



Crown Proceedings (Armed Forces) Act 1987

1987 CHAPTER 25

An Act to repeal section 10 of the Crown Proceedings Act 1947 and to provide for the revival of that section in certain circumstances. [15th May 1987]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Repeal of s.10 of the Crown Proceedings Act 1947.

Subject to section 2 below, section 10 of the Crown Proceedings Act 1947 (exclusions from liability in tort in cases involving the armed forces) shall cease to have effect except in relation to anything suffered by a person in consequence of an act or omission committed before the date on which this Act is passed.

2 Revival of s.10.

- (1) Subject to the following provisions of this section, the Secretary of State may, at any time after the coming into force of section 1 above, by order—
 - (a) revive the effect of section 10 of the Crown Proceedings Act 1947 either for all purposes or for such purposes as may be described in the order; or
 - (b) where that section has effect for the time being in pursuance of an order made by virtue of paragraph (a) above, provide for that section to cease to have effect either for all of the purposes for which it so has effect or for such of them as may be so described.
- (2) The Secretary of State shall not make an order reviving the effect of the said section 10 for any purposes unless it appears to him necessary or expedient to do so—
 - (a) by reason of any imminent national danger or of any great emergency that has arisen; or

- (b) for the purposes of any warlike operations in any part of the world outside the United Kingdom or of any other operations which are or are to be carried out in connection with the warlike activity of any persons in any such part of the world.
- (3) Subject to subsection (4) below, an order under this section describing purposes for which the effect of the said section 10 is to be revived, or for which that section is to cease to have effect, may describe those purposes by reference to any matter whatever and may make different provision for different cases, circumstances or persons.
- (4) Nothing in any order under this section shall revive the effect of the said section 10, or provide for that section to cease to have effect, in relation to anything suffered by a person in consequence of an act or omission committed before the date on which the order comes into force.
- (5) The power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

3 Consequential adaptations of existing enactments etc.

- (1) Except in so far as an order under section 2 above otherwise provides, any reference to section 10 of the Crown Proceedings Act 1947 in any Act passed, or subordinate legislation made, before the passing of this Act shall be construed as a reference to that section as it from time to time has effect by virtue of this Act.
- (2) Subsection (1) above shall apply, as it applies to express references to the said section 10—
 - (a) to the references to that section which are comprised in the references in the said Act of 1947 to or to the provisions of that Act itself; and
 - (b) to any other references to the said section 10 which are comprised in references to that Act, in references to enactments generally or in references to any description of enactments.
- (3) In this section "subordinate legislation" has the same meaning as in the Interpretation Act 1978.

4 Expenses.

There shall be paid out of money provided by Parliament any expenses incurred by a Minister of the Crown or Government department in consequence of the provisions of this Act.

5 Short title, interpretation and extent.

- (1) This Act may be cited as the Crown Proceedings (Armed Forces) Act 1987.
- (2) For the purposes of the application of any provision of this Act in relation to subsection (2) of section 10 of the Crown Proceedings Act 1947 references in this Act to anything suffered by any person in consequence of an act or omission committed before a particular date shall include references to anything which—
 - (a) would not, apart from this subsection, be regarded as suffered in consequence of an act or omission; but

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- (b) is suffered in consequence of the nature or condition at a time before that date of any land, premises, ship, aircraft, hovercraft, or vehicle or of any equipment or supplies.
- (3) This Act shall extend to Northern Ireland.