDINGS

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CHAPTER 167
CROWN PROCEEDINGS

Ch. 17,
R.L. 1958.
CAP. 129,
R.E. 1980-1990.
40 of 1963.
42 of 1999.
S.I. No. 17 of 1964.

[9th May, 1953]

PART I
Preliminary

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

Interpretation. 2.-(1) In this Act, unless the context otherwise requires:-

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

“civil proceedings” includes proceedings in the Supreme Court or a district court for the recovery of fines or penalties, but does not include proceedings such as are brought on the Crown’s side of the Queen’s Bench Division of the High Court of Justice in England;

“Her Majesty’s aircraft” does not include aircraft belonging to Her Majesty otherwise than in right of Her Government in Belize;

“Her Majesty’s ships” means ships of which the beneficial interest is vested in Her Majesty or which are registered as government ships for the purposes of the Merchant Shipping Acts 1894 to 1940, or which are for the time being demised or subdemised to or in the exclusive possession of the Crown, except that the said expression does not include any ship in which Her Majesty is interested otherwise than in right of Her Government in Belize, unless that ship is for the time being demised or subdemised to Her Majesty in right of Her said Government or in the exclusive possession of Her Majesty in that right;

“imperial forces” means the Army, Navy, Air Force or other armed forces of the Crown established and maintained by the United Kingdom Government;

“local forces” means the Police Department established and maintained under the Police Act, and any other armed force in the regular and whole-time service of the Crown, and includes members of the Belize Defence Force with respect to their employment in the performance of any of the functions described in section 5 (2) of the Defence Act; 42 of 1999. CAP. 138. CAP. 135.

“officer”, in relation to the Crown, includes the Governor-General and any servant of Her Majesty in right of Her Government in Belize;

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

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

“statutory duty” means any duty imposed by or under any Act, law or other statute.

(2) Any reference in Parts IV and V to civil proceedings by or against the Crown, or to civil proceedings to which the Crown is a party, shall be

construed as including a reference to civil proceedings to which the Attorney General, or any Government department, or any officer of the Crown as such, is a party:

Provided that 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.

(3) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

(4) 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 district court rules made for the purposes of this Act.

PART II

Substantive Law

Right to sue the Crown.

3.-(1) Where any person has a claim against the Crown after the commencement of this Act and, if this Act had not been passed, the claim might have been enforced, subject to the grant of the Governor's fiat by petition of right, or might have been enforced by a proceeding provided by any statutory provision, then, subject to the provisions of this Act, the claim may be enforced as of right, and without the *fiat* of the Governor-General, by proceedings taken against the Crown for that purpose in accordance with this Act.

(2) Any claim against the Crown made pursuant to any statutory provision enacted after the commencement of this Act shall, unless otherwise directed by any law, be likewise enforced as of right, and without the *fiat* of the Governor-General, by proceedings taken against the Crown in accordance with this Act.

4.-(1) Subject to 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-

Liability of the Crown in tort.

- (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 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 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 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.

(6) No proceedings shall lie against the Crown by virtue of this section in respect of any act, neglect or default of any officer of the Crown, unless that officer has been directly or indirectly appointed by the Crown and was at the material time paid in respect of his duties as an officer of the Crown wholly out of the Consolidated Revenue Fund or other government funds, or out of moneys provided by the National Assembly or out of any other fund controlled and administered by the Government of Belize.

Provisions as to
industrial property.

5.-(1) Where after the commencement of this Act any servant or agent of the Crown infringes a patent, registered trade mark, merchandise mark or any copyright (including any copyright in a design subsisting under any enactment relating to patents and designs) and the infringement is committed with the authority of the Crown, then, subject to this Act, civil proceedings in respect of the infringement shall lie against the Crown.

(2) Nothing in this Act shall affect such-

- (a) rights of Her Majesty or a Government department to make, use, exercise or vend any patented invention or design for the services of the Government of Belize; or
- (b) powers of a Government department to omit or delay

anything required to be done in relation to an application for a patent connected with the research into, production and use of atomic energy, and to give directions prohibiting or restricting the publication of information with respect to the subject matter of the application,

as may be conferred on Her Majesty or any Government department and regulated by any enactment relating to patents and designs or atomic energy.

(3) Except as expressly provided by this section, no proceedings shall lie against the Crown by virtue of this Act in respect of the infringement of a patent, registered trade mark, merchandise mark or any such copyright as is mentioned in subsection (1).

