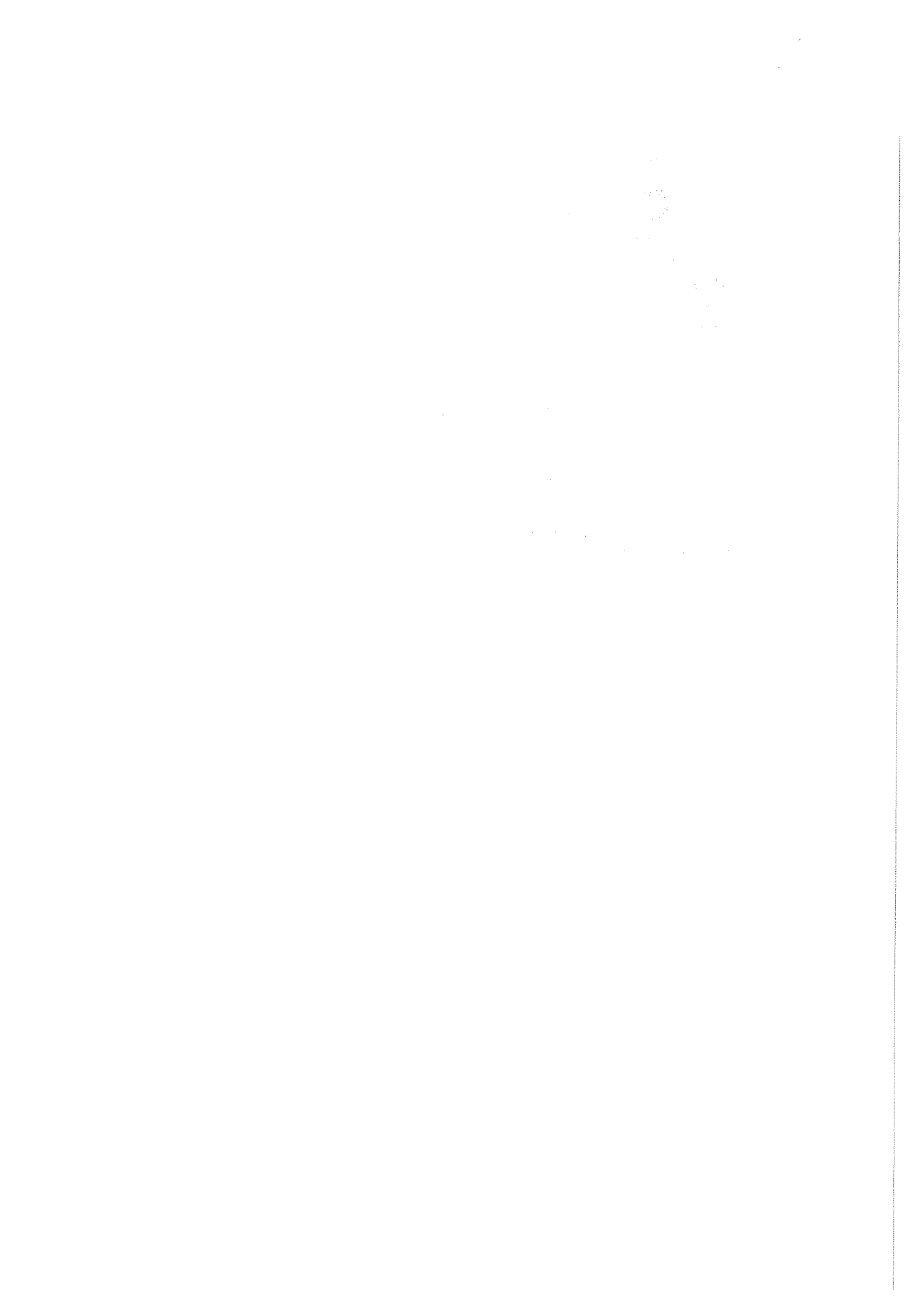




**THE CROWN PROCEEDINGS
(AMENDMENT) BILL 2003**





**THE CROWN PROCEEDINGS (AMENDMENT)
BILL 2003**

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BILL

Entitled

AN ACT To Amend the Crown Proceedings Act. Cap. 8.

ENACTED by the National Parliament of Solomon Islands.

Short Title

1. This Act may be cited as the Crown Proceedings (Amendment) Act 2003.

Amendment of section 33 of Cap 8.

2. Section 33(2) of the Crown Proceedings Act (hereinafter referred to as the "principal Act") is hereby amended by deleting paragraph "(f)" thereof.

Insertion of new section 32A

3. The principal Act is hereby amended by inserting immediately after section 32 the following as section 32A thereof -

“Counter-claim and set-off 32A. (1) Nothing in this Act or any other law entitle any person -

(a) 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;

(b) 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 Government department in the name of which the proceedings are brought or the proceedings are brought in the name of the Attorney-General;

(c) where the Crown, when sued in the name of a Government department, without the leave of the court, to avail itself of any set-off or counterclaim if the subject-matter does not relate to that department; and

(d) where the Crown, when sued in the name of the Attorney-General, to avail itself of any set-off or counter claim without the leave of the court.".

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Objects and Reasons

The present provisions of the Crown Proceedings Act enables rules of Court to be made, to give effect to certain provisions of the Act. The present Act is based on the U.K. Crown Proceedings Act.

Section 33 provides inter-alia, for rules to be made to prevent any set-off or counterclaim in any proceedings in respect of any taxes, duties or penalties due to the Crown. No rules to give effect to this provision has been made to date.

It is, therefore, considered appropriate that in order to protect Government revenue in the form of taxes, duties and penalties specific provision be made in the principal Act.

MINISTER OF JUSTICE & LEGAL AFFAIRS

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