



Province of Alberta

PROCEEDINGS AGAINST THE CROWN ACT

**Revised Statutes of Alberta 2000
Chapter P-25**

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Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(2) The court shall not in any proceedings grant an injunction or make an 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 that could not have been obtained in proceedings against the Crown but may, instead, make an order declaratory of the rights of the parties.

RSA 1980 cP-18 s17

Recovery of property

18 In proceedings against the Crown in which the recovery of real or personal property is claimed, the court shall not make an order for its recovery or delivery but may, instead, make an order declaring that the claimant is entitled as against the Crown to the property claimed or to possession of it.

RSA 1980 cP-18 s18

Set-off and counterclaim

19(1) No person may set off or counterclaim

- (a) in proceedings by the Crown for the recovery of taxes, duties or penalties, or
- (b) in proceedings of any other nature by the Crown, if the set-off or counterclaim arises out of a right or claim to repayment in respect of any taxes, duties or penalties.

(2) Subject to subsection (1), a person may set off or counterclaim in proceedings by the Crown if the subject-matter of the set-off or the counterclaim relates to a matter under the administration of the particular government department with respect to which proceedings are brought by the Crown.

RSA 1980 cP-18 s19

Advance information

20 Before taking any step in proceedings against the Crown, the Crown may require the claimant to provide the Crown with any information the Crown may reasonably require as to the circumstances in which it is alleged that the liability of the Crown has arisen and as to the departments and officers of the Crown concerned.

RSA 1980 cP-18 s20

Crown defence

21(1) In proceedings against the Crown, any defence that, if the proceedings were between persons, could be relied on by the defendant as a defence to the proceedings or otherwise may be relied on by the Crown.

(2) In proceedings against the Crown, judgment shall not be entered against the Crown in default of appearance or pleading without the permission of the court to be obtained on an application of which notice has been given to the Crown.

RSA 2000 cP-25 s21;2014 c13 s49

Proceedings in rem

22 Nothing in this Act authorizes proceedings in rem in respect of any claim against the Crown or the seizure, attachment, arrest, detention or sale of any property of the Crown.

RSA 1980 cP-18 s22

Interest

23 A judgment debt due to or from the Crown bears interest in the same way as a judgment debt due from one person to another.

RSA 1980 cP-18 s23

Certificates

24(1) Subject to this Act, when in proceedings against the Crown an order for costs or any other order is made by a court against the Crown, the proper officer of the court, on an application in that behalf, shall issue a certificate for it.

(2) If the court so directs, a separate certificate shall be issued with respect to the costs, if any, ordered to be paid to the applicant.

(3) A certificate issued under this section may be served on the person for the time being named in the record as the solicitor, or as the person acting as solicitor, for the Crown.

(4) When the order provides for the payment of money by way of damages or otherwise, or of costs, the certificate shall state the amount so payable and, subject to subsection (5), the President of Treasury Board and Minister of Finance shall pay out of the General Revenue Fund to the person entitled or to the person's order the amount appearing by the certificate to be due together with the interest, if any, lawfully due on it.

(5) The court by which the order is made or a court to which an appeal against the order lies may direct that, pending an appeal or otherwise, payment of the whole of the amount so payable or any part of it is suspended and if the certificate has not been issued may order the direction to be inserted in it.

RSA 2000 cP-25 s24;2006 c23 s66;2013 c10 s23

Execution or attachment

25 No execution or attachment or process in the nature of execution or attachment shall be issued out of any court for enforcing payment by the Crown of money or costs.

RSA 1980 cP-18 s25