



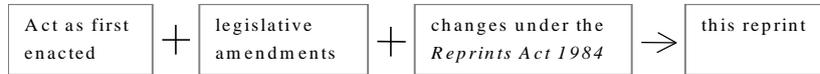
Western Australia

Crown Suits Act 1947

Reprint 3: The Act as at 31 October 2014

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).
Notes of this kind may also be at the foot of Schedules or headings.
2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 31 October 2014

Western Australia

Crown Suits Act 1947

Contents

1.	Short title	1
3.	Term used: Crown	1
4.	Application of this Act	1
5.	Crown to sue and be sued as subject	1
7.	Statutory rights preserved where already given	2
8.	Joinder of Crown in proceedings between subject and subject	2
9.	Same process available to Crown and subject	3
10.	Method of recovering judgment against Crown	3
11.	Writs of extent and <i>capias ad satisfaciendum</i> abolished	3
12.	Rules of Court	3

Notes

	Compilation table	4
--	-------------------	---

Defined terms



Reprinted under the
Reprints Act 1984 as
at 31 October 2014

Western Australia

Crown Suits Act 1947

An Act to repeal the *Crown Suits Act 1898*², and to make better provision for suits by and against the Crown and for other purposes relative thereto and to the constitutional powers of the Crown.

1. Short title

This Act may be cited as the *Crown Suits Act 1947*¹.

[2. *Omitted under the Reprints Act 1984 s. 7(4)(f).*]

3. Term used: Crown

In this Act, the term **Crown** means the Crown in right of the Government of Western Australia.

4. Application of this Act

This Act shall apply to any cause of action which accrues after the commencement of this Act¹.

5. Crown to sue and be sued as subject

- (1) Subject to this Act, the Crown may sue and be sued in any court or otherwise competent jurisdiction in the same manner as a subject.
- (2) Every proceeding shall be taken by or against the Crown under the title “the State of Western Australia”.

[6. Deleted by No. 20 of 2005 s. 8(1).]

7. Statutory rights preserved where already given

Nothing in this Act shall affect —

- (a) the rights or liabilities of any corporate body or instrumentality of the Crown created by any Act of Parliament;
- (b) any right of action which is conferred on the subject by any Act of Parliament against any corporate body or instrumentality of the Crown or any official or person nominated as a defendant on behalf of the Crown;
- (c) any right or liability by law or custom established of Her Majesty's Attorney General to sue or be sued on behalf of the Crown.

8. Joinder of Crown in proceedings between subject and subject

- (1) When in any action, cause or proceeding between litigants in any civil court in Western Australia in which the Crown is not a party it appears to the court that the constitutional rights of the Crown may be directly or indirectly affected, or any question arises as to the constitutional validity of any Act of Parliament of the State, the Crown may obtain leave by its Attorney General to intervene, or the court may order that the Crown be joined as a party.
- (2) Where any such question arises in any civil court, except the Supreme Court, the Supreme Court or a judge thereof may, on the application of a party or of the Attorney General, remove the proceedings into the Supreme Court for trial and determination.
- (3) Every such intervention or joinder or removal shall be on such terms and conditions as the court shall deem just.
- (4) In this section *Act of Parliament* includes an ordinance passed before the grant of responsible government to the State.

9. Same process available to Crown and subject

Subject to this Act, the same process shall be available both to the Crown and to the subject for the determination and enforcement of claims in Her Majesty's civil courts.

10. Method of recovering judgment against Crown

- (1) No execution or other process in the nature of execution shall be issued out of any court against the Crown, but after any judgment has been given against the Crown the registrar of the Supreme Court shall give to the party in whose favour the judgment is given a certificate of such judgment in the prescribed form and sealed with the seal of the Supreme Court.
- (2) On the receipt of such certificate the Governor shall cause to be charged to the Consolidated Account the amount of such judgment and costs to the person entitled to recover the same.

[Section 10 amended by No. 6 of 1993 s. 11; No. 49 of 1996 s. 64; No. 77 of 2006 s. 4.]

11. Writs of extent and *capias ad satisfaciendum* abolished

The writ of extent and the writ of *capias ad satisfaciendum* shall no longer be available at the instance of the Crown for the recovery of debts and judgments and the same are hereby abolished.

12. Rules of Court

The judges of the Supreme Court or any 2 of them may make rules governing practice or procedure which in their opinion requires to be specially prescribed for the purpose hereof, and subject thereto the rules of the Supreme Court or of any competent court in which an action is brought by or against the Crown shall apply as far as applicable to the practice and procedure to be observed in such action.



Notes

¹ This reprint is a compilation as at 31 October 2014 of the *Crown Suits Act 1947* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Crown Suits Act 1947</i>	11 of 1947 (11 Geo. VI No. 11)	1 Nov 1947	1 Nov 1947
<i>Crown Suits Act Amendment Act 1954</i>	22 of 1954 (3 Eliz. II No. 22)	7 Oct 1954	7 Oct 1954
Reprint of the <i>Crown Suits Act 1947</i> approved 14 Apr 1971 (includes amendments listed above)			
<i>Acts Amendment (Asbestos Related Diseases) Act 1983 Pt. III</i>	84 of 1983	22 Dec 1983	19 Jan 1984 (see s. 2)
<i>Financial Administration Legislation Amendment Act 1993 s. 11</i>	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Financial Legislation Amendment Act 1996 s. 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
Reprint 2: The <i>Crown Suits Act 1947</i> as at 9 May 2003 (includes amendments listed above)			
<i>Acts Amendment and Repeal (Courts and Legal Practice) Act 2003 s. 90</i>	65 of 2003	4 Dec 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5722)
<i>Limitation Legislation Amendment and Repeal Act 2005 Pt. 4³</i>	20 of 2005	15 Nov 2005	15 Nov 2005 (see s. 2(1))
<i>Financial Legislation Amendment and Repeal Act 2006 s. 4</i>	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
Reprint 3: The <i>Crown Suits Act 1947</i> as at 31 Oct 2014 (includes amendments listed above)			

² The provision in this Act repealing that Act has been omitted from this reprint under the *Reprints Act 1984* s. 7(4)(f).

³ The *Limitation Legislation Amendment and Repeal Act 2005* s. 8(2) reads as follows:

- (2) The *Crown Suits Act 1947* section 6, as it was immediately before commencement day, continues to apply to causes of action that accrued before commencement day as if subsection (1) had not been enacted.

Defined terms

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
Act of Parliament	8(4)
Crown.....	3