



Western Australia

# **Service and Execution of Process (Harbours) Ordinance 1855**

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## **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

**s. 3**

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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*<sup>1</sup>.

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

**Notes**

<sup>1</sup> This is a compilation 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 <sup>1a</sup>. The table also contains information about any reprint.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Untitled Ordinance</i> <sup>2</sup>	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
<b>Reprint of the <i>Service and Execution of Process (Harbours) Ordinance 1855</i> as at 25 Mar 1988</b> (includes amendments listed above)			
<b>Reprint 2: The <i>Service and Execution of Process (Harbours) Ordinance 1855</i> as at 28 Jan 2005</b> (includes amendments listed above)			

<sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

**Provisions that have not come into operation**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Standardisation of Formatting Act 2010</i> s. 50 <sup>3</sup>	19 of 2010	28 Jun 2010	To be proclaimed (see s. 2(b))

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

<sup>3</sup> On the date as at which this compilation was prepared, the *Standardisation of Formatting Act 2010* s. 50 had not come into operation. It reads as follows:

**50. Heading to preamble**

- (1) This section amends the Acts listed in the Table.
- (2) In each Act listed in the Table after the long title insert:

**Preamble**