6.-(1) Where the Crown is subject to any liability by virtue of this Part, the law relating to indemnity and contribution shall be enforceable by or against the Crown in respect of the liability to which it is so subject as if the Crown were a private person of full age and capacity.

(2) Without prejudice to the effect of sections 3 and 4 and subsection (1), the provisions of any Act or other law of Belize relating to-

- (a) contributory negligence;
- (b) the liability of an employer for the act of his servant causing the death of or injury to a fellow-servant in common employment with him; and
- (c) proceedings against, and contributions between, joint and several tortfeasors,

shall apply to and bind the Crown.

Application of law as to indemnity, contribution, contributory negligence, common employment and joint and several tortfeasors.

Exemption from liability in respect of Crown ships, etc.

7.-(1) Section 4 shall not extend to impose any liability on the Crown in respect of any act or omission relating to any ship, dock, canal, harbour or conservancy belonging to Her Majesty in right of Her Government of Belize.

S.I. of 1964.

(2) This section shall continue in force until such date as the Minister may by proclamation appoint, and thereafter shall cease to have any effect whatever.

Provisions relating to the local forces.

8.-(1) Nothing done or omitted to be done by a member of the local forces while on duty as such shall subject either him or the Crown to liability in tort for causing the death of another person, or for causing personal injury to another person, in so far as the death or personal injury is due to anything suffered by that other person while he is a member of the local forces, if-

(a) at the time when that thing is suffered by that other person, he is either on duty as a member of the local forces or is, though not on duty as such, on any land, premises, ship, aircraft or vehicle for the time being used by or for the purposes of the local forces; and

S.I. 17 of 1964.

(b) the Financial Secretary certifies that the Minister has granted a pension to his dependents in respect of his death, or a pension or additional pension to him in respect of his personal injury in accordance with the Pensions Act, or that he or his dependents will receive an award of compensation in respect of his personal injury or his death, as the case may be, under any other enactment:

CAP. 30

Provided that this subsection shall not exempt a member of the local forces from liability in tort in any case in which the court is satisfied that the act or omission was not connected with the execution of his duties as a member of the local forces.

(2) No proceedings in tort shall lie against the Crown for death or

personal injury due to anything suffered by a member of the local forces if-

- (a) that thing is suffered by him in consequence of the nature or condition of any such land, premises, ship, aircraft or vehicle as aforesaid, or in consequence of the nature or condition of any equipment or supplies used by or for the purposes of the local forces; and
- (b) the Financial Secretary certifies as mentioned in subsection (1),

nor shall any act or omission of an officer of the Crown subject him to liability in tort for death or personal injury, in so far as the death or personal injury is due to anything suffered by a member of the local forces, being a thing as to which the conditions aforesaid are satisfied.

(3) The Minister, if satisfied that it is the fact that-

S.I. 17 of 1964.

- (a) a person was or was not on any particular occasion on duty as a member of the local forces; or
- (b) at any particular time any land, premises, ship, aircraft, vehicle, equipment or supplies was or was not, or were or were not, used by or for the purposes of the local forces,

may issue a certificate certifying that to be the fact, and any such certificate shall, for the purposes of this section, be conclusive as to the fact which it certifies.

9.-(1) Nothing done or omitted to be done by-

- (a) a member of the imperial forces whilst in Belize and on duty as such shall subject him to liability in tort for causing the death of, or personal injury to, another person, in so far as

Provisions relating to the imperial forces and local forces.

the death or personal injury is due to anything suffered by that other person while he is a member of the local forces, if the conditions of section 8 (1) (a) and (b) are satisfied;

- (b) a member of the local forces on duty as such shall subject either him or the Crown in right of the Government of Belize to liability in tort for causing the death of, or personal injury to, another person, in so far as the death or personal injury is due to anything suffered by that person while he is a member of the imperial forces, if-
- (i) the conditions of section 8 (1) (a) of this Act are satisfied; and
 - (ii) the Ministry of Pensions in England certifies that the person's suffering such death or personal injury has been or will be treated as attributable to service for the purposes of entitlement to an award under the Royal Warrant, Order in Council or Order of Her Majesty relating to the death or disablement of members of the forces of which he is a member:

Provided that this subsection shall not exempt a member of the local forces or the imperial forces from liability in tort in any case in which the court is satisfied that the act or omission was not connected with the execution of his duties as a member of either of those forces.

