## MAINTENANCE AND CHAMPERTY ABOLITION ACT 1993 No. 88

## NEW SOUTH WALES



## TABLE OF PROVISIONS

- Short title
- Commencement
- Commencement
  Abolition of crime of maintenance (including champerty)
  Abolition of liability in tort for maintenance (including champerty)
  Transitional provision
  Preservation of liability under certain contracts

# MAINTENANCE AND CHAMPERTY ABOLITION ACT 1993 No. 88

## NEW SOUTH WALES



Act No. 88, 1993

An Act to abolish the common law crimes of maintenance and champerty; to exclude liability in tort for the common law crimes of maintenance and champerty; and for other purposes. [Assented to 29 November 1993]

## The Legislature of New South Wales enacts:

#### Short title

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

#### Commencement

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

## Abolition of crime of maintenance (including champerty)

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

## Abolition of liability in tort for maintenance champerty)

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

## Transitional provision

**5.** 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.

## Preservation of liability under certain contracts

**6.** 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.

[Minister's second reading speech made in— Legislative Council on 27 October 1993 Legislative Assembly on 9 November 1993]