

Vice-Admiralty Vexatious Arrests Act 1901 No 3 of 1902

[1902-3]



New South Wales

Status Information

Currency of version

Current version for 12 December 1994 to date (accessed 7 January 2025 at 7:55)

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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Vice-Admiralty Vexatious Arrests Act 1901 No 3 of 1902



New South Wales

An Act to consolidate the law relating to frivolous and vexatious arrests by process issuing out of the Vice-Admiralty Court.

1 Name of Act

This Act may be cited as the *Vice-Admiralty Vexatious Arrests Act 1901*.

2 Repeal

The Act mentioned in the Schedule to this Act is, to the extent therein expressed, hereby repealed.

3 Liability for costs where vessel or master arrested without jurisdiction

If any ship or vessel, or the master or commander thereof, is arrested by any process issuing out of the Vice-Admiralty Court of New South Wales for any matter or thing not within the jurisdiction of the said Court, the complainant or promovent in any such proceedings, and the proctor of such complainant or promovent, shall be liable to pay the costs of all such proceedings, both in the said Court and in the Supreme Court, in case a writ of prohibition is granted, to be taxed as between attorney and client.

4 Attachment on non-payment of costs

In default of payment of such costs, a writ of attachment may be issued out of the Supreme Court against the party at whose suit such ship or vessel, or master or commander, has been arrested, and the proctor of such party.

5 Damages recoverable by person injured by such arrest

The master or commander of every such ship or vessel so arrested in any such proceeding, or any other person who may directly or indirectly be injured, or sustain any damage, through or by means of any such ship or vessel, or master or commander, being arrested in any such proceeding, may, in an action on the case in any Court of competent jurisdiction, sue for and recover of and from the party causing such ship or vessel, or master or commander, to be arrested as aforesaid, or the proctor of such party in such

proceeding, all such damages as he or she may have sustained or have been put to by such arrest.

Schedule

Reference to Act	Title	Extent of repeal
11 Vic No 46	An Act to prevent frivolous and vexatious arrests of ships and vessels, or the masters or commanders thereof, by process issuing out of the Vice-Admiralty Court of New South Wales.	The unrepealed portion.