(2) Where the death of, or personal injury to, a member of the imperial forces is caused by the nature or condition of any land, premises, ship, aircraft or vehicle for the time being used by or for the purposes of the local forces, or by the nature or condition of any equipment or supplies used by or for the purposes of the local forces, section 8(2) shall, subject to the conditions set out in subparagraphs (i) and (ii) of paragraph (b) of subsection (1), apply in relation to the death of, or personal injury to, that member.

10.-(1) Nothing done or omitted to be done by a member of the imperial forces while on duty in Belize as such shall subject either him or the Crown to liability in tort for causing the death of another person, or for causing personal injury to another person, in so far as the death or personal injury is due to anything suffered by that other person while he is a member of the imperial forces if-

Provisions relating to imperial forces.

- (a) at the time when that thing is suffered by that other person, he is either on duty as a member of the imperial forces or is, though not on duty as such, on any land, premises, ship, aircraft or vehicle for the time being used for the purposes of the local forces or imperial forces;
- (b) the Minister of Pensions certifies that his suffering that thing has been or will be treated as attributable to service for the purposes of entitlement to an award under the Royal Warrant, Order in Council or Order of Her Majesty relating to the disablement or death of members of the force of which he is a member:

Provided that this subsection shall not exempt a member of the said forces from liability in tort in any case in which the court is satisfied that the act or omission was not connected with the execution of his duties as a member of those forces.

(2) No proceedings in tort shall lie against the Crown for death or personal injury due to anything suffered by a member of the imperial forces if-

- (a) that thing is suffered by him in consequence of the nature or condition of any such land, premises, ship, aircraft or vehicle as aforesaid, or in consequence of the nature or condition of any equipment or supplies used for the purposes of those forces; and

- (b) the Minister of Pensions certifies as mentioned in subsection (1),

nor shall any act or omission of an officer of the Crown subject him to liability in tort for death or personal injury, in so far as the death or personal injury is due to anything suffered by a member of the imperial forces, being a thing as to which the conditions aforesaid are satisfied.

S.I. 17 of 1964.

(3) The Minister, if satisfied that it is the fact that at any particular time any land, premises, ship, aircraft, vehicle, equipment or supplies was or was not, or were or were not, used in Belize for the purposes of the said forces, may issue a certificate certifying that to be the fact, and any such certificate shall, for the purposes of this section, be conclusive as to the fact which it certifies.

(4) A certificate of the Admiralty or a Secretary of State that a person was or was not on any particular occasion on duty as a member of the imperial forces shall, for the purposes of this section, be conclusive as to the fact which it certifies.

(5) Nothing in this section shall be deemed by implication or otherwise to confer any right of action against the Crown in right of its Government in the United Kingdom.

(6) For all purposes of this Act, all imperial forces stationed in, and employed upon the defence of, Belize shall, notwithstanding that they are recruited, commanded and paid by the Government of the United Kingdom, be deemed to be so stationed and employed in Belize by the Crown in right of its Government in Belize.

Saving in respect of act done under prerogative and statutory powers.

11.-(1) Nothing in this Part shall extinguish or abridge any powers or authorities which, if this Act had not been passed, would have been exercisable by virtue of the prerogative of the Crown, or any powers or authorities conferred on the Crown by any statute and, in particular, nothing in this Part shall extinguish or abridge any powers or authorities exercisable by the Crown, whether

in time of peace or of war, for the purpose of the defence of Belize or of training, or maintaining the efficiency of, any imperial forces or local forces.

(2) Where in any proceedings under this Act it is material to determine whether anything was properly done or omitted to be done in the exercise of the prerogative of the Crown, the Governor-General may, if satisfied that the act or omission was necessary for any such purpose as is mentioned in the last preceding subsection, issue a certificate to the effect that the act or omission was necessary for that purpose, and the certificate shall, in those proceedings, be conclusive as to the matter so certified.

PART III

Jurisdiction and Procedure

The Supreme Court

12.-(1) Subject to the provisions of this Act, all civil proceedings by or against the Crown in the Supreme Court shall be instituted and proceeded with in accordance with rules of court and not otherwise.

Civil proceedings
in the Supreme
Court.

(2) In relation to any claim against the Crown in the Supreme Court as a Colonial Court of Admiralty which falls within the jurisdiction of that court as a prize court, the expression “rules of court” in this section means rules of court made under section 3 of the Prize Courts Act 1894.

1894 C. 39.

13.-(1) Subject to and in accordance with rules of court, the Crown may apply in a summary manner to the Supreme Court-

Summary
applications to
Supreme Court
in certain revenue
matters.

