

**Terms and Conditions of Indemnity**  
**Appendix to O.C. 668/92**  
**Financial Administration Act**

1. Each indemnified person shall comply with the following terms and conditions except in the case of a criminal action or proceeding or an administrative action or proceeding that is enforced by a monetary penalty:
  - (a) to the extent the person has a right of action against another person, whether for damages or indemnification or otherwise, the person shall assign that right to the Crown and subrogate the Crown to that right to the extent of the amounts paid by the Crown or for which the Crown is liable;
  - (b) any barrister and solicitor who acts for the person shall be approved for that purpose by the Attorney General;
  - (c) the person shall promptly give the Attorney General written notice, with all available particulars, of the action or proceeding and of all claims made in it;
  - (d) the person shall promptly forward to the Attorney General all documents, including letters, advices and writs, received by him from or on behalf of a claimant in respect of the action or proceeding;
  - (e) the person shall not voluntarily assume any liability in respect of or settle the action or proceeding except at the person's own cost;
  - (f) the person shall not interfere in any way in the action or proceeding or any negotiations for settlement of it;
  - (g) the person shall, whenever requested by the Crown, aid in securing information and evidence and the attendance of any witness and cooperate with the Crown, except in a pecuniary way, in the defence of the action or proceeding and any appeal; and
  - (h) if the Crown is not also a party to the action or proceeding, the person shall consent to any order or leave that may be applied for by the Crown to be added as a party or to be allowed to make representations on its own behalf without being a party.