



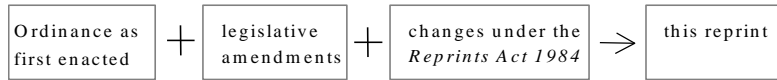
Western Australia

Service and Execution of Process (Harbours) Ordinance 1855

Reprint 2: The Ordinance as at 28 January 2005

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Ordinance and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Ordinance being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Ordinance being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Ordinance is in the Compilation table).
Notes of this kind may also be at the foot of Schedules or headings.
2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Ordinance has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the ordinance was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Ordinance is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 28 January 2005

Western Australia

Service and Execution of Process (Harbours) Ordinance 1855

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Western Australia

Service and Execution of Process (Harbours) Ordinance 1855

An Ordinance to remove doubts as to the service or execution of common law process on the sea within the harbours of Western Australia.

Whereas it is expedient to obviate possible conflicts between the Common Law and Admiralty Jurisdiction in this Colony, and to legalise by express enactment the service and execution of common law process, civil or criminal, in certain portions of the sea adjacent to the coast of this Colony: Be it therefore enacted, by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof —

1. Sea lying within port or harbour

That from and after the passing of this Ordinance, all such portions of the main sea or ocean as lie within the limits of any port or harbour of the said Colony, now, or hereafter to be proclaimed as such with prescribed limits, by proclamation published in the *Government Gazette* of the said Colony, by authority of the Governor thereof for the time being, shall be deemed and taken, for the purposes of this Ordinance, to lie within the body of the said Colony.

2. Service etc., of process on ships within port or harbour

That it shall be lawful for any Justice of the Peace, sheriff, coroner, bailiff, constable, police officer or other officer or minister of civil or criminal justice, to serve, execute, and enforce any summons, notice, rule, order, attachment, search warrant, warrant, or writ of arrest, distress warrant, writ of execution or other legal process, civil or criminal, and generally to perform and discharge any function, act, deed, or matter appertaining by law to his respective office, in, upon or against any ship or vessel being on the sea within the limits of any such port or harbour as aforesaid, and upon or against any person or property being in or upon any such ship or vessel, as legally and effectually as if the same respectively had been served or executed, performed or done on shore within the said Colony.

3. Short title

This Ordinance may be cited as the *Service and Execution of Process (Harbours) Ordinance 1855*¹.

[Section 3 inserted by No. 10 of 1970 s. 3.]

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Notes

- ¹ This reprint is a compilation as at 28 January 2005 of the *Service and Execution of Process (Harbours) Ordinance 1855* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Untitled Ordinance</i> ²	18 Vict. No. 10	17 Apr 1855	17 Apr 1855
<i>Statute Law Revision Act 1970 s. 3</i>	10 of 1970	29 Apr 1970	29 Apr 1970
Reprint of the <i>Service and Execution of Process (Harbours) Ordinance 1855</i> as at 25 Mar 1988 (includes amendments listed above)			
Reprint 2: The <i>Service and Execution of Process (Harbours) Ordinance 1855</i> as at 28 Jan 2005 (includes amendments listed above)			

- ² Now known as the *Service and Execution of Process (Harbours) Ordinance 1855*; short title inserted (see note under s. 3).