

# Maintenance, Champerty and Barratry Abolition Act 1993 No 88

[1993-88]



New South Wales

## Status Information

### Currency of version

Repealed version for 1 April 1997 to 7 July 2011 (accessed 12 July 2024 at 3:30)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### Notes—

- **Previously named**  
Maintenance and Champerty Abolition Act 1993
- **Repeal**  
The Act was repealed by Sch 4 to the [Statute Law \(Miscellaneous Provisions\) Act 2011 No 27](#) with effect from 8.7.2011.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 8 July 2011

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## Contents

<b>Long title</b> .....	3
1 Name of Act .....	3
2 Commencement .....	3
3 Abolition of crime of maintenance (including champerty) .....	3
4 Abolition of liability in tort for maintenance (including champerty) .....	3
4A Abolition of crime of being a common barrator (barratry) .....	3
5 Transitional provision .....	3
6 Preservation of liability under certain contracts .....	3

# Maintenance, Champerty and Barratry Abolition Act 1993 No 88



New South Wales

An Act to abolish the common law crimes of maintenance, champerty and barratry; to exclude liability in tort for the common law crimes of maintenance and champerty; and for other purposes.

## 1 Name of Act

This Act may be cited as the *Maintenance, Champerty and Barratry Abolition Act 1993*.

## 2 Commencement

This Act commences on a day to be appointed by proclamation.

## 3 Abolition of crime of maintenance (including champerty)

The offence of maintenance (including champerty) that but for this section would be punishable by the common law is abolished.

## 4 Abolition of liability in tort for maintenance (including champerty)

An action in tort no longer lies on account of conduct known as maintenance (including champerty).

## 4A Abolition of crime of being a common barrator (barratry)

The offence of being a common barrator that but for this section would be punishable by the common law is abolished.

## 5 Transitional provision

Section 30 of the *Interpretation Act 1987* applies to the abolition of an offence or an action in tort by this Act in the same way as it applies to the repeal of a provision establishing an offence under an Act.

## 6 Preservation of liability under certain contracts

This Act does not affect any rule of law as to the cases in which a contract is to be treated as contrary to public policy or as otherwise illegal, whether the contract was made before,

or is made after, the commencement of this Act.