- (a) for the furnishing of information required to be furnished by any person under any enactment relating to estate duty;
- (b) for the delivery of accounts and payment of duty under any such enactment by persons accountable for or

chargeable with such duty and by persons who have taken possession of and administered the estates of deceased persons without obtaining probate or letters of administration;

- CAP. 64. (c) for the delivery of an account under section 6 of the Stamp Duties Act, or under that section as amended or applied by any subsequent enactment;
- CAP. 64. (d) for the payment of sums improperly withheld or retained within the meaning of section 6 of the Stamp Duties Act.

(2) Subject to and in accordance with rules of court, the Crown may apply in a summary manner to the Supreme Court-

- (a) for the payment of duty under the enactments relating to customs and excise duties;
- (b) for the delivery of any accounts required to be delivered, or the furnishing of any information required to be furnished, by the enactments relating to customs and excise duties or by any regulations relating to such duties;
- (c) for the payment of tax due to the Crown under any enactment;
- (d) for the delivery of any accounts, the production of any books, or the furnishing of any information, required to be delivered, produced or furnished under any enactments relating to any tax.

District Courts

14.-(1) Subject to this Act, and to any enactment limiting the jurisdiction of a district court (whether by reference to the subject matter of the proceedings to be brought or the amount sought to be recovered in the proceedings or otherwise), any civil proceedings against the Crown may be instituted in a district court.

Civil proceedings
in the district
court.

(2) Any proceedings by or against the Crown in a district court shall be instituted and proceeded with in accordance with district court rules and not otherwise.

General

15. The Crown may obtain relief by way of interpleader proceedings, and may be made a party to such proceedings, in the same manner in which a subject may obtain relief by way of such proceedings or be made a party thereto, and may be made a party to such proceedings notwithstanding that the application for relief is made by a marshal or other like officer, and all rules of court and district court rules relating to interpleader proceedings shall, subject to this Act, have effect accordingly.

Interpleader.

16.-(1) The Prime Minister shall publish in the *Gazette* a list specifying the several government departments which are authorised departments for the purposes of this Act, and the name and address for service of the person who is, or is acting for the purposes of this Act, as the attorney-at-law for each such department, and may from time to time amend or vary the list.¹

Parties to
proceedings.
40 of 1963.

(2) Any document purporting to be a copy of a list published under this section and purporting to be printed under the authority of the Prime Minister shall in any legal proceedings be received as evidence for the purpose of establishing what departments are authorised departments for the purposes of

40 of 1963.

¹ See Gazette Notice 660 of 1963.

this Act, and what person is, or is acting for the purposes of this Act as, the attorney-at-law for any such department.

(3) Civil proceedings by the Crown may be instituted either by an authorised Government department in its own name or by the Attorney General.

(4) Civil proceedings against the Crown shall be instituted against the appropriate authorised government department or, if none of the authorised government departments is appropriate or the person instituting the proceedings has any reasonable doubt whether any and if so which of those departments is appropriate, against the Attorney General.

(5) Where any civil proceedings against the Crown are instituted against the Attorney General, an application may at any stage of the proceedings be made to the court by or on behalf of the Attorney General to have such of the authorised Government departments as may be specified in the application substituted for him as defendant to the proceedings, and where any such proceedings are brought against an authorised Government department, an application may at any stage of the proceedings be made to the court on behalf of that department to have the Attorney General or such of the authorised Government departments as may be specified in the application substituted for the applicant as the defendant to the proceedings.

(6) Upon any such application the court may, if it thinks fit, make an order granting the application on such terms as the court thinks just, and on such an order being made the proceedings shall continue as if they had been commenced against the department specified in that behalf in the order or, as the case may require, against the Attorney General.

(7) No proceedings instituted in accordance with this Part by or against the Attorney General or an authorised Government department shall abate or be affected by any change in the person holding the office of Attorney General or in the person or body of persons constituting the department.

(8) This section is subject to section 42 (5) of the Belize Constitution. CAP. 4.

17.-(1) All documents required to be served on the Crown for the purpose of or in connection with any civil proceedings by or against the Crown shall be served by delivering them to the head of the Government department in question, or if there is an attorney-at-law for that department acting for the purposes of this Act, to that attorney-at-law, or if the proceedings are brought by or against the Attorney General, on the Attorney General personally or by leaving the same for him with some adult person employed in his office after explaining the nature and purport thereof. Service of documents.

(2) This section is subject to section 42 (5) of the Belize Constitution. CAP. 4.

