



Western Australia

Imperial Acts Adopting Ordinance 1867

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Imperial Acts Adopting Ordinance 1867

An Ordinance for adopting certain Acts of the Imperial Parliament. ¹

Preamble

Whereas a certain Act of Parliament was passed in the Session holden in the second and third years of the reign of Her present Majesty Queen Victoria, intituled

An Act for the better protection of purchasers against Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy: ²

And whereas a certain other Act of Parliament was passed in the Session holden in the seventeenth and eighteenth years of the reign of Her said Majesty, intituled

An Act to amend the Law relating to the Administration of the Estates of deceased persons; ³

And whereas a certain other Act of Parliament was passed in the Session holden in the eighteenth and nineteenth years of the reign of Her said Majesty, intituled

An Act for the better protection of purchasers against Judgments, Crown debts, cases of Lis Pendens and Life Annuities or Rent charges; ⁴

And whereas a certain other Act of Parliament was passed in the Session holden in the nineteenth and twentieth years of the reign of Her said Majesty, intituled

An Act to amend the Laws of England and Ireland affecting trade and commerce;^{5*}

And whereas a certain other Act of Parliament was passed in the Session holden in the twenty-first and twenty-second years of the reign of Her said Majesty, intituled

*An Act to enable persons to establish legitimacy, and the validity of marriages, and the right to be deemed natural-born subjects;*⁶

And whereas a certain other Act of Parliament was passed in the Session holden in the twenty-second and twenty-third years of the reign of her said Majesty, intituled

*An Act to further amend the Law of property and to relieve Trustees;*⁷

And whereas certain other Acts of Parliament were passed in the Session holden in the twenty-third and twenty-fourth years of the reign of Her said Majesty, intituled respectively

*An Act to further amend the Law of Property;*⁸ and

*An Act to give to Trustees, Mortgagees, and others certain powers now commonly inserted in Settlements, Mortgages, and Wills;*⁹

And whereas it is expedient to adopt and apply the said several recited Acts of Parliament in the administration of Justice in this Colony:

Be it therefore enacted by His Excellency the Governor of Western Australia and its dependencies, by and with the advice and consent of the Legislative Council thereof,

Recited Imperial Acts adopted

that the said several recited Acts of Parliament of Great Britain, 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 respectively be applied to the circumstances of the Colony.

2. Imperial Acts about judgments etc. adopted

And whereas it is also expedient that the enactments respecting Judgments, Decrees, and Orders, contained in an Act of Parliament 1 & 2 Vict., c. 110¹⁰, and of the amending Act 3 & 4 Vict., c. 82¹¹, should be in force in this Colony:

Be it therefore further enacted that all and every the provisions and enactments respecting Judgments, Decrees and Orders, and the registering thereof contained in the Act of Parliament 1 & 2 Vict., c. 110, and of the amending Act 3 & 4 Vict., c. 82 shall be, and the same are and is hereby adopted and directed to be applied together with the enactments and provisions contained in the aforesaid Act, 2 & 3 Vict., c. 11, and as explained and amended by the aforesaid Act 18 & 19 Vict., c. 15 to Judgments, Decrees, and Orders