



Crown Proceedings Act 1947

1947 CHAPTER 44 10 and 11 Geo 6

PART II

JURISDICTION AND PROCEDURE

General

23 Scope of Part II.

- (1) Subject to the provisions of this section, any reference in this Part of this Act to civil proceedings by the Crown shall be construed as a reference to the following proceedings only:—
- (a) proceedings for the enforcement or vindication of any right or the obtaining of any relief which, if this Act had not been passed, might have been enforced or vindicated or obtained by any such proceedings as are mentioned in paragraph 1 of the First Schedule to this Act;
 - (b) proceedings for the enforcement or vindication of any right or the obtaining of any relief which, if this Act had not been passed, might have been enforced or vindicated or obtained by an action at the suit of any Government department or any officer of the Crown as such;
 - (c) all such proceedings as the Crown is entitled to bring by virtue of this Act; and the expression “civil proceedings by or against the Crown” shall be construed accordingly.
- (2) Subject to the provisions of this section, any reference in this Part of this Act to civil proceedings against the Crown shall be construed as a reference to the following proceedings only:—
- (a) proceedings for the enforcement or vindication of any right or the obtaining of any relief which, if this Act had not been passed, might have been enforced or vindicated or obtained by any such proceedings as are mentioned in paragraph 2 of the First Schedule to this Act;
 - (b) proceedings for the enforcement or vindication of any right or the obtaining of any relief which, if this Act had not been passed, might have been enforced

Changes to legislation: There are currently no known outstanding effects for the Crown Proceedings Act 1947, Section 23. (See end of Document for details)

or vindicated or obtained by an action against the Attorney General, any Government department, or any officer of the Crown as such; and

- (c) all such proceedings as any person is entitled to bring against the Crown by virtue of this Act;

and the expression “civil proceedings by or against the Crown” shall be construed accordingly.

- (3) Notwithstanding anything in the preceding provisions of this section, the provisions of this Part of this Act shall not have effect with respect to any of the following proceedings, that is to say:—

- (a) proceedings brought by the Attorney General on the relation of some other person;
- (b) proceedings by or against the Public Trustee;
- (c) proceedings by or against the [^{F1}Charity Commission]^{F1};
- (d) . . . ^{F2}
- (e) . . . ^{F3}
- (f) proceedings by or against the Registrar of the Land Registry or any officers of that registry.

- (4) Subject to the provisions of any Order in Council made under the provisions hereinafter contained, this part of this Act shall not affect proceedings initiated in any court other than the High Court or [^{F4}the county court] .

Textual Amendments

- F1** Words in s. 23(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), ss. 75, 79, {Sch. 8 para. 32}; [S.I. 2007/309](#), [art. 2](#), Sch.
- F2** S. 23(3)(d) repealed by [Charities Act 1960 \(c. 58\)](#), [Sch. 7 Pt. I](#)
- F3** S. 23(3)(e) repealed by [Education Act 1973 \(c. 16\)](#), [Sch. 2 Pt. III](#)
- F4** 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\(8\)](#)

Changes to legislation:

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