

MISCELLANEOUS REPEALS ACT

No. 10 of 1991

AN ACT to repeal miscellaneous spent, unnecessary or superseded enactments and Imperial enactments and for connected purposes.

[Assented to 21 June 1991.]

The Parliament of Western Australia enacts as follows:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Miscellaneous Repeals Act 1991*.

Commencement

2. (1) Subject to subsection (2), this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Section 4 shall come into operation on such day as is fixed by proclamation.

PART 2—REPEAL OF WESTERN AUSTRALIAN ACTS

Repeal of Acts listed in Schedule 1

3. The Acts listed in Schedule 1 are repealed.

Repeal of *Contraceptives Act 1939*

4. The *Contraceptives Act 1939** is repealed.

[*No. 11 of 1939. Reprinted as approved 7 April 1971 and amended by Acts Nos. 102 of 1972 and 61 of 1985.]

Repeal of *Iron Ore (Tallering Peak) Agreement Act 1964*

5. (1) The *Iron Ore (Tallering Peak) Agreement Act 1964** is repealed, the State and the Company having agreed to terminate the Agreement.

(2) In subsection (1) “the State”, “the Company” and “the Agreement” have the same meanings as in the Act referred to in that subsection.

[*Act No. 104 of 1964 as amended by Act No. 117 of 1976.]

Transitional provision**(*Street Photographers Act 1947*)**

6. Where a licence issued under the *Street Photographers Act 1947* remains in force immediately before the commencement of this Act, the local authority, as defined by section 2 of that Act, to which the holder of the licence paid the fee for the licence shall refund, on the application of that person made within 2 months after the commencement of this Act, such amount of the fee as bears the same proportion of the licence fee paid as the time unexpired on that licence bears to the term of the licence.

PART 3—REPEAL OF IMPERIAL ENACTMENTS

**Repeal of Imperial enactments
listed in Schedule 2**

7. (1) Each Imperial enactment listed in Part I of Schedule 2 is repealed in so far as it is part of the law of Western Australia.

(2) Each Imperial enactment listed in Part 2 of Schedule 2 is repealed to the extent specified in that Schedule in so far as it is part of the law of Western Australia.

Citation of Imperial enactments

8. Each Imperial enactment cited in Schedule 2 by year, statute, session or chapter shall, unless the contrary intention appears, be read and construed as referring—

- (a) in the case of Imperial enactments included in any revised edition of the statutes printed by authority in the United Kingdom, to that edition;
- (b) in the case of Imperial enactments not so included but included in the edition prepared under the direction of the Record Commission in the United Kingdom, to that edition;
- (c) in any other case, to the Imperial enactments printed by the Queen's Printer, or under the superintendence or authority of Her Majesty's Stationery Office in the United Kingdom.

Savings

9. Part V of the *Interpretation Act 1984* applies to the Imperial enactments listed in Schedule 2 as if a reference in that Part to the repeal of a written law were a reference to the repeal of an Imperial enactment.

SCHEDULE 1

WESTERN AUSTRALIAN ACTS

<i>Year</i>	<i>Act or Ordinance</i>	<i>Short Title</i>
1883	47 Vict., No. 8	<i>Aboriginal Offenders Act 1883</i>
1892	55 Vict., No. 14	<i>Affirmations Act 1892</i>
1972	No. 97 of 1972	<i>Alumina Refinery (Muchea) Agreement Act 1972</i>
1918	No. 2 of 1918	<i>Broome Local Court Admiralty Jurisdiction Act 1917</i>
1936	No. 14 of 1936	<i>Bunbury (Old Cemetery) Lands Revestment Act 1936</i>
1951	No. 2 of 1951	<i>Bunbury (Roman Catholic Old Cemetery) Lands Revestment Act 1951</i>
1929	No. 10 of 1929	<i>Easter Act 1929</i>
1969	No. 65 of 1969	<i>Exmouth Gulf Solar Salt Industry Agreement Act 1969</i>
1877	41 Vict., No. 1	<i>The Extradition Act, Western Australia 1877</i>
1976	No. 102 of 1976	<i>Fish Farming (Lake Argyle) Development Agreement Act 1976</i>
1909	No. 9 of 1909	<i>Fremantle (Skinner Street) Disused Cemetery Act 1909</i>
1948	No. 56 of 1948	<i>Government Employees' Pensions Act 1948</i>
1892	55 Vict., No. 35	<i>Hawkers and Pedlars Act 1892</i>
1864	28 Vict., No. 2	<i>Inquiries into Wrecks Ordinance 1864</i>
1918	No. 19 of 1918	<i>Insurance Companies Act 1918</i>
1947	No. 67 of 1947	<i>Iron and Steel Industry Act 1947</i>
1967	No. 19 of 1967	<i>Iron Ore (Hanwright) Agreement Act 1967</i>

<i>Year</i>	<i>Act or Ordinance</i>	<i>Short Title</i>
1967	No. 9 of 1967	<i>Iron Ore (Nimingarra) Agreement Act 1967</i>
1961	No. 35 of 1961	<i>Iron Ore (Scott River) Agreement Act 1961</i>
1969	No. 23 of 1969	<i>Lake Lefroy Salt Industry Agreement Act 1969</i>
1856	19 Vict., No. 5	<i>Lands Alienation Ordinance 1856</i>
1949	No. 6 of 1949	<i>Mental Institution Benefits (Commonwealth and State Agreement) Act 1949</i>
1903	No. 7 of 1903	<i>Merchant Shipping Act Application Act 1903</i>
1962	No. 50 of 1962	<i>Mount Goldsworthy-Ord Ranges-Depuch Island Railway Act 1962</i>
1957	No. 12 of 1957	<i>Nollamara Land Vesting Act 1957</i>
1928	No. 43 of 1928	<i>Poor Persons Legal Assistance Act 1928</i>
1892	55 Vict., No. 13	<i>Public Offices and Officers Designation Act 1892</i>
1952	No. 51 of 1952	<i>Referenda on Proposals for Marketing of Wheat, Oats, and Barley Act 1952</i>
1876	40 Vict., No. 9	<i>Removal of Guano Act 1876</i>
1955	No. 23 of 1955	<i>Rural Youth Movement Act 1955</i>
1952	No. 18 of 1952	<i>Sheepskins (Draft Allowance Prohibition) Act 1952</i>
1947	No. 46 of 1947	<i>Street Photographers Act 1947</i>
1871	35 Vict., No. 7	<i>The Superannuation Act 1871</i>
1893	57 Vict., No. 2	<i>Treasury Bills Act 1893</i>
1965	No. 24 of 1965	<i>Tuberculosis (Commonwealth and State Arrangement) Act 1965</i>
1854	17 Vict., No. 4	<i>Waterways Ordinance 1854</i>

<i>Year</i>	<i>Act or Ordinance</i>	<i>Short Title</i>
1966	No. 9 of 1966	<i>Wood Distillation and Charcoal Iron and Steel Industry Amendment Act 1966</i>
1936	No. 2 of 1936	<i>Wool (Draft Allowance Prohibition) Act 1936</i>

SCHEDULE 2

(section 7)

IMPERIAL ENACTMENTS

PART 1

<i>Year</i>	<i>Statute</i>	<i>General subject</i>
1346	20 Edw. III.	Oath of the Justices
1362	36 Edw. III, st. 1, c. 12.	Quarter sessions
1388	12 Rich. II, c. 10.	Justices of the peace, quarter sessions
1390	14 Rich. II, c. 11.	Justices of the peace
1403	5 Hen. IV, c. 10.	Imprisonment by justices of the peace
1439	18 Hen. VI, c. 11.	Justices of the peace
1487	4 Hen. VII, c. 12.	Justices of the peace
1553	1 Mary, sess. 2, c. 8.	Sheriff not to act as justice
1694	5 & 6 Will. & Mar., c. 11.	Quarter sessions delays
1697	8 & 9 Will. III, c. 33	Quarter sessions delays
1731	5 Geo. II, c. 18.	Justices' qualification
1731	5 Geo. II, c. 19.	Quarter sessions appeal
1741	15 Geo. II, c. 24.	Justices' commitment
1753	26 Geo. II, c. 27.	Justices
1760	1 Geo. III, c. 13.	Justices' qualification
1766	7 Geo. III, c. 9	Justices' oaths

<i>Year</i>	<i>Statute</i>	<i>General subject</i>
1766	7 Geo. III, c. 21	Justices' quorum
1778	18 Geo. III, c. 19.	Payment of charges of constables
1788	28 Geo. III, c. 49.	Justices of the peace
1803	43 Geo. III, c. 141.	Justices protection
1814	54 Geo. III, c. 84.	Quarter sessions
1819	59 Geo. III, c. 28.	Courts of quarter sessions
1822	3 Geo. IV, c. 23.	Summary proceedings
1823	4 Geo. IV, c. 27.	Justice of the peace

PART 2

<i>Year</i>	<i>Statute</i>	<i>General subject</i>	<i>Extent of Repeal</i>
1547	1 Edw. VI, c. 7.	Justice of the peace	section 4
1739	13 Geo. II, c. 18.	Laws continuance, etc.	section 5
