

CROWN SUITS.

3° Elizabeth II., No. XXII.

No. 22 of 1954.

AN ACT to amend the Crown Suits Act, 1947.

[Assented to 7th October, 1954.]

BE it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Crown Suits Act Amendment Act, 1954.*

Short title
and citation.

(2) In this Act the Crown Suits Act, 1947, Act No. 11 of 1947, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Crown Suits Act, 1947-1954.

S. 6 repealed
and
re-enacted.

2. Section six of the principal Act is repealed and re-enacted as follows:—

6. (1) Subject to the provisions of subsections (2) and (3) of this section, no right of action lies against the Crown unless—

- (a) the party proposing to take action gives to the Crown Solicitor, as soon as practicable or within three months (whichever of such periods is the longer), after the cause of action accrues, notice in writing giving reasonable information of the circumstances upon which the proposed action will be based and the name and address of the party and his solicitor or agent; and
- (b) the action is commenced before the expiration of one year from the date on which the cause of action accrued,

and for the purposes of this section where the act, neglect, or default on which the proposed action is based is a continuing one, no cause of action in respect of the act, neglect or default accrues until the act, neglect or default has ceased but the notice required by paragraph (a) of this subsection may be given and an action may thereafter be brought while the act, neglect or default continues.

(2) The Attorney General may on behalf of the Crown consent in writing to the bringing of an action against the Crown at any time before the expiration of six years from the date on which the cause of action accrued whether or not the notice as required by subsection (1) of this section has been given.

(3) (a) Notwithstanding the foregoing provisions of this section application may be made to the Court having jurisdiction to hear the action when the application is granted for leave to bring an action at any time before the expiration of six years from the date on which the

cause of action accrued, whether or not notice as required by subsection (1) of this section has been given to the Crown.

(b) Where the Court considers that the failure to give the notice or the delay in bringing the action as the case may be, was occasioned by mistake or by any other reasonable cause or that the Crown is not materially prejudiced in its defence or otherwise by the failure or delay, it may if it is just to do so, grant leave accordingly subject to such conditions as it thinks it is just to impose.

(c) Before an application is made under the provisions of paragraph (a) of this subsection the party intending to make the application shall give notice in writing of the proposed application and the grounds on which it is to be made to the Crown Solicitor, at least fourteen days before the application is made.