18.-(1) If, in a case where proceedings are instituted against the Crown in a district court, an application in that behalf is made by the Crown to the Supreme Court, and there is produced to the court a certificate of the Attorney General to the effect that the proceedings may involve an important question of law, or may be decisive of other cases arising out of the same matter, or are for other reasons more fit to be tried in the Supreme Court, the proceedings shall be removed into the Supreme Court. Removal and transfer of proceedings.

(2) Where any proceedings have been removed into the Supreme Court on the production of such a certificate as aforesaid, and it appears to the court by whom the proceedings are tried that the removal has occasioned additional expense to the person by whom the proceedings are brought, the court may take account of the additional expense so occasioned in exercising its powers in regard to the award of costs.

(3) Without prejudice to the rights of the Crown under subsections (1) and (2), all rules of law and enactments relating to the removal or transfer of proceedings from a district court to the Supreme Court, or the transfer of proceedings from the Supreme Court to a district court, shall apply in relation to proceedings against the Crown:

Provided that-

- CAP. 97.
- (a) an order for the transfer to a district court of any proceedings against the Crown in the Supreme Court shall not be made without the consent of the Crown; and
 - (b) the duty of a judge to make an order under section 30 of the District Courts (Procedure) Act, for the transfer to the Supreme Court of proceedings commenced against the Crown in a district court shall not be conditional upon the giving of security by the Crown.

Nature of relief. 19.-(1) In any civil proceedings by or against the Crown, the Court shall, subject to this Act, have power to make all such orders as it has power to make in proceedings between subjects, and otherwise to give such appropriate relief as the case may require:

Provided that-

- (a) where in any proceedings against the Crown, any such relief is sought as might in proceedings between subjects be granted by way of injunction or specific performance, the court shall not grant an injunction or make an order for specific performance, but may *in lieu* thereof make an order declaratory of the rights of the parties; and
- (b) in any proceedings against the Crown for the recovery of land or other property, the court shall not make an order for the recovery of the land or the delivery of the property, but may *in lieu* thereof make an order declaring that the plaintiff is entitled as against the Crown to the land or property or to the possession thereof.

(2) The court shall not in any civil proceedings grant any injunction or

make any order against an officer of the Crown if the effect of granting the injunction or making the order would be to give any relief against the Crown which could not have been obtained in proceedings against the Crown.

20. Subject to this Act, all enactments, rules of court and district court rules relating to appeals and stay of execution shall, with any necessary modifications, apply to civil proceedings by or against the Crown as they apply to proceedings between subjects.

Appeals and stay of execution.

21. Subject to this section, any reference in this Part to civil proceedings by the Crown shall be construed as a reference to the following proceedings only-

Civil proceedings by the Crown covered by Part III of this Act.

- (a) proceedings for the enforcement or vindication of any right or the obtaining of any relief which, if this Act had not been passed, might have been enforced or vindicated or obtained-
 - (i) by proceedings for the recovery of chattels or money by way of damages or otherwise, or any hereditament or an account and payment from any defaulting officer or other person or corporation or by the writs of *capias ad respondendum*, writs of *subpoena ad respondendum*, writs of appraisal, writs of *scire facias*, and by proceedings for the determination of any issue upon a writ of extent or of *diem clausit extremum*;
 - (ii) by an action at the suit of any Government department or any officer of the Crown as such;
- (b) all such proceedings as the Crown is entitled to bring by virtue of this or any other Act,

and the expression “civil proceedings by or against the Crown” shall be construed accordingly.

Civil proceedings against the Crown covered by Part III of this Act.

22. Subject to this section, any reference in this Part to civil proceedings against the Crown shall be construed as a reference to the following proceedings only-

- (a) proceedings for the enforcement or vindication of any right or the obtaining of any relief which, if this Act had not been passed, might have been enforced or vindicated or obtained-
 - (i) by proceedings against Her Majesty by way of petition of right,
 - (ii) by an action against the Attorney General, any Government department or any officer of the Crown as such,
- (b) all such proceedings as any person is entitled to bring against the Crown by virtue of this or any other Act,

and the expression “civil proceedings by or against the Crown” shall be construed accordingly.

Exclusion of certain proceedings from provisions of Part III of this Act.

23. Notwithstanding anything contained in sections 21 and 22, this Part shall not have effect with respect to any of the following proceedings, that is to say-

- (a) proceedings brought by the Attorney General on the relation of some other person;
- (b) proceedings by or against the Public Trustee;
- (c) proceedings by or against the Registrar General or any

officers of the General Registry;

(d) proceedings in connection with any charitable trusts.

