

Western Australia

Imperial Acts Adopting Act 1836

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An Act for adopting, and applying certain Acts of Parliament, passed in the first, the first and second, the second, the second and third, and the third and fourth years of the reign of His present Majesty, respectively, in the Administration of Justice in the Colony of Western Australia, in like manner as other laws of England are applied therein. ¹

Preamble

Whereas certain Acts of Parliament were passed in the first, the first and second, the second, the second and third, and the third and fourth years of the reign of His present Majesty King William the Fourth, intituled, respectively: 2

1. *An Act for making better Provision for the disposal of the undisposed of Residues of the Effects of Testators.* ^{3*}
2. *An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate.* ^{4*}
3. *An Act for amending the Law respecting the Conveyances Transfers of Estates and Funds vested in Trustees and Mortgagees: and for enabling Courts of Equity to give effect to their Decrees and Orders in certain Cases.* ⁵
4. *An Act for consolidating and amending the Laws relating to Property belonging to Infants, Fêmes-covert, Idiots, Lunatics, and Persons of unsound mind.* ^{6*}
5. *An Act for reducing it one Act, all such Forgeries as shall henceforth be punished with Death, and for otherwise amending the Laws relative to Forgery.* ⁷

6. *An Act to abolish certain Oaths and Affirmations taken and made in the Customs and Excise Departments of His Majesty's Revenue, and to establish Declarations in lieu thereof.* ^{8*}
7. *An Act for consolidating and amending the Laws against Offences relating to the Coin.* ⁹
- [8. *Repealed by 1 & 2 Edw. VII No. 14, s 3(2), Third Schedule.*]
9. *An Act for shortening the Time of Prescription in certain Cases.* ^{10*}
10. *An Act for regulating the Protesting for non-Payment of Bills of Exchange, drawn Payable at a Place not being the Place of Residence of the Drawee or Drawees of the same.* ^{11*}
11. *An Act for abolishing the Punishment of Death in certain Cases of Forgery.* ¹²
12. *An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Right thereof.* ¹³
13. *An Act for the further Amendment of the Law, and the better Advancement of Justice.* ^{14*}
14. *An Act to repeal so much of two Acts of the Seventh and Eighth Years and the Ninth Year of King George the Fourth, as inflicts the Punishment of Death upon Persons breaking, entering and stealing in a Dwelling-House; and also for giving power to the Judges to add to the Punishment of Transportation for Life in certain Cases of Forgery, and in certain other Cases.* ¹⁵
15. *An Act to render Freehold and Copyhold Estates Assets for the Payment of Simple and Contract Debts.* ¹⁶
16. *An Act for the Amendment of the Law relating to Dower.* ¹⁷
17. *An Act for the Amendment of the Law of Inheritance.* ¹⁸

And whereas it is expedient to adopt and apply the said recited Acts of Parliament in the Administration of Justice in the Colony of Western Australia:

Recited Imperial Acts adopted

Be it therefore enacted, by His Excellency the Governor of Western Australia, with the advice and consent of the Legislative Council thereof, that the said recited Acts of Parliament, and every clause, provision and enactment therein respectively contained, shall be, and the same are and is hereby adopted, and directed to be applied, in the Administration of Justice, so far as they can be applied to the circumstances of the said Colony.

Short title

This Act may be cited as the *Imperial Acts Adopting Act 1836*.
[Paragraph inserted by No. 10 of 1970 s.3.]

Notes

- ¹ This is a compilation of the *Imperial Acts Adopting Act 1836* and includes all amendments effected by the other Acts referred to in the following Table.

Compilation table

Act	Number and Year	Assent	Commencement
<i>Imperial Acts Adopting Act 1836</i>	6 Will. IV, No. 4, 1836	11 April 1836	11 April 1836
<i>Criminal Code Act 1902</i> , s 3 & 3 rd Schedule	1 & 2 Edw. VII, No. 14, 1902	19 February 1902	1 May 1902
<i>Statute Law Revision Act 1970</i> , s 3	10 of 1970	29 April 1970	29 April 1970

