



Western Australia

Guildford Cemeteries Act 1936

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Guildford Cemeteries Act 1936

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Guildford Cemeteries Act 1936

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 hereto are vested in the religious bodies or trustees set out in the third column of the said Schedule and are held and used as burial grounds but not as a public cemetery under and within the meaning of the *Cemeteries Act 1897*²: And whereas it is deemed desirable and expedient that the said lands should become and be used as a public cemetery under the said Act in conjunction with reserve ↑1286 adjoining the said lands and now a public cemetery under the said Act:

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 *Guildford Cemeteries Act 1936*¹.

2. Lands revested in His Majesty

Subject to section 5, and from and after the commencement of this Act, all rights of property which may have at any time been vested by Statute or otherwise howsoever in the persons or corporations mentioned in the third column of the Schedule to

this Act, or in any other person or 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 all and singular the said lands and all the right and title thereto, either in law or in equity, 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. Land revested to be reserved as cemetery

The said lands revested in His Majesty by section 2 shall forthwith be reserved as a site for a cemetery, and in conjunction with reserve ↑1286 adjoining the same shall forthwith be proclaimed as a public cemetery, under and in accordance with the provisions of the *Cemeteries Act 1897*²; and, when so reserved and proclaimed as aforesaid, the said lands shall be vested in or placed under the control of trustees appointed under the provisions of the said *Cemeteries Act 1897*², as the Governor may think fit, for the purposes of a public cemetery.

4. Original owners of lands relieved of responsibility

When the said lands revested in His Majesty by section 2 have been reserved and proclaimed as a public cemetery as provided for in section 3, the persons and corporations mentioned in the third column of the Schedule to this Act and all other persons or corporations having prior to the commencement of this Act any duty, obligation, or responsibility in relation to the management, conduct, or control of the said lands or any part thereof as a burial ground, shall be freed and relieved from every such duty, obligation, and responsibility.

5. Preservation of existing burial rights

Notwithstanding anything to the contrary contained in section 2, every person holding at the commencement of this Act by virtue of any instrument of lease, licence, or other title then subsisting and in force any right of burial in respect of any area or piece of

any of the said lands as specified in such instrument, shall, after the commencement of this Act, continue to hold and enjoy the benefit of such right of burial according to the tenor of the instrument aforesaid by which such right is conferred in respect of the area or piece of land specified in such instrument and forming part of the public cemetery proclaimed as provided for in section 3; and the trustees of such public cemetery shall be bound by and observe all the provisions and conditions of such instrument in all respects and to the same extent as if such instrument had originally been executed, and the right of burial granted thereby had originally been given to the holder thereof by such trustees.

Schedule — Cemetery land

[s. 2]

[Heading amended by No. 19 of 2010 s. 4.]

Land	Instrument of Title	Proprietors
Swan Location 1284	Certificate of Title vol. 34, folio 110	The Roman Catholic Bishop of Perth.
Swan Location 1286	Certificate of Title vol. 33, folio 318	The Diocesan Trustees of the Church of England.
Swan Location 1293	Certificate of Title vol. 35, folio 206	James Young Simpson, superintendent, Wesleyan Minister; George Shenton, merchant; Richard Watson Hardey, gentleman, all of Perth; John Henry Monger, merchant, of York, and Charles Crowther, merchant, of Geraldton, as Trustees for the Wesleyan Methodist Church.
Swan Location 1368	Certificate of Title vol. 216, folio 94	The Salvation Army (Western Australia) Property Trust.

Notes

- ¹ This is a compilation of the *Guildford Cemeteries Act 1936* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Guildford Cemeteries Act 1936</i>	19 of 1936 (1 Edw. VIII No. 19)	11 Dec 1936	11 Dec 1936
Reprint 1: The <i>Guildford Cemeteries Act 1936</i> as at 15 Jan 2010			
<i>Standardisation of Formatting Act 2010</i> s. 4	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)

- ² Repealed by the *Cemeteries Act 1986*.