PART IV

Judgments and Execution

24.-(1) Section 167 of the Supreme Court of Judicature Act, (which provides that a judgment debt shall carry interest) shall apply to judgment debts due from or to the Crown.

Interest on debts,
damages and
costs.
CAP. 91.

(2) Where any costs are awarded to or against the Crown in the Supreme Court, interest shall be payable upon those costs unless the court otherwise orders, and any interest so payable shall be at the same rate as that at which interest is payable upon judgment debts due from or to the Crown.

(3) Section 166 of the Supreme Court of Judicature Act, (which empowers that Court to award interest on debts and damages) shall apply to judgments given in proceedings by and against the Crown.

CAP. 91.

25.-(1) Where in any civil proceedings by or against the Crown or in connection with any arbitration to which the Crown is a party, any order (including an order for costs) is made by any court in favour of any person against the Crown or against a Government department or against an officer of the Crown as such, the proper officer of the court shall, on an application in that behalf made by or on behalf of that person, at any time after the expiration of twenty-one days from the date of the order or, in case the order provides for the payment of costs and the costs require to be taxed, at any time after the costs have been taxed, whichever is the later, issue to that person a certificate in the prescribed form containing particulars of the order:

Satisfaction of
orders against
the Crown.

Provided that, if the court so directs, a separate certificate shall be issued with respect to the costs, if any, ordered to be paid to the applicant.

(2) A copy of any certificate issued under this section may be served by the person in whose favour the order is made upon the head of the authorised Government department or the officer concerned, or the Attorney General, as the case may be.

(3) If the order provides for the payment of any money by way of damages or otherwise, or of any costs, the certificate shall state the amount so payable, and the appropriate Government department shall, subject as hereinafter provided, pay to the person entitled or to his attorney-at-law the amount appearing by the certificate to be due to him together with the interest, if any, lawfully due thereon:

Provided that the court by which any such order as aforesaid is made or any court to which an appeal against the order lies may direct that, pending an appeal or otherwise, payment of the whole of any amount so payable, or any part thereof, shall be suspended, and if the certificate has not been issued, may order any such directions to be inserted therein.

(4) Except as aforesaid, no execution or attachment or process in the nature thereof shall be issued out of any court for enforcing payment by the Crown of any such money or costs as aforesaid, and no person shall be individually liable under any order for the payment by the Crown, or any Government department, or any officer of the Crown as such, of any such money or costs.

Execution by
the Crown.

26.-(1) Subject to this Act, any order made in favour of the Crown against any person in any civil proceedings to which the Crown is a party may be enforced in the same manner as an order made in an action between subjects, and not otherwise.

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(2) Sections 2 and 4 of the Debtors Act (which provide respectively for the abolition of imprisonment for debt, and for saving the power of committal in case of certain debts) shall apply to sums of money payable and debts due to the Crown.

(3) Nothing in this section shall affect any procedure which immediately before the commencement of this Act was available for enforcing an order made in favour of the Crown in proceedings brought by the Crown for the recovery of any fine or penalty, or the forfeiture or condemnation of any goods or the forfeiture of any ship or any share in a ship.

27.-(1) Where any money is payable by the Crown to some person who, under any order of any court, is liable to pay any money to any other person, and that person would, if the money so payable by the Crown were money payable by a subject, be entitled under rules of court to obtain an order for attachment thereof as a debt due or accruing due, or an order for the appointment of a sequestrator or receiver to receive the money on his behalf, the Supreme Court may, subject to this Act and in accordance with rules of court, make an order restraining the first-mentioned person from receiving that money and directing payment thereof to that other person, or to the sequestrator or receiver:

Attachment of moneys payable by the Crown.

Provided that no such order shall be made in respect of-

- (a) any wages or salary payable to any officer of the Crown as such; or
- (b) any money which is subject to the provisions of any enactment prohibiting or restricting assignment or charging or taking in execution; or
- (c) any money payable by the Crown to any person on account of a deposit in the Government Savings Bank.

(2) The provisions of the preceding subsection shall, so far as they relate to forms of relief falling within the jurisdiction of a district court, have effect in relation to district courts as they have effect in relation to the Supreme Court, but with the substitution of a reference to district court rules for any reference in the said subsection to rules of court.

