

Crown Proceedings (Amendment) Act 2003

SOLOMON ISLANDS

THE CROWN PROCEEDINGS (AMENDMENT) ACT 2003 (NO. 3 OF 2003)

Passed by the National Parliament this fifteenth day of July 2003.

Assented to in Her Majesty's name and on Her Majesty's behalf this nineteenth day of August 2003.

Date of commencement. date of publication in the Gazette.

No. 3 of 2003

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 -

"Counterclaim and set-off

32A. (1) Nothing in this Act or any other law shall 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, penalties, or avail himself in proceedings of any other nature by the Crown of any set-off or counterclaim arising out of a right 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 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 Government department, without leave of the court, to avail itself to any to set-off or counter claim 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 counterclaim without the leave of the court."
