



Western Australia

Statute of Frauds (1677) (Imp)

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Statute of Frauds (1677) (Imp)

Contents

1.	The <i>Sale of Goods Act 1895</i> , s.58.		1
	58.	Repeals	1
2.	Statute of Frauds provisions continued		2
	2. Application of s.4 of Statute of Frauds 1677		2
Notes			
	Compilation table		3

Statute of Frauds (1677) (Imp)

The Statute of Frauds (29 Car. II, c.3) (1677), has effect in W.A. by reason of being a Statute of the Realm of a general nature in force in England on 1 June 1829.

Its provisions are not included on SWANS however the following amendments by Acts of W.A. are included.

1. The *Sale of Goods Act 1895*, s.58.

“

58. Repeals

The enactments mentioned in the schedule to this Act shall have no force or effect within the Colony of Western Australia as from the commencement of this Act to the extent in that schedule mentioned: Provided that nothing herein contained shall affect anything done or suffered, or any right, title, or interest acquired or accrued before the commencement of this Act, or any legal proceeding or remedy in respect of any such thing, right, title, or interest.

”.

ENACTMENT REFERRED TO

Session Chapter	and	Title of Act	Extent of Repeal
29 Cha. 2, c. 3		An Act for the prevention of Frauds and Perjuries	In part; that is to say, Section 15 and 16.

2. Statute of Frauds provisions continued

Section 2 of the *Law Reform (Statute of Frauds) Act 1962* reads as follows—

“

2. Application of s.4 of Statute of Frauds 1677

The provisions of section four of the Statute of Frauds, 1677, continue in force in this State in relation to any promise or agreement, whether made before or after the coming into operation of this Act, as if the following passages were deleted from that section, namely —

- (a) “whereby to charge any executor or administrator upon any special promise to answer damages out of his own estate; or”;
- (b) “or to charge any person on upon any agreement made upon consideration of marriage”; and
- (c) “or upon any agreement that is not to be performed within the space of one year from the making thereof”.

”.

Notes

1. This is a compilation of amendments made by Acts of Western Australia to the *Statute of Frauds (1677) (Imp)* and includes all amendments effected by the other Acts referred to in the following Table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Statute of Frauds (1677) (Imp)</i>	29 Car. II c.3. (1677)		
<i>Sale of Goods Act 1895</i> (section 58)	41 of 1895	12 Oct 1895	1 Jan 1896
<i>Law Reform (Statute of Frauds) Act 1962</i> (section 2)	16 of 1962	1 Oct 1962	1 Oct 1962