



# Crown Proceedings Act 1947

1947 CHAPTER 44 10 and 11 Geo 6

## PART I

### SUBSTANTIVE LAW

#### [<sup>F1</sup>10] Provisions relating to the armed forces.

(1) Nothing done or omitted to be done by a member of the armed forces of the Crown while on duty as such shall subject either him or the Crown to liability in tort for causing the death of another person, or for causing personal injury to another person, in so far as the death or personal injury is due to anything suffered by that other person while he is a member of the armed forces of the Crown if—

- (a) at the time when that thing is suffered by that other person, he is either on duty as a member of the armed forces of the Crown or is, though not on duty as such, on any land, premises, ship, aircraft, or vehicle for the time being used for the purposes of the armed forces of the Crown; and
- (b) the [<sup>F2</sup>Secretary of State] certifies that his suffering that thing has been or will be treated as attributable to service for the purposes of entitlement to an award under the Royal Warrant, Order in Council or Order of His Majesty relating to the disablement or death of members of the force of which he is a member:

Provided that this subsection shall not exempt a member of the said forces from liability in tort in any case in which the court is satisfied that the act or omission was not connected with the execution of his duties as a member of those forces.

(2) No proceedings in tort shall lie against the Crown for death or personal injury due to anything suffered by a member of the armed forces of the Crown if—

- (a) that thing is suffered by him in consequence of the nature or condition of any such land, premises, ship, aircraft or vehicle as aforesaid, or in consequence of the nature or condition of any equipment or supplies used for the purposes of those forces; and
- (b) the [<sup>F2</sup>Secretary of State] certifies as mentioned in the preceding subsection;

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*Changes to legislation: There are currently no known outstanding effects for the Crown Proceedings Act 1947, Section 10. (See end of Document for details)*

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nor shall any act or omission of an officer of the Crown subject him to liability in tort for death or personal injury, in so far as the death or personal injury is due to anything suffered by a member of the armed forces of the Crown being a thing as to which the conditions aforesaid are satisfied.

- (3) . . . <sup>F3</sup> a Secretary of State, if satisfied that it is the fact:—
- (a) that a person was or was not on any particular occasion on duty as a member of the armed forces of the Crown; or
  - (b) that at any particular time any land, premises, ship, aircraft, vehicle, equipment or supplies was or was not, or were or were not, used for the purposes of the said forces;

may issue a certificate certifying that to be the fact; and any such certificate shall, for the purposes of this section, be conclusive as to the fact which it certifies.]

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**Textual Amendments**

- F1** S.10 repealed by [Crown Proceedings \(Armed Forces\) Act 1987 \(c. 25, SIF 39A\), s. 1](#), (subject to s.2 of that Act which confers power to revive s. 10 of the 1947 Act and to s. 5(2))
- F2** Words substituted by virtue of S.I.953/1198(1953 I, p.1228) art.4(4); [Ministry of Social Security Act 1966 \(c. 20\), s. 2\(3\)](#) and [S.I. 1968/1699, art. 5\(4\)](#)
- F3** Words repealed regards certificates issued before 1.4.1964 by [S.I. 1964/488, Sch. 1 Pt. II](#)
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**Modifications etc. (not altering text)**

- C1** S. 10 extended by [Civil Defence \(Armed Forces\) Act 1954 \(c. 66\), s. 1\(3\)](#)
- C2** S. 10 extended to hovercraft by [S.I. 1972/971, art. 4, Sch. 1 Pt. A](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Crown Proceedings Act 1947, Section 10.