



Crown Proceedings Act 1947

1947 CHAPTER 44 10 and 11 Geo 6

PART II

JURISDICTION AND PROCEDURE

General

21 Nature of relief.

- (1) In any civil proceedings by or against the Crown the court shall, subject to the provisions of this Act, have power to make all such orders as it has power to make in proceedings between subjects, and otherwise to give such appropriate relief as the case may require:

Provided that:—

- (a) where in any proceedings against the Crown any such relief is sought as might in proceedings between subjects be granted by way of injunction or specific performance, the court shall not grant an injunction or make an order for specific performance, but may in lieu thereof make an order declaratory of the rights of the parties; and
 - (b) in any proceedings against the Crown for the recovery of land or other property the court shall not make an order for the recovery of the land or the delivery of the property, but may in lieu thereof make an order declaring that the plaintiff is entitled as against the Crown to the land or property or to the possession thereof.
- (2) The court shall not in any civil proceedings grant any injunction or make any order against an officer of the Crown if the effect of granting the injunction or making the order would be to give any relief against the Crown which could not have been obtained in proceedings against the Crown.

Modifications etc. (not altering text)

C1 S. 21 excluded (13.1.1994) by S.I. 1993/3228, reg. 32(7).

Changes to legislation: Crown Proceedings Act 1947, Section 21 is up to date with all changes known to be in force on or before 11 June 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

- C2** S. 21 excluded (21.2.1995) by S.I. 1995/201, **reg. 29(7)**
- C3** S. 21 excluded (S.) (31.1.2006) by The Public Contracts (Scotland) Regulations 2006 (S.S.I. 2006/1), **reg. 47(10)**
- C4** S. 21 excluded (S.) (31.1.2006) by The Utilities Contracts (Scotland) Regulations 2006 (S.S.I. 2006/2), **reg. 45(10)**
- C5** S. 21 excluded (20.12.2009) by S.S.I. 2006/1, reg. 47A(8) (as inserted by The Public Contracts and Utilities Contracts (Scotland) Amendment Regulations 2009 (S.S.I. 2009/428), **reg. 2(12)**)
- C6** S. 21 excluded (20.12.2009) by S.S.I. 2006/2, reg. 45A(11) (as inserted by The Public Contracts and Utilities Contracts (Scotland) Amendment Regulations 2009 (S.S.I. 2009/428), **reg. 4(12)**)
- C7** S. 21 restricted (20.12.2009) by S.I. 2006/5, reg. 47P (as substituted by The Public Contracts (Amendment) Regulations 2009 (S.I. 2009/2992), **reg. 10** (with reg. 11))
- C8** S. 21 modified (21.8.2011) by The Defence and Security Public Contracts Regulations 2011 (S.I. 2011/1848), regs. 1, **65**
- C9** S. 21 excluded (S.) (1.5.2012) by The Public Contracts (Scotland) Regulations 2012 (S.S.I. 2012/88), regs. 1(1), **48(8)** (with regs. 4, 5, 6, 8)
- C10** S. 21 excluded (S.) (1.5.2012) by The Utilities Contracts (Scotland) Regulations 2012 (S.S.I. 2012/89), regs. 1(1), **45(11)** (with regs. 3-7, 9, 11)
- C11** S. 21 excluded (E.W.N.I.) (26.2.2015) by The Public Contracts Regulations 2015 (S.I. 2015/102), regs. 1(2), **104**
- C12** S. 21 excluded (S.) (18.4.2016) by The Public Contracts (Scotland) Regulations 2015 (S.S.I. 2015/446), regs. 1(2), **90(8)** (with regs. 3-18, 99-101)
- C13** Ss. 21-42 excluded (S.) (18.4.2016) by The Utilities Contracts (Scotland) Regulations 2016 (S.S.I. 2016/49), regs. 1, **103(8)**
- C14** S. 21 excluded (S.) (18.4.2016) by The Concession Contracts (Scotland) Regulations 2016 (S.S.I. 2016/65), regs. 1(2), **54(8)** (with reg. 63)
- C15** S. 21 excluded (E.W.N.I.) (18.4.2017) by The Utilities Contracts Regulations 2016 (S.I. 2016/274), regs. 1(2), **119**

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 21 excluded by [2023 c. 54 s. 100\(8\)](#)