LANCASTER

COURT OF CHANCERY

JURISDICTION

1956 No. 1215

The Crown Proceedings (Court of Chancery of Lancaster) Order, 1956

Made - - - -	3*rd August*, 1956
Laid before Parliament	10*th August*, 1956
Coming into Operation	1*st October*, 1956

At the Court at Arundel Castle, the 3rd day of August, 1956

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is provided by section 34 of the Crown Proceedings Act, 1947(a), (hereinafter referred to as "the Act") that Her Majesty may by Order in Council make such provision as appears to Her to be expedient with respect to civil proceedings by or against the Crown in any court not being the High Court or a county court and that any Order so made may in particular define the jurisdiction of the court to which the Order relates in civil proceedings by or against the Crown, and apply in relation to such proceedings in the said court any provisions of the Act which would not otherwise apply in relation to those proceedings with such additions, exceptions and modifications as appear to Her Majesty to be expedient:

And Whereas it is provided by the said section that the provisions of any such Order shall have effect notwithstanding any provisions made by or under any enactment with respect to the court in question and that any such Order may provide for amending or revoking any provision so made as aforesaid:

And Whereas it is expedient that provision should be made with respect to civil proceedings by or against the Crown in the Court of Chancery of the County Palatine of Lancaster (hereinafter called the Lancashire Chancery Court):

Now, therefore, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) Subject to the provisions of this Order, and to any enactment limiting the jurisdiction of the Lancashire Chancery Court, any civil proceedings by or against the Crown may be instituted in the Lancashire Chancery

(a) 10 & 11 Geo. 6. c. 44.

Court in respect of persons, bodies corporate and property within the jurisdiction of the said court, and for this purpose the Crown shall be deemed to be a body corporate within the said jurisdiction.

(2) Any civil proceedings by or against the Crown in the Lancashire Chancery Court shall be instituted and proceeded with in accordance with the rules of procedure for the said court and not otherwise.

2. Parts II, III and IV of the Act shall apply to civil proceedings by and against the Crown in the Lancashire Chancery Court as they apply in relation to civil proceedings by and against the Crown in a county court and as if for the references therein to a county court and to county court rules there were substituted references to the Lancashire Chancery Court and to the rules of procedure therefor, and as if for references therein to the commencement of the Act there were substituted references to the date on which this Order comes into operation:

Provided that—

(*a*) an application under subsection (1) of section 20 of the Act for the removal of any proceedings into the High Court shall be made to the Lancashire Chancery Court and not to the High Court; and

(*b*) subsection (2) of section 24 of the Act (which relates to the payment of interest on costs awarded to or against the Crown in the High Court) shall apply to costs awarded to or against the Crown in the Lancashire Chancery Court.

3. The provisions of this Order shall have effect with respect to civil proceedings by and against the Crown in the Lancashire Chancery Court notwithstanding any provision made by or under any enactment with respect to the said court.

4. The Interpretation Act, 1889(**a**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

5. This Order may be cited as the Crown Proceedings (Court of Chancery of Lancaster) Order, 1956, and shall come into operation on the 1st day of October, 1956.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order enables civil proceedings by or against the Crown to be instituted in the Court of Chancery of the County Palatine of Lancaster, and prescribes the conditions under which that court may exercise jurisdiction in relation to such proceedings.

(a) 52 & 53 Vict. c. 63.