



Crown Proceedings Act 1947

1947 CHAPTER 44 10 and 11 Geo 6

PART I

SUBSTANTIVE LAW

2 Liability of the Crown in tort.

- (1) Subject to the provisions of this Act, the Crown shall be subject to all those liabilities in tort to which, if it were a private person of full age and capacity, it would be subject:—
- in respect of torts committed by its servants or agents;
 - in respect of any breach of those duties which a person owes to his servants or agents at common law by reason of being their employer; and
 - in respect of any breach of the duties attaching at common law to the ownership, occupation, possession or control of property:

Provided that no proceedings shall lie against the Crown by virtue of paragraph (a) of this subsection in respect of any act or omission of a servant or agent of the Crown unless the act or omission would apart from the provisions of this Act have given rise to a cause of action in tort against that servant or agent or his estate.

- (2) Where the Crown is bound by a statutory duty which is binding also upon persons other than the Crown and its officers, then, subject to the provisions of this Act, the Crown shall, in respect of a failure to comply with that duty, be subject to all those liabilities in tort (if any) to which it would be so subject if it were a private person of full age and capacity.
- (3) Where any functions are conferred or imposed upon an officer of the Crown as such either by any rule of the common law or by statute, and that officer commits a tort while performing or purporting to perform those functions, the liabilities of the Crown in respect of the tort shall be such as they would have been if those functions had been conferred or imposed solely by virtue of instructions lawfully given by the Crown.
- (4) Any enactment which negatives or limits the amount of the liability of any Government department [FT, part of the Scottish Administration] or officer of the

Changes to legislation: Crown Proceedings Act 1947, Section 2 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Crown in respect of any tort committed by that department [F1, part] or officer shall, in the case of proceedings against the Crown under this section in respect of a tort committed by that department [F1, part] or officer, apply in relation to the Crown as it would have applied in relation to that department [F1, part] or officer if the proceedings against the Crown had been proceedings against that department [F1, part] or officer.

- (5) No proceedings shall lie against the Crown by virtue of this section in respect of anything done or omitted to be done by any person while discharging or purporting to discharge any responsibilities of a judicial nature vested in him, or any responsibilities which he has in connection with the execution of judicial process.
- (6) No proceedings shall lie against the Crown by virtue of this section in respect of any act, neglect or default of any officer of the Crown, unless that officer has been directly or indirectly appointed by the Crown and was at the material time paid in respect of his duties as an officer of the Crown wholly out of the Consolidated Fund of the United Kingdom, moneys provided by Parliament [F2the Scottish Consolidated Fund],. . . F3 or any other Fund certified by the Treasury for the purposes of this subsection or was at the material time holding an office in respect of which the Treasury certify that the holder thereof would normally be so paid.

Textual Amendments

- F1** Words in s. 2(4) inserted (20.5.1999) by S.I. 1999/1042, arts. 1(2)(b), 4, **Sch. 2**, Pt. I para. 4(2); S.I. 1998/3178, art. 2(2), **Sch. 4**
- F2** WOrds in s. 2(6) substituted (1.7.1999) by S.I 1999/1820, arts. 1(2), 4, Sch. 2, Pt. I para. 21; S.I. 1998/3178, **art. 1(2)**
- F3** Words in s. 2(6) repealed by **Statute Law (repeals) Act 1981 (c.19), Sch. 1 Pt. I**
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Modifications etc. (not altering text)

- C1** S. 2 applied by **Occupiers' Liability Act 1957 (c. 31), s. 6** and **Occupiers' Liability (Scotland) Act 1960 (c. 30), s. 4**

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Changes and effects yet to be applied to :

- s. 2(2) excluded by [2023 c. 54 s. 100\(8\)](#)