

Right Hon. Sir J. G. Ward.

CROWN SUITS AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. No claims against the Crown except as provided by this Act.</p> <p>3. What claims will lie against the Crown.</p> <p>4. What claims will not lie against the Crown.</p> <p>5. Certain persons not to be deemed servants of the Crown.</p> | <p>6. Deaths by Accidents Compensation Act to bind the Crown.</p> <p>7. How far other Acts bind the Crown.</p> <p>8. No claim for damages when the Crown is liable to pay compensation under the Workers' Compensation Act.</p> <p>9. Trial by jury excluded.</p> <p>10. Miscellaneous amendments. Schedule.</p> |
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A BILL INTITULED

AN ACT to amend the Crown Suits Act, 1908.

Title.

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

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| <p>1. This Act may be cited as the Crown Suits Amendment Act, 1910, and shall be read together with and be deemed to form part of Part II of the Crown Suits Act, 1908 (hereinafter referred to as the principal Act).</p> <p>2. No claim or demand shall be made under Part II of the principal Act against His Majesty except in respect of the causes of action hereinafter mentioned, and in accordance with the provisions hereinafter contained.</p> <p>3. Subject to the provisions hereinafter or in the principal Act contained, a claim or demand may be made against His Majesty by a petition under Part II of the principal Act in respect of the following causes of action:—</p> <p>(a.) The breach of any contract, express or implied :</p> <p>(b.) Any cause of action in respect of which a petition of right will lie against His Majesty at common law :</p> <p>(c.) Any wrong or injury which is independent of contract and for which an action for damages would lie if the defendant was a subject of His Majesty.</p> <p>4. Notwithstanding anything in the last preceding section, no claim or demand shall be made against His Majesty in respect of any of the following causes of action:—</p> <p>(a.) Assault, false imprisonment, malicious prosecution, or erroneous judicial process :</p> <p>(b.) Libel or slander :</p> <p>(c.) Any cause of action in which malicious motive is an essential element.</p> | <p>Short Title.</p> <p>No claims against the Crown except as provided by this Act</p> <p>What claims will lie against the Crown.</p> <p>What claims will not lie against the Crown.</p> |
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Certain persons not to be deemed servants of the Crown.

5. (1.) For the purpose of determining the existence of a cause of action against His Majesty under this Act, none of the following persons shall be deemed to be servants of His Majesty within the meaning of the law relating to employers' liability:—

(a.) The Governor: 5

(b.) Any Judge, Magistrate, Justice of the Peace, or other judicial officer:

(c.) Any member of the Defence Forces.

(2.) This section shall not be so construed as to create between His Majesty and any other person the relation of employer and 10 servant in any circumstances in which that relation would not exist in the case of subjects of His Majesty.

Deaths by Accidents Compensation Act to bind the Crown.

6. The Deaths by Accidents Compensation Act, 1908, shall be so construed as to bind the Crown.

How far other Acts bind the Crown.

7. Save so far as otherwise expressly provided, this Act shall 15 not be so construed as to make any Act binding upon the Crown which would not otherwise be so binding.

No claim for damages when the Crown is liable to pay compensation under the Workers' Compensation Act.

8. No claim or demand shall be made by any person whomsoever against His Majesty under this Act in respect of the death or injury of any person, if any liability to pay compensation in respect of that 20 death or injury is imposed upon His Majesty by the Workers' Compensation Act, 1908.

Trial by jury excluded.

9. No claim or demand against His Majesty under this Act shall be tried before a jury.

Miscellaneous amendments.

10. The Acts mentioned in the Schedule hereto are hereby 25 amended in manner indicated in that Schedule.

Schedule.

### SCHEDULE.

Enactments amended.	Nature and extent of amendment.
The Crown Suits Act, 1908.— Section 35	By repealing this section.
The Government Railways Act, 1908.— Section 12, paragraphs (d), (e), and (g), and subparagraph (ii) of paragraph (f)	By omitting the word "Minister," and in each case substituting the word "Crown."
Section 12, paragraphs (h), (i), and (j)	By repealing these paragraphs.