

No. 72 OF 1932.

A.D. 1932. A LAW TO PROVIDE FOR THE PROTECTION AGAINST ACTIONS
72 of 1932. OF PERSONS ACTING IN THE EXECUTION OF
PUBLIC DUTIES.

R. E. STUBBS,
Governor.

[31st December, 1932.]

BE it enacted:—

Short title. 1. This Law may be cited as the Public Officers Protection Law, 1932.

Actions, etc., against public officers. 2.—(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 Law or Order of the King in Council or any Order of the Governor in Council or Order or Regulations made thereunder, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of any such Law, Order, Regulations, duty or authority, the following provisions shall have effect:—

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

Provided that if the action, prosecution or proceeding be at the instance of any person for cause arising while such person was a convict prisoner, it may be commenced within three months after the discharge of such person from prison.

Costs. (b) Whenever in such action a judgment is obtained by the defendant, it shall carry the right to recover from the plaintiff all the costs which the defendant has properly incurred in defending such action.

Tender of amends. (c) When 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 defence, 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 as from the time of tender or payment, to all costs which he had properly incurred in defending such action ; 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 all the costs which he has properly incurred in defending the action.

Costs when sufficient opportunity of tendering amends has not been given.

(2) This section shall not affect any action, prosecution or other proceeding by the Crown or the Government of the Colony of Cyprus.

Proceedings by Crown or Government not affected.

(3) Nothing in this Law contained shall affect the limitation of time prescribed in section 42 of the Police Law, 1878, or any amendment thereof.

Saving.

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