



Western Australia

Busselton Cemetery Act 1944

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CONTENTS

1.	Short title	1
2.	Land revested in His Majesty	1
3.	Lands revested to be deemed to be a disused burial ground and to be placed under the control of the Shire of Busselton	2

Schedule

Notes

Compilation table	4
Provisions that have not come into operation	4

Busselton Cemetery Act 1944

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

Preamble

Whereas the lands described in, the first and second columns of the Schedule are vested in the persons as set out in the third column of the said Schedule for the purposes set out in the fourth column of the said Schedule; and whereas the said lands have not for some time past been required or used for the said purposes and it is therefore deemed expedient to revest the said lands in His Majesty and to make other provision in relation thereto:

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 *Busselton Cemetery Act 1944*¹.

2. Land revested 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 Schedule or in any other person or persons or

s. 3

corporation whatsoever in any part of the lands described in the first and second columns of the said 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.

3. Lands revested to be deemed to be a disused burial ground and to be placed under the control of the Shire of Busselton

The following provisions shall apply to the lands when revested as aforesaid —

- (1) Notwithstanding that the said lands shall have become vested in His Majesty as aforesaid, the said lands shall be deemed to be and continue a disused burial ground within the meaning and for the purposes of the *Cemeteries Act Amendment Act 1902*, but instead of being vested in trustees under the provisions of that Act, shall be placed under the management and control of the Shire of Busselton as a board appointed under the provisions of the *Parks and Reserves Act 1895*, which shall manage and control the said lands as a disused burial ground as aforesaid.
- (2) The Shire of Busselton as such board aforesaid shall not be deemed to have any vested estate or interest in the said lands, but otherwise shall have in respect to the said lands all the rights, powers, authorities, duties and obligations of the trustees of a disused burial ground which has been vested in such trustees under the provisions of the said *Cemeteries Act Amendment Act 1902*.

[Section 3 amended by No. 14 of 1996 s. 4.]

Schedule

Schedule

Land.	Reference.	Proprietors.	Purpose of Grant.
Busselton Suburban Lot C.	Registry of Deeds enrolment No. 2597 and memorial registered in Book XV., No. 641	Granted to the Right Reverend Father in God, Mathew Blagden Hale, Lord Bishop of Perth, but now vested in the Diocesan Trustees of Bunbury, Incorporated	Cemetery.
Busselton Suburban Lot C1.	Registry of Deeds enrolment No. 2611	Granted to the Reverend Martin Griver, a Roman Catholic Chaplain, but now vested in the Roman Catholic Archbishop of Perth	Cemetery.

Notes

- ¹ This is a compilation of the *Busselton Cemetery Act 1944* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Busselton Cemetery Act 1944</i>	19 of 1944	23 Dec 1944	23 Dec 1944
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
Reprint 1: The <i>Busselton Cemetery Act 1944</i> as at 14 Feb 2003 (includes amendments listed above)			

- ^{1a} 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

Short title	Number and year	Assent	Commencement
<i>Standardisation of Formatting Act 2010 s. 4 and 51</i> ²	19 of 2010	28 Jun 2010	To be proclaimed (see s. 2(b))

- ² On the date as at which this compilation was prepared, the *Standardisation of Formatting Act 2010* s. 4 and 51 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

Act	Identifier	Title	Shoulder note
<i>Busselton Cemetery Act 1944</i>	Schedule	Cemetery land	[s. 2]

51. Various written laws amended

- (1) This section amends the written laws listed in the Table.
- (2) Amend the provisions listed in the Table as set out in the Table.

10. <i>Busselton Cemetery Act 1944</i>		
s. 3	The following provisions shall apply to the lands when revested as aforesaid —	