

LAWS OF FIJI

CHAPTER 25

ORDERS IN COUNCIL

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Ordinance No. 4 of 1893

AN ACT FOR THE PROTECTION OF PERSONS ACTING IN FIJI UNDER
ORDERS MADE BY HER MAJESTY THE QUEEN IN COUNCIL
[12th December, 1893.]

Short title

1. This Act may be cited as the Orders in Council Act.

Limitation as to commencement of proceedings

2. No action, suit, prosecution or proceeding shall lie or be instituted in any court within Fiji against any person for any act done within Fiji in pursuance or execution or intended pursuance or execution of any orders heretofore made or hereafter to be made by Her Majesty the Queen in Council or in pursuance or execution or intended pursuance or execution of any such power or jurisdiction of Her Majesty as is mentioned in any such Orders in Council or any of them or in respect of any alleged neglect or default in the execution of any such Orders in Council, power or jurisdiction as aforesaid, unless it is commenced within three months next after the act, neglect or default complained of or, in the case of a continuance of injury or damage, within three months next after the ceasing thereof, nor unless notice in writing is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the action, suit, prosecution or proceeding, in which said notice the cause of action, suit, prosecution or proceeding shall be clearly and explicitly stated, and upon the back thereof shall be indorsed the name and place of abode of the intending plaintiff, and also the name and place of abode or of business of the barrister and solicitor if such notice shall have been served by a barrister and solicitor.

Tender of sufficient amends

3. In any such action, suit or proceeding the plaintiff shall not succeed if tender of sufficient amends is made by the defendant before the commencement thereof.

Costs

4. If the action, suit or proceeding was commenced after such 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 in, he shall not recover any costs incurred after such tender or payment and the defendant shall be entitled to costs to be taxed as between barrister and solicitor and client as from the time of such tender or payment.

Controlled by Ministry of the Attorney-General