



Crown Proceedings Act 1947

1947 CHAPTER 44 10 and 11 Geo 6

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

28 Discovery.

- (1) Subject to and in accordance with rules of court ^{F1}...:—
- (a) in any civil proceedings in the High Court or [^{F2}the county court] to which the Crown is a party, the Crown may be required by the court to make discovery of documents and produce documents for inspection; and
 - (b) in any such proceedings as aforesaid, the Crown may be required by the court to answer interrogatories:

Provided that this section shall be without prejudice to any rule of law which authorises or requires the withholding of any document or the refusal to answer any question on the ground that the disclosure of the document or the answering of the question would be injurious to the public interest.

Any order of the court made under the powers conferred by paragraph (b) of this subsection shall direct by what officer of the Crown the interrogatories are to be answered.

- (2) Without prejudice to the proviso to the preceding subsection, any rules made for the purposes of this section shall be such as to secure that the existence of a document will not be disclosed if, in the opinion of a Minister of the Crown, it would be injurious to the public interest to disclose the existence thereof.

Textual Amendments

- F1** Words in s. 28(1) repealed (1.10.2005) by [The Civil Procedure \(Modification of Crown Proceedings Act 1947\) Order 2005 \(S.I. 2005/2712\)](#), art. 2, [Sch. 1 para. 1](#) (with art. 4)

Changes to legislation: There are currently no known outstanding effects for the Crown Proceedings Act 1947, Cross Heading: Miscellaneous. (See end of Document for details)

F2 Words in Act substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 20\(a\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Modifications etc. (not altering text)

C1 Ss. 21-42 excluded (S.) (18.4.2016) by [The Utilities Contracts \(Scotland\) Regulations 2016 \(S.S.I. 2016/49\)](#), regs. 1, **103(8)**

29 Exclusion of proceedings in rem against the Crown.

- (1) Nothing in this Act shall authorise proceedings in rem in respect of any claim against the Crown, or the arrest, detention or sale of any of His Majesty’s ships or aircraft, or of any cargo or other property belonging to the Crown, or give to any person any lien on any such ship, aircraft, cargo or other property.
- (2) Where proceedings in rem have been instituted in the High Court or in [^{F2}the county court] against any such ship, aircraft, cargo or other property, the court may, if satisfied, either on an application by the plaintiff for an order under this subsection or an application by the Crown to set aside the proceedings, that the proceedings were so instituted by the plaintiff in the reasonable belief that the ship, aircraft, cargo or other property did not belong to the Crown, order that the proceedings shall be treated as if they were in personam duly instituted against the Crown in accordance with the provisions of this Act, or duly instituted against any other person whom the court regards as the proper person to be sued in the circumstances, and that the proceedings shall continue accordingly.

Any such order may be made upon such terms, if any, as the court thinks just; and where the court makes any such order it may make such consequential orders as the court thinks expedient.

Textual Amendments

F2 Words in Act substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 20\(a\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Modifications etc. (not altering text)

C1 Ss. 21-42 excluded (S.) (18.4.2016) by [The Utilities Contracts \(Scotland\) Regulations 2016 \(S.S.I. 2016/49\)](#), regs. 1, **103(8)**

C2 S. 29 extended to hovercraft by [S.I. 1972/971, art. 4, Sch. 1 Pt. A](#)

F3 30

Textual Amendments

F3 S. 30 repealed (1.1.1996) by [1995 c. 21, ss. 314\(1\), 316\(2\), Sch. 12](#) (with [s. 312\(1\), Sch. 14 para. 1](#))

Modifications etc. (not altering text)

C1 Ss. 21-42 excluded (S.) (18.4.2016) by [The Utilities Contracts \(Scotland\) Regulations 2016 \(S.S.I. 2016/49\)](#), regs. 1, **103(8)**

Changes to legislation: There are currently no known outstanding effects for the Crown Proceedings Act 1947, Cross Heading: Miscellaneous. (See end of Document for details)

31 Application to the Crown of certain statutory provisions.

- (1) This Act shall not prejudice the right of the Crown to take advantage of the provisions of an Act of Parliament although not named therein; and it is hereby declared that in any civil proceedings against the Crown the provisions of any Act of Parliament which could, if the proceedings were between subjects, be relied upon by the defendant as a defence to the proceedings, whether in whole or in part, or otherwise, may, subject to any express provision to the contrary, be so relied upon by the Crown.
- (2) Section six of the ^{M1}Debtors Act 1869 (which empowers the court in certain circumstances to order the arrest of a defendant about to quit England) shall, with any necessary modifications, apply to civil proceedings in the High Court by the Crown.

Modifications etc. (not altering text)

C1 Ss. 21-42 excluded (S.) (18.4.2016) by [The Utilities Contracts \(Scotland\) Regulations 2016 \(S.S.I. 2016/49\)](#), regs. 1, **103(8)**

Marginal Citations

M1 1869 c. 62.

32 No abatement on demise of Crown.

No claim by or against the Crown, and no proceedings for the enforcement of any such claim, shall abate or be affected by the demise of the Crown.

Modifications etc. (not altering text)

C1 Ss. 21-42 excluded (S.) (18.4.2016) by [The Utilities Contracts \(Scotland\) Regulations 2016 \(S.S.I. 2016/49\)](#), regs. 1, **103(8)**

33 Abolition of certain writs.

No writ of extent or of diem clausit extremum shall issue after the commencement of this Act.

Modifications etc. (not altering text)

C1 Ss. 21-42 excluded (S.) (18.4.2016) by [The Utilities Contracts \(Scotland\) Regulations 2016 \(S.S.I. 2016/49\)](#), regs. 1, **103(8)**

34 F4

Textual Amendments

F4 S. 34 repealed by [Administration of Justice Act 1977 \(c. 38\)](#), **Sch. 5 Pt. V**

Changes to legislation: There are currently no known outstanding effects for the Crown Proceedings Act 1947, Cross Heading: Miscellaneous. (See end of Document for details)

Modifications etc. (not altering text)

C1 Ss. 21-42 excluded (S.) (18.4.2016) by [The Utilities Contracts \(Scotland\) Regulations 2016 \(S.S.I. 2016/49\)](#), regs. 1, **103(8)**

Changes to legislation:

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