PART V

*Miscellaneous and Supplemental**Miscellaneous*

Discovery. 28.-(1) Subject to, and in accordance with, rules of court and district court rules-

- (a) in any civil proceedings in the Supreme Court or a district court to which the Crown is a party, the Crown may be required by the court to make discovery of documents and produce documents for inspection; and
- (b) in any such proceedings as aforesaid, the Crown may be required by the court to answer interrogatories:

Provided that this section shall be without prejudice to any rule of law which authorises or requires the withholding of any document or the refusal to answer any question on the ground that the disclosure of the document or the answering of the question would be injurious to the public interest.

(2) Any order of the court made under the powers conferred by paragraph (b) of subsection (1) shall direct by what officer of the Crown the interrogatories are to be answered.

40 of 1963. (3) Without prejudice to the proviso to subsection (1), any rules made for the purposes of this section shall be such as to secure that the existence of a document will not be disclosed if, in the opinion of the Prime Minister, it would be injurious to the public interest to disclose the existence thereof.

Exclusion of proceedings *in rem* against the Crown. 29.-(1) Nothing in this Act shall authorise proceedings *in rem* in respect of any claim against the Crown, or the arrest, detention or sale of any of Her Majesty's ships or aircraft, or of any cargo or other property belonging to the

Crown, or give to any person any lien on any such ship, aircraft, cargo or other property.

(2) Where proceedings *in rem* have been instituted in the Supreme Court against any such ship, aircraft, cargo or other property, the court may, if satisfied, either on an application by the plaintiff for an order under this subsection or an application by the Crown to set aside the proceedings, that the proceedings were so instituted by the plaintiff in the reasonable belief that the ship, aircraft, cargo or other property did not belong to the Crown, order that the proceedings shall be treated as if they were *in personam* duly instituted against the Crown in accordance with this Act or duly instituted against any other person whom the court regards as the proper person to be sued in the circumstances, and that the proceedings shall continue accordingly.

(3) Any such order may be made upon such terms, if any, as the court thinks just, and where the court makes any such order it may make such consequential orders as the court thinks expedient.

30. Nothing in this Act shall prejudice the right of the Crown to rely upon the law relating to the limitation of time for bringing proceedings against public authorities.

Limitation
of actions.

31.-(1) This Act shall not prejudice the right of the Crown to take advantage of the provisions of an Act although not named therein, and it is hereby declared that in any civil proceedings against the Crown, the provisions of any Act which could, if the proceedings were between subjects, be relied upon by the defendant as a defence to the proceedings, whether in whole or in part, or otherwise, may, subject to any express provision to the contrary, be so relied upon by the Crown.

Application to
the Crown of
certain statutory
provisions.

(2) Section 5 of the Debtors Act (which empowers the court in certain circumstances to order the arrest of a defendant about to quit Belize) shall, with any necessary modifications, apply to civil proceedings in the Supreme Court by the Crown.

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No abatement on demises of Crown.

32. No claim by or against the Crown, and no proceedings for the enforcement of any such claim, shall abate or be affected by the demise of the Crown.

Abolition of certain writs.

33. No writ mentioned in section 21 (a) (i) shall issue after the commencement of this Act.

Supplemental

Rules of court and district court rules.

34.-(1) Any power to make rules of court or district court rules shall include power to make rules for the purpose of giving effect to the provisions of this Act, and any such rules may contain provisions to have effect in relation to any proceedings by or against the Crown in substitution for or by way of addition to any of the provisions of the rules applying to proceedings between subjects.

(2) Provisions shall be made by rules of court and district court rules-

- (a) for providing for service of process, or notice thereof, in the case of proceedings by the Crown against persons, whether Belizean citizens or not, who are not resident in Belize;
- (b) for securing that where any civil proceedings are brought against the Crown in accordance with this Act, the plaintiff shall, before the Crown is required to take any step in the proceedings, provide the Crown with such information as the Crown may reasonably require as to the circumstances in which it is alleged that the liability of the Crown has arisen and as to the departments and officers of the Crown concerned;
- (c) for providing that in the case of proceedings against the Crown the plaintiff shall not enter judgment against the Crown in default of appearance or pleading without the

leave of the court, to be obtained on an application of which notice has been given to the Crown;

- (d) for excepting proceedings brought against the Crown from the operation of any rule of court providing for summary judgment without trial, and for enabling any such proceedings to be put in proper cases into any special list which may be kept for the trial of short causes in which leave to defend is given under any such rule of court as aforesaid;
- (e) for authorising the Crown to deliver interrogatories without the leave of a court in any proceedings whereby the Crown claims any right to hereditaments or an account and payment from defaulting officers or persons or corporations, so, however, that the Crown shall not be entitled to deliver any third or subsequent interrogatories in the same proceedings without the leave of the court;
- (f) for enabling evidence to be taken on commission in proceedings by or against the Crown;
- (g) for providing-
 - (i) that a person shall not be entitled to avail himself of any set-off or counterclaim in any proceedings by the Crown for the recovery of taxes, duties or penalties, or to avail himself in proceedings of any other nature by the Crown of any set-off or counterclaim arising out of a right or claim to repayment in respect of any taxes, duties or penalties;
 - (ii) that a person shall not be entitled without the leave of the court to avail himself of any set-off or counterclaim in any proceedings by the Crown if either the subject-matter of the set-off or counterclaim does not relate to the Govern-

ment department in the name of which the proceedings are brought or the proceedings are brought in the name of the Attorney General;

- (iii) that the Crown, when sued in the name of a Government department, shall not, without the leave of the court, be entitled to avail itself of any set-off or counterclaim if the subject-matter thereof does not relate to that department; and
- (iv) that the Crown, when sued in the name of the Attorney General, shall not be entitled to avail itself of any set-off or counterclaim without the leave of the court.

(3) Provision may be made by rules of court for regulating any appeals to the Supreme Court, whether by way of case stated or otherwise, under enactments relating to the revenue, and any rules made under this subsection may revoke any enactments or rules in force immediately before the commencement of this Act so far as they regulate any such appeals, and may make provision for any matters for which provision was made by any enactments or rules so in force.

Financial provisions.

35.-(1) Any expenditure incurred by or on behalf of the Crown in right of Her Majesty's Government in Belize by reason of the passing of this Act shall be defrayed out of moneys provided by the National Assembly.

(2) Any sums payable to the Crown in right of Her Majesty's Government in Belize by reason of the passing of this Act shall be paid into the Consolidated Revenue Fund.

Savings.

36.-(1) Nothing in this Act shall apply to proceedings by or against, or authorise proceedings in tort to be brought against, Her Majesty in Her private capacity.

(2) Except as therein otherwise expressly provided, nothing in this Act

shall-

- (a) affect the law relating to prize salvage, or apply to proceedings in causes or matters within the jurisdiction of the Supreme Court as a prize court or to any criminal proceedings; or
- (b) authorise proceedings to be taken against the Crown under or in accordance with this Act in respect of any alleged liability of the Crown arising otherwise than in respect of Her Majesty's Government in Belize, or affect proceedings against the Crown in respect of any such alleged liability as aforesaid; or
- (c) affect any proceedings by the Crown otherwise than in right of Her Majesty's Government in Belize; or
- (d) subject the Crown to any greater liabilities in respect of the acts or omissions of any independent contractor employed by the Crown than those to which the Crown would be subject in respect of such acts or omissions if it were a private person; or
- (e) subject the Crown, in its capacity as a highway authority, to any greater liability than that to which a local authority is subject in that capacity; or
- (f) affect any rules of evidence or any presumption relating to the extent to which the Crown is bound by any Act; or
- (g) affect any right of the Crown to demand a trial at bar or to control or otherwise intervene in proceedings affecting its rights, property or profits; or

- (h) affect any liability imposed on the Public Trustee or on the Consolidated Revenue Fund by any Act,

and, without prejudice to the general effect of the foregoing provisions, Part IV shall not apply to the Crown except in right of Her Majesty's Government in Belize.

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(3) A certificate of the Minister to the effect that-

- (a) any alleged liability of the Crown arises otherwise than in respect of Her Majesty's Government in Belize,
- (b) any proceedings by the Crown are proceedings otherwise than in right of Her Majesty's Government in Belize,

shall, for the purposes of this Act, be conclusive as to the matter so certified.

(4) Where any property vests in the Crown by virtue of any rule of law which operates independently of the acts or the intentions of the Crown, the Crown shall not by virtue of this Act be subject to any liabilities in tort by reason only of the property being so vested, but the provisions of this subsection shall be without prejudice to the liabilities of the Crown under this Act in respect of any period after the Crown or any person acting for the Crown has in fact taken possession or control of any such property, or entered into occupation thereof.

(5) This Act shall not operate to limit the discretion of the Supreme Court to grant relief by way of *mandamus* in cases in which such relief might have been granted before the commencement of this Act, notwithstanding that by reason of this Act some other and further remedy is available.