

No. 9 of 2022.

*Claims By and Against the State (Amendment) Act 2022.*

Certified on : 12 APR 2022



No. **9** of 2022.

*Claims By and Against the State (Amendment) Act 2022.*

**ARRANGEMENT OF SECTIONS.**

1. Repeal and replacement of the long title.
2. Claims against the State not enforceable in certain circumstances (Amendment of Section 2A).
3. Notice of claims against the State (Amendment of Section 5).
4. New Section 5A.

**“5A. DETAILS OF TORTFEASOR AND BREACH OF CONTRACT ETC.”.**

5. No fees payable by the State (Repeal and replacement of Section 6).

**“6. NO FEES PAYABLE BY THE STATE.”.**

6. New Section 23.

**“23. SAVINGS AND TRANSITIONAL.”.**



No. **9** of 2022.

AN ACT

entitled

***Claims By and Against the State (Amendment) Act 2022.***

Being an Act to amend the *Claims By and Against the State Act 1996* and for related purposes,  
MADE by National Parliament.

**1. REPEAL AND REPLACEMENT OF THE LONG TITLE.**

The long title of the Principal Act is repealed and replaced with the following:

“Being an Act to implement Section 247(2) of the *Constitution* and to provide for claims by and against the State and for related purposes.”.

**2. CLAIMS AGAINST THE STATE NOT ENFORCEABLE IN CERTAIN CIRCUMSTANCES (AMENDMENT OF SECTION 2A).**

Section 2A of the Principal Act is amended in Subsection (1) by repealing the definition of “Authority to Pre-commit Expenditure” and replacing it with the following:

“Authority to Pre-commit Expenditure” means an Authority to Pre-commit Expenditure issued under Section 42 of the *Public Finances (Management) Act 1995*.”.

**3. NOTICE OF CLAIMS AGAINST THE STATE (AMENDMENT OF SECTION 5).**

Section 5 of the Principal Act is amended in Subsection (1) by inserting immediately after the word “section”, the words “and Section 5A”.

**4. NEW SECTION 5A.**

The Principal Act is amended by inserting immediately after Section 5, the following new section:

**“5A. DETAILS OF TORTFEASOR AND BREACH OF CONTRACT ETC.**

(1) A notice under this section must contain full details of the claim including -

- (a) the name of the alleged tortfeasor; and
- (b) the date of the alleged cause of action; and
- (c) the time of the alleged cause of action; and
- (d) the nature and circumstances of the alleged cause of action; and
- (e) any other information relevant to the alleged claim that the Solicitor-General may deem necessary.

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(2) A notice under this section must contain full details of the alleged breach of contract including -

- (a) a copy of the contract; and
- (b) the date of the alleged breach of contract; and
- (c) the time of the alleged breach of contract; and
- (d) the nature and circumstances of the alleged breach of contract; and
- (e) the location of the alleged breach of contract; and
- (f) any other information relevant to the alleged breach of contract that the Solicitor-General may deem necessary.”.

**5. NO FEES PAYABLE BY THE STATE (REPEAL AND REPLACEMENT OF SECTION 6).**

The Principal Act is amended by repealing Section 6 and replacing it with the following:

**“6. NO FEES PAYABLE BY THE STATE.**

The State shall not pay for any court filing, issuing, sealing, obtaining of transcripts or otherwise, dealing with any document relating to a court proceeding.”.

**6. NEW SECTION 23.**

The Principal Act is amended by inserting, immediately after Section 22, the following new section:

**“23. SAVINGS AND TRANSITIONAL.**

Any notice that has been given under the *Claims By and Against the State Act 1996* prior to the coming into operation of this Act, has effect and shall be continued and acted upon in accordance with this Act.”.

I hereby certify that the above is a fair print of the *Claims By and Against the State (Amendment) Act 2022*, which has been made by the National Parliament.

Clerk of the National Parliament.

12 APR 2022

I hereby certify that the *Claims By and Against the State (Amendment) Act 2022*, was made by the National Parliament on 20 January 2022.

Speaker of the National Parliament.

12 APR 2022