

Western Australia

## **Toodyay Cemeteries Act 1939**

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## **Toodyay Cemeteries Act 1939**

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## **Toodyay Cemeteries Act 1939**

**An Act for the closure of portion of a certain Road and to vest certain Lands in His Majesty; and for other purposes relative thereto.**

Whereas the land described in the First Schedule hereto forms portion of a road in the Toodyay Road District: And whereas the lands described in the first and second columns of the Second Schedule hereto are vested in various persons, bodies, or trustees, as set out in the third column of the said Second Schedule: And whereas it is desirable to close the said portion of the said road and to vest the lands described in the First and Second Schedules in His Majesty, with intent that same may be added together and proclaimed a public cemetery:

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 *Toodyay Cemeteries Act 1939*.

**2. Closure of portion of Quinlan street and vesting of the land comprised therein in His Majesty.**

All that portion of Quinlan street in the Toodyay Road District more particularly described in the First Schedule to this Act is hereby closed and all rights of way over the same shall cease on the passing of this Act. The land comprised in the said portion of the said street shall be and the same is hereby vested in His

Majesty freed and released from all and every trusts or trust affecting the same, and shall be deemed to be Crown land within the meaning of the *Land Act 1933-1938*, and be dealt with in the manner in this Act hereinafter mentioned.

**3. Lands vested in His Majesty**

From and after the commencement of this Act all rights of property which may have at any time been vested by statute or otherwise in the persons or corporations mentioned in the third column of the Second Schedule to this Act, or in any other person or persons or corporations whatsoever in any part of the lands described in the first and second columns of the said Second Schedule, shall absolutely cease and determine, and the whole of the said lands and all the right and title in law or in equity thereto shall be and the same are hereby vested in His Majesty freed and released from all and every trusts or trust affecting the same, and shall be deemed to be Crown land within the meaning of the *Land Act 1933-1938*, and shall be dealt with in the manner in this Act hereinafter mentioned.

**4. Lands vested in His Majesty to be added together and appointed a public cemetery and placed under the control of the Toodyay Road Board.**

The lands more particularly described in the First and Second Schedules hereto, when vested in His Majesty as provided for in this Act, shall forthwith be set aside in one reserve under the provisions of the *Land Act 1933-1938*, for the purposes of a public cemetery and thereafter shall be appointed a public cemetery, under and for the purpose of the *Cemeteries Act 1897*, and shall be placed under the control of the Shire of Toodyay, or such other trustees as the Governor may from time to time appoint under the provisions of the said last-mentioned Act.

*[Section 4 amended by No. 14 of 1996 s.4.]*

**5. Entries and amendments to be made by the Registrar of Titles**

The Registrar of Titles shall make such entries in and amendments of the records of the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5 relating to the lands mentioned in the First and Second Schedules to this Act as may in his opinion be necessary or expedient in consequence of the passing of this Act.

*[Section 5 amended by No. 60 of 2006 s. 163.]*

**First Schedule**

All that portion of land bounded by lines starting from the south-eastern corner of lot 76 of Avon location U3 (as shown on L.T.O. Deposited plan 3649) and extending southerly along the western alignment of the Toodyay-Bolgart road to the north-eastern corner of lot 143 on plan 3649 aforesaid; thence westerly along the northern boundary of said lot 143 to its north-western corner; thence northerly to the south-western corner of lot 76 aforesaid, and thence easterly along its southern boundary to the starting point.



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**Second Schedule**

Land	Reference	Proprietors
Portions of Avon Location U3 and being lots 77, 78, 79 and 80 on plan 3649	Volume 1060, folio 622	Toodyay Road Board, Toodyay.
Portion of Avon location U3 and being lot 81 on plan 330	Volume 333, folio 22	Toodyay Road Board, Toodyay
Portion of Avon location U3 and being lot 76 on plan 3649	Volume 839, folio 54	The Perth Diocesan Trustees, Cathedral avenue, Perth.
Portions of Avon location U3 and being lots 75 and 142 on plan 3649	Volume 601, folio 71	The Roman Catholic Bishop of Perth, Victoria square, Perth.
Portion of Avon location U3 on plan 3649	Volume 86, folio 121	The Diocesan Trustees of England in Western Australia.

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**Notes**

- <sup>1</sup> This is a compilation of the *Toodyay Cemeteries Act 1939* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Toodyay Cemeteries Act 1939</i>	8 of 1939	28 Oct 1939	28 Oct 1939
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see section 2)
<i>Land Information Authority Act 2006 s. 163</i>	60 of 2006	16 Nov 2006	1 Jan 2007 (see s. 2(1) and <i>Gazette</i> 8 Dec 2006 p. 5369)

- <sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

**Provisions that have not come into operation**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Standardisation of Formatting Act 2010 s. 4 and 50</i> <sup>2</sup>	19 of 2010	28 Jun 2010	To be proclaimed (see s. 2(b))

- <sup>2</sup> On the date as at which this compilation was prepared, the *Standardisation of Formatting Act 2010* s. 4 and 50 had not come into operation. They read as follows:

**4. Schedule headings reformatted**

- (1) This section amends the Acts listed in the Table.
- (2) In each Schedule listed in the Table:
  - (a) if there is a title set out in the Table for the Schedule — after the identifier for the Schedule insert that title;

- (b) if there is a shoulder note set out in the Table for the Schedule — at the end of the heading to the Schedule insert that shoulder note;
- (c) reformat the heading to the Schedule, as amended by paragraphs (a) and (b) if applicable, so that it is in the current format.

**Table**

<b>Act</b>	<b>Identifier</b>	<b>Title</b>	<b>Shoulder note</b>
<i>Toodyay Cemeteries Act 1939</i>	First Schedule	Quinlan Street land	[s. 2]
	Second Schedule	Cemetery land	[s. 3]

**50. Heading to preamble**

- (1) This section amends the Acts listed in the Table.
- (2) In each Act listed in the Table after the long title insert:

**Preamble**