

CROWN PROCEEDINGS

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66.1 Scope of this Part and interpretation

- (1) This Part contains rules for civil proceedings by or against the Crown, and other civil proceedings to which the Crown is a party.
- (2) In this Part –
 - (a) ‘the Act’ means the Crown Proceedings Act 1947;
 - (b) ‘civil proceedings by the Crown’ means the civil proceedings described in section 23(1) of the Act, but excluding the proceedings described in section 23(3);
 - (c) ‘civil proceedings against the Crown’ means the civil proceedings described in section 23(2) of the Act, but excluding the proceedings described in section 23(3);
 - (d) ‘civil proceedings to which the Crown is a party’ has the same meaning as it has for the purposes of Parts III and IV of the Act by virtue of section 38(4).

66.2 Application of the Civil Procedure Rules

These Rules and their practice directions apply to civil proceedings by or against the Crown and to other civil proceedings to which the Crown is a party unless this Part, a practice direction or any other enactment provides otherwise.

66.3 Action on behalf of the Crown

- (1) Where by reason of a rule, practice direction or court order the Crown is permitted or required –
 - (a) to make a witness statement,
 - (b) to swear an affidavit,
 - (c) to verify a document by a statement of truth;
 - (d) to make a disclosure statement; or
 - (e) to discharge any other procedural obligation,
 that function shall be performed by an appropriate officer acting on behalf of the Crown.
- (2) The court may if necessary nominate an appropriate officer.

66.4 Counterclaims, other Part 20 claims, and set-off

- (1) In a claim by the Crown for taxes, duties or penalties, the defendant cannot make a counterclaim or other Part 20 claim or raise a defence of set-off.
- (2) In any other claim by the Crown, the defendant cannot make a counterclaim or other Part 20 claim or raise a defence of set-off which is based on a claim for repayment of taxes, duties or penalties.
- (3) In proceedings by or against the Crown in the name of the Attorney-General, no counterclaim or other Part 20 claim can be made or defence of set-off raised without the permission of the court.
- (4) In proceedings by or against the Crown in the name of a government department, no counterclaim or other Part 20 claim can be made or defence of set-off raised without the permission of the court unless the subject-matter relates to that government department.

66.5 Applications in revenue matters

- (1) This rule sets out the procedure under section 14 of the Act, which allows the Crown to make summary applications in the High Court in certain revenue matters.
- (2) The application must be made in the High Court using the Part 8 procedure.
- (3) The title of the claim form must clearly identify the matters which give rise to the application.

66.6 Enforcement against the Crown

- (1) The following rules do not apply to any order against the Crown –
 - (a) Parts 69 to 73;
 - (b) RSC Orders 45 to 47 and 52; and
 - (c) CCR Orders 25 to 29.
- (2) In paragraph (1), ‘order against the Crown’ means any judgment or order against the Crown, a government department, or an officer of the Crown as such, made –
 - (a) in civil proceedings by or against the Crown;
 - (b) in proceedings in the Administrative Court;
 - (c) in connection with an arbitration to which the Crown is a party; or
 - (d) in other civil proceedings to which the Crown is a party.
- (3) An application under section 25(1) of the Act for a separate certificate of costs payable to the applicant may be made without notice.

66.7 Money due from the Crown

- (1) None of the following orders –
 - (a) a third party debt order under Part 72;
 - (b) an order for the appointment of a receiver under Part 69; or
 - (c) an order for the appointment of a sequestrator under RSC Order 45,may be made or have effect in respect of any money due from the Crown.
- (2) In paragraph (1), ‘money due from the Crown’ includes money accruing due, and money alleged to be due or accruing due.

- (3) An application for an order under section 27 of the Act –
 - (a) restraining a person from receiving money payable to him by the Crown; and
 - (b) directing payment of the money to the applicant or another person, may be made under Part 23.
- (4) The application must be supported by written evidence setting out the facts on which it is based, and in particular identifying the debt from the Crown.
- (5) Where the debt from the Crown is money in a National Savings Bank account, the witness must if possible identify the number of the account and the name and address of the branch where it is held.
- (6) Notice of the application, with a copy of the written evidence, must be served –
 - (a) on the Crown, and
 - (b) on the person to be restrained, at least 7 days before the hearing.
- (7) Rule 72.8 applies to an application under this rule as it applies to an application under rule 72.2 for a third party debt order, except that the court will not have the power to order enforcement to issue against the Crown.

