



Australian Capital Territory

Arrest on Mesne Process Act 1902 (repealed)

A1902-24

Republication No 3

Effective: 10 January 2005

Republication date: 10 January 2005

As repealed by A2004-60 s 4
(republication for amendments and repeal by A2004-60)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Arrest on Mesne Process Act 1902 (repealed)* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 10 January 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Arrest on Mesne Process Act 1902 (repealed)

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Australian Capital Territory

Arrest on Mesne Process Act 1902 (repealed)

An Act to consolidate the enactments relating to arrest on mesne process

Part 1 Preliminary

1 Name of Act

This Act is the *Arrest on Mesne Process Act 1902*.

3 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

capias means *capias ad respondendum*.

court means the Supreme Court.

judge means a judge of the Court.

Part 2 Arrest and bail

Part 3 Discharge

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This Act was originally a NSW Act—the *Arrest on Mesne Process Act 1902* No 24 (NSW).

The Act was in force in NSW immediately before 1 January 1911 (the date of establishment of the ACT) and was continued in force by the *Seat of Government Acceptance Act 1909* (Cwlth), s 6.

Under the *Seat of Government (Administration) Act 1910* (Cwlth), s 4 the Act had effect in the ACT as if it were an ACT law (subject to ordinances made under the *Seat of Government (Administration) Act 1910*).

The *ACT Self-Government (Consequential Provisions) Act 1988 No 109* (Cwlth), s 12) converted some NSW Acts in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 1 July 1990.

Under the *Interpretation Act 1967*, s 65 (now expired) all former NSW Acts in force in the ACT immediately before 10 November 1999 (including this Act) became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former NSW Acts fully into ACT laws.

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

NSW legislation

Arrest on Mesne Process Act 1902 No 24

notified 31 July 1902

commenced 31 July 1902

as amended by

Commonwealth legislation

New South Wales Acts Application Ordinance 1984 No 41

notified 10 August 1984

commenced 10 August 1984

Legislation after becoming Territory enactment

Statute Law Amendment Act 2001 (No 2) 2001 No 56 pt 3.5

notified 5 September 2001 (Gaz 2001 No S65)

commenced 5 September 2001 (s 2 (1))

Court Procedures (Consequential Amendments) Act 2004 A2004-60 sch 1 pt 1.4

notified LR 2 September 2004

s 1, s 2 commenced 2 September 2004 (LA s 75 (1))

sch 1 pt 1.4 commenced 10 January 2005 (s 2 and see Court Procedures Act 2004 A2004-59, s 2 and CN2004-29)

as repealed by

Court Procedures (Consequential Amendments) Act 2004 A2004-60 s 4

notified LR 2 September 2004

s 1, s 2 commenced 2 September 2004 (LA s 75 (1))

s 4 commenced 10 January 2005 (s 2 and see Court Procedures Act 2004 A2004-59, s 2 and CN2004-29)

4 Amendment history

The *New South Wales Acts Application Act 1984* (previously the *New South Wales Acts Application Ordinance 1984*), sch 2, pt 4 sets out the text of this Act in an amended form and provided for the amended form to apply as the text of the Act in force in the ACT. (In its amended form, s 2, pt 4 (ss 15 to 35) and the schedule were omitted). This endnote, therefore, only details amendments made after that date.

Name of Act

s 1 sub 2001 No 56 amdt 3.5

No arrest on mesne process except under div 6.1

s 4 hdg am A2004-60 amdt 1.10

s 4 am A2004-60 amdt 1.11
reloc to Court Procedures Act 2004 as s 63 by A2004-60
amdt 1.12

Order to hold to bail

s 5 reloc to Court Procedures Act 2004 as s 64 by A2004-60
amdt 1.12

Endnotes

4 Amendment history

Issue of writ of capias

s 6 am A2004-60 amdt 1.13, amdt 1.14
reloc to Court Procedures Act 2004 as s 65 by A2004-60
amdt 1.15

Execution of writ

s 7 reloc to Court Procedures Act 2004 as s 66 by A2004-60
amdt 1.15

Order and arrest to be during pendency of action

s 8 reloc to Court Procedures Act 2004 as s 67 by A2004-60
amdt 1.15

Defendant to remain in custody until bail bond given or deposit made

s 9 reloc to Court Procedures Act 2004 as s 68 by A2004-60
amdt 1.15

Subsequent proceedings subject to rules of court

s 10 reloc to Court Procedures Act 2004 as s 69 by A2004-60
amdt 1.15

Application for order nisi for discharge

s 11 reloc to Court Procedures Act 2004 as s 70 by A2004-60
amdt 1.15

Proceedings on order nisi

s 12 reloc to Court Procedures Act 2004 as s 71 by A2004-60
amdt 1.15

Appeal

s 13 reloc to Court Procedures Act 2004 as s 72 by A2004-60
amdt 1.15

Discharge on bankruptcy

s 14 reloc to Court Procedures Act 2004 as s 73 by A2004-60
amdt 1.15

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Ord 1984 No 41	31 August 1992
2	A2001-56	15 August 2002

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