

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER P115

PUBLIC AUTHORITIES PROTECTION ACT

Showing the Law as at 15 December 2000

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PUBLIC AUTHORITIES PROTECTION ACT

Action, etc., against any person in respect of act done in execution of duty

1. (1) Where any action, prosecution, or other proceeding is commenced against any person for any act done in pursuance or execution or intended execution of any Act, or of any public duty or authority or of any alleged neglect or default in the execution of any such act, duty, or authority, the following provisions shall have effect—

(a) the action, prosecution, or proceeding shall not lie or be instituted unless it is commenced within 6 months next after the act, neglect or default complained of, or, in case of a continuance of injury or damage, within 6 months next after the ceasing thereof;

(b) wherever in any such action a judgment is obtained by the defendant, it shall carry costs to be taxed as between solicitor and client;

(c) where the proceeding is an action for damages, tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after the tender, or is proceeded with after payment into Court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after the tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of the tender or payment, but this provision shall not affect costs on any injunction in the action;

(d) if, in the opinion of the Court, the plaintiff has not given the defendant a sufficient opportunity of tendering amends before the commencement of the proceeding, the Court may award to the defendant costs to be taxed as between solicitor and client.

(2) This section shall not affect any proceedings by the Crown.

Effect on certain Acts

2. There shall be repealed so much of any Act as enacts that in any proceeding to which this Act applies—

(a) the proceeding is to be commenced in any particular place;

(b) the proceeding is to be commenced within any particular time;

(c) notice of action is to be given;

(d) the defendant is to be entitled to any particular kind or amount of costs, or the plaintiff is to be deprived of costs in any specified event; or

(e) the defendant may plead the general issue.

Citation

3. This Act may be cited as the Public Authorities Protection Act, Revised Statutes of Anguilla, Chapter P115.