

TRINIDAD AND TOBAGO.

*Crown Suits.*

No. 9.—1913

*19th March.*

AN ORDINANCE to make provisions for actions by and against the Crown and as to the costs thereof.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

*8th April, 1913.*

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Crown Suits Ordinance, 1913. Short Title.

2. In this Ordinance, unless the context otherwise requires Interpretation.

“Claimant” means a person making against the Government of the Colony a claim which in England is preferred by petition, manifestation, or plea of right.

3. The provisions of this Ordinance, in so far as they relate to claims by the Crown, shall be in addition to and not in substitution for or in derogation from any privileges, rights and powers possessed at the time of the commencement of this Ordinance by the Crown in and about the enforcing of claims by the Crown. Provisions of this Ordinance to be cumulative.

Claims by the  
Crown.

4.—(1.) All claims by the Crown which by any Ordinance now in force are directed or permitted to be sued for, prosecuted or determined by information, action or suit, and all other claims of every kind whatsoever by the Crown against any private person may be commenced and enforced, subject to the express provisions of this Ordinance, 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.

(2.) The provisions of the preceding sub-section shall apply to claims which by any Ordinance are directed or permitted to be sued for or prosecuted by or in the name of any particular officer or person, or which arise under any contract of any kind or nature whatsoever purporting to be made by a private person with the King or the Governor or with any officer of a Public Department on behalf of the Crown or the Governor or Government of the Colony.

(3.) The provisions of Sub-section (1) hereof shall apply to a claim where proceedings to enforce the same have been commenced before a Magistrate and have under the provisions of any Ordinance been removed into the Supreme Court at the request of a defendant with a view to proceedings being carried on in the Supreme Court, and in order to confer jurisdiction on the Supreme Court it shall be sufficient to state such request on the back of any process or pleading to be issued in the course of such proceedings, in the words following:—

“ On the requisition of the defendant, who prefers a trial by the Supreme Court to a trial before a Magistrate ”;

and such endorsement signed by the Crown Solicitor shall be evidence to the Court of the same.

Claims against  
the Crown.

5. Any claims against the Crown made by a claimant may, with the consent of the Governor, be brought in the Supreme Court, in a suit instituted by the claimant as plaintiff against the Attorney-General as defendant, or such other officer as the Governor may, from time to time, designate for the purpose.

How action  
commenced.

6 The claimant shall not issue a writ of summons, but the action shall be commenced by the filing of a statement

of claim (with an address for service thereon) in the Supreme Court, and the delivery of a copy thereof at the Office of the Attorney-General or other officer designated as aforesaid.

7. The Registrar of the Supreme Court shall forthwith transmit the statement of claim to the Colonial Secretary, and the same shall be laid before the Governor. In case the Governor shall grant his consent as aforesaid, the statement of claim shall be returned to the Supreme Court, with the *fiat* of the Governor endorsed thereon, and the claim shall be prosecuted in the said Court. *Fiats of Governor.*

8. All documents which, in a suit of the same nature between private parties, would be required to be served upon the defendant, shall be delivered at the Office of the Attorney-General or other officer designated as aforesaid. *Service of documents.*

9. Whenever in any action a judgment or order shall be given or made against the Government, no execution shall issue thereon, but a copy of such judgment or order under the seal of the Court, shall be transmitted by the Registrar to the Governor, who, if the judgment or order shall be for the payment of money, shall by warrant under his hand direct the amount awarded by such judgment or order to be paid, and in case of any other judgment or order shall take such measures as may be necessary to cause the same to be carried into effect. *Judgment and proceedings thereon.*

10. Any judgment or order given or made as aforesaid shall be subject to appeal in the same manner as if it had been given or made in an action between private parties. *Appeal.*

11. So far as the same may be applicable, and except in so far as may be inconsistent with this Ordinance, all the powers, authorities and provisions contained in the Judicature Ordinance, No. 34, or in any enactment extending or amending the same, and any Rules of Court made under the authority of the same, and the practice and course of procedure of the Supreme Court, shall extend and apply to all actions and proceedings by or against the Government. *Procedure.*

Passed in Council this Nineteenth day of March, in the year of Our Lord one thousand nine hundred and thirteen.

ALFRED TAITT,  
*Acting Clerk of the Council.*

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