

# PUBLIC OFFICERS PROTECTION ACT

## ARRANGEMENT OF SECTIONS

### SECTION

1. Short title.

2. Actions against public officers.

**An Act to provide for the protection against actions of persons acting in the execution of public duties.**

[1916 No.39]

[21st September, 1916]

[Commencement. I

### **1. Short title**

This Act may be cited as the Public Officers Protection Act.

### **2. Actions against public officers**

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 Act or Law or of any public duty or authority, or in respect of any alleged neglect or default in the execution of any such Act, Law, duty or authority, the following provisions shall have effect-

[Order 47 of 1951.]

### **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 case of a continuance of damage or injury, within three months next 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; and 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.

### **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*