



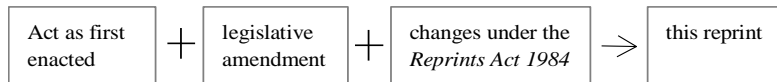
Western Australia

Albany Cemeteries Act 1943

Reprinted as at 29 October 1999

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —

- removed (because it was repealed or deleted from the law); or
- omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 29 Oct 1999

Western Australia

Albany Cemeteries Act 1943

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Notes



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An Act to revest certain lands in His Majesty and for other purposes relative thereto.

Whereas the lands described in the first and second columns of the Schedule are vested in the religious bodies or trustees set out in the third column of the Schedule and are held and used as burial grounds but not as a public cemetery under and within the meaning of the *Cemeteries Act 1897*²; and whereas it is deemed desirable and expedient that the lands should become and be used as a public cemetery under the Act: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows: —

1. Short title

This Act may be cited as the *Albany Cemeteries Act 1943*¹.

2. Lands revested in His Majesty

Subject to section 5 and from and after the commencement of this Act, all rights of property which may have at any time been vested by statute or otherwise howsoever in the persons or corporations mentioned in the third column of the Schedule or in any other person or corporation whatsoever in any part of the lands described in the first and second columns of the Schedule shall absolutely cease and determine, and all and singular the

lands and all the right and title thereto either in law or in equity shall be and the same are hereby vested in His Majesty freed and released from all and every trusts or trust affecting the same.

3. Land revested to be reserved as a cemetery

The lands revested in His Majesty by section 2 shall forthwith be reserved as a site for a cemetery and be proclaimed as a public cemetery under and in accordance with the provisions of the *Cemeteries Act 1897*², and, when so reserved and proclaimed as aforesaid the lands shall be vested in or placed under the control of trustees appointed under the provisions of the *Cemeteries Act 1897*², as the Governor may think fit for the purposes of a public cemetery.

4. Original owner of land relieved of responsibility

When the lands revested in His Majesty by section 2 have been reserved and proclaimed as a public cemetery as provided for in section 3 the persons and corporations mentioned in the third column of the Schedule and all other persons or corporations having prior to the commencement of this Act any duty obligation or responsibility in relation to the management, conduct or control of the lands or any part thereof as a burial ground shall be freed and relieved from every such duty, obligation and responsibility.

5. Reservation of existing burial rights

Notwithstanding anything to the contrary contained in section 2, every person holding at the commencement of this Act by virtue of any instrument of lease, license or other title then subsisting and in force any right of burial in respect of any area or piece of any of the lands as specified in such instrument shall, after the commencement of this Act, continue to hold and enjoy the benefit of such right of burial according to the tenor of the instrument by which such right is conferred in respect of the

area or piece of land specified in such instrument and forming part of the public cemetery proclaimed as provided for in section 3; and the trustees of such public cemetery shall be bound by and shall observe all the provisions and conditions of such instrument in all respects and to the same extent as if such instrument had originally been executed and the right of burial granted thereby had originally been given to the holder thereof by such trustees.

Schedule

Schedule

| Land | Instrument of Title | Proprietors |
|---------------------------------|-------------------------------|--|
| Albany Town Lots 327 and 328 | Vol. 35, Fols. 172 and 173 | James Young Simpson, Superintendent Wesleyan Minister; George Shenton, merchant; Richard Watson Hardey, gentleman, all of Perth; John Henry Monger, merchant, of York, and Charles Crowther, merchant, of Geraldton, as trustees for the Wesleyan Methodist Church. |
| Albany building Lot 329. | Enrolment 1298. | The Roman Catholic Bishop of Perth. |
| Albany Allotment S. 51 | Enrolment 859. | Frederick Goldsmith, Thomas Louch, Frederick Henry Piesse, William Lambden Owen, Arnold Edmund Piesse, Kenneth McAskell Eastman, The Diocesan Trustees, of Bunbury, Incorporated. |
| Albany Lots 503 and 504. | Vol. 68, Fols. 32 and 34. | The Commissioners of the Presbyterian Church in Western Australia. |

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Notes

- ¹ This is a reprint as at 29 October 1999 of the *Albany Cemeteries Act 1943* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

| Short title | Number and year | Assent | Commencement | Miscellaneous |
|---------------------------------------|----------------------------|--------------------|---------------------|----------------------|
| <i>Albany Cemeteries Act 1943</i> | 23 of 1943 | 25 October 1943 | 25 October 1943 | |

- ² Repealed by the *Cemeteries Act 1986* (No. 102 of 1986).