

Mr. Guinness.

CROWN SUITS AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Short Title.</p> <p>2. Time-limit for suing extended.</p> <p>3. Jurisdiction given to bring suits in District and Magistrates' Courts.</p>	<p>4. Enlarging liability of Crown.</p> <p>5. Repeal of section 38 of principal Act.</p> <p>6. Plaintiff may be ordered to give security to Crown for costs.</p> <p>7. Production at trial of confidential State documents.</p> <p>8. Costs shall be awarded to successful litigant.</p>
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A BILL INTITULED

AN ACT to facilitate the Bringing and Trial of Suits against the Crown and Minister for Railways, and for the Trial and Determination of Criminal Cases in which the Crown or any Officer thereof is a Party. Title.

WHEREAS it is necessary to remove some of the restrictions which now exist against commencing, hearing, and trying informations, complaints, and actions laid or commenced by any of His Majesty's loyal subjects against His Majesty the King in New Zealand, or against His Majesty's Minister for Railways in New Zealand: And whereas on the hearing or trial of all informations, complaints, and actions laid or commenced by or on behalf of His Majesty the King in New Zealand in civil, criminal, or quasi-criminal proceedings it is the practice of the Court, Judge, Magistrate, and Justices of the Peace hearing, trying, and deciding such informations, complaints, and actions to refuse to allow or grant to the successful suppliant, respondent, or defendant the costs incurred in laying, prosecuting, or defending such information, complaint, or action: And whereas it is desirable that it should be declared and enacted by the General Assembly of New Zealand that full authority should be granted to the Court, Judge, Magistrate, or Justices hearing, trying, or deciding every information, complaint, or action to award and allow full costs to the successful suppliant, respondent, or defendant in every such information, complaint, or action against His Majesty the King in New Zealand, or against every person acting for or on behalf of His Majesty, or against the Minister for Railways: Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Crown Suits Act Amendment Act, 1905." Short Title.

Time-limit for
suing extended.

2. Notwithstanding anything in "The Crown Suits Act, 1881" (hereinafter called "the principal Act"), and "The Government Railways Act, 1900," the time within which any petition for any cause of action against the Crown shall be filed or any action brought against the Minister for Railways shall be and the same is hereby declared to be within three years after the claim or demand has arisen. 5

Jurisdiction given
to bring suits in
District and
Magistrates'
Courts.

3. Where any person has any claim or demand which is within the jurisdiction of any District Court, Warden's Court, or Magistrate's Court, he may commence a suit or action in either of such Courts as he thinks fit, and such claim or demand shall be heard and determined in the Court in which the suit or action is commenced in like manner in all respects as in suits between subject and subject, and, so far as applicable, the provisions of Part II. of the principal Act shall apply to such suits. 10 15

Enlarging liability
of Crown.

4. Section thirty-seven of the principal Act is amended by repealing, in subsection two thereof, the words "in, upon, or in connection with a public work as hereinafter defined."

Repeal of section 38
of principal Act.

5. Section thirty-eight of the principal Act is hereby repealed.

Plaintiff may be
ordered to give
security to Crown
for costs.

6. In an action against the Crown or the Minister for Railways it shall be lawful for the Crown to apply to the Judge, Warden, or Magistrate of the Court in which the action is brought for an order directing that the suppliant or plaintiff shall give security for the costs of the Crown for such amount as the Judge, Warden, or Magistrate shall decide, and all further proceedings in such action shall be stayed until the security is given. 20 25

Production at trial
of confidential
State documents.

7. (1.) At the trial, or hearing of an action, or other proceeding against the Crown or the Minister for Railways, no objection shall be made or allowed to the production of any letter, report, instruction in writing or in print, or partly in writing or partly in print, written, sent, or received by the Minister for Railways, or any officer, clerk, or other employee in the Railway service of New Zealand. 30

(2.) Should any claim be made that any such letter, report, or instruction in writing or print is a confidential State document, the officer, party, or witness making such claim shall produce such document to the Judge, Warden, or Magistrate of the Court, who, after perusing the same, shall decide whether it shall be produced in evidence. 35

Costs shall be
awarded to
successful litigant.

8. It is hereby declared and enacted that every Court, Judge, Magistrate, and Justice shall (unless in its or his opinion good grounds exist for refusing costs) award and allow costs to every successful suppliant, respondent, or defendant, upon the hearing or trial of every information, complaint, or action laid or commenced by or against His Majesty the King in New Zealand, or by and against any officer or person acting for or on his behalf, or against the Minister for Railways. 40 45