- ² This preamble refers to Acts passed in the reign of William IV and the Acts referred to were passed in his reign. However the Acts themselves are cited in the Statutes of the United Kingdom as chapters of 11 George IV and 1 William IV.
- ³ This adopted Act (11 Geo. IV & 1 Will. IV c. 40), [the *Executors Act 1830* (Imp)] has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.
- ⁴ This adopted Act (11 Geo. IV & 1 Will. IV c. 47), [the *Debts Recovery Act 1830* (Imp)] has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.
- ⁵ This adopted Act (11 Geo. IV & 1 Will. IV c. 60), so far as it was a part of the law of WA, was subsequently repealed by the *Trustee Ordinance 1854* (17 Vict. No. 10) [Assent 20 June 1854].
- ⁶ This adopted Act (11 Geo. IV & 1 Will. IV c. 65), [the *Infants Property Act 1830* (Imp)] has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.
- ⁷ This adopted Act (11 Geo. IV & 1 Will. IV c. 66), so far as it was a part of the law of WA, was subsequently repealed:
- All but s 21 was repealed by the *Criminal Law Consolidation Ordinance 1865* (29 Vict. No. 5) s 5 [Assent 7 July 1865].

- The balance was repealed by the *Criminal Code Act 1902* (1 & 2 Edw. VII No. 14) s 3 [Assent 19 February 1902; Commencement 1 May 1902].

⁸ This adopted Act (1 & 2 Will. IV c. 4), [the *Excise Declarations Act 1831* (Imp)], so far as it was a part of the law of WA, was subsequently repealed by the *Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Act 2005* (No. 24 of 2005) s 4.

⁹ This adopted Act (2 & 3 Will. IV c. 34), so far as it was a part of the law of WA, was subsequently repealed by the *Criminal Law Consolidation Ordinance 1865* (29 Vict. No. 5) s 5 [Assent 7 July 1865].

¹⁰ This adopted Act (2 & 3 Will. IV c. 71), [the *Prescription Act 1832* (Imp)] has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.

¹¹ This adopted Act (2 & 3 Will. IV c. 98), [the Bills of exchange (non-payment) (1832) (Imp)] has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.

¹² This adopted Act (2 & 3 Will. IV c. 123), so far as it was a part of the law of WA, was subsequently repealed by the *Criminal Law Consolidation Ordinance 1865* (29 Vict. No. 5) s 5 [Assent 7 July 1865].

¹³ This adopted Act (3 & 4 Will. IV c. 27), so far as it was a part of the law of WA, was:

- amended by the *Real Property Limitation Act 1878* (42 Vict. No. 6) s 9 [Assent 3 July 1878; Commencement 1 September 1878];
- repealed by the *Limitation Act 1935* (No. 35 of 1935) s 2 [Assent 7 January 1936; Commencement 14 April 1936].

¹⁴ This adopted Act (3 & 4 Will. IV c. 42), [the *Civil Procedure Act 1833* (Imp)] has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.

¹⁵ This adopted Act (3 & 4 Will. IV c. 44), so far as it was a part of the law of WA, was subsequently repealed by the *Criminal Law Consolidation Ordinance 1865* (29 Vict. No. 5) s 5 [Assent 7 July 1865].

¹⁶ This adopted Act (3 & 4 Will. IV c. 104), so far as it was a part of the law of WA, was subsequently repealed by the *Administration Act 1903* (No. 13 of 1903) s 2 [Assent 31 December 1903; Commencement 1 January 1904].

- ¹⁷ This adopted Act (3 & 4 Will. IV c. 105), so far as it is a part of the law of WA, is said to have been practically repealed by the *Real Estates Administration Act* (57 Vict. No. 9) [Assent 27 September 1893]. See *Pilot Volume No. 1* p 346.

This view may be supported by the fact that the *Administration Act 1903* repealed the *Real Estates Administration Act* (57 Vict. No. 9) as well as an Imperial Act adopted by this adopting Act (3 & 4 Will. IV c. 104) but did not expressly repeal this adopted Act. Perhaps because this adopted Act was seen as having already been impliedly repealed by the *Real Estates Administration Act*.

- ¹⁸ This adopted Act (3 & 4 Will. IV c. 106), so far as it is a part of the law of WA, is said to have been practically repealed by the *Real Estates Administration Act* (57 Vict. No. 9) [Assent 27 September 1893]. See *Pilot Volume No. 1* p 346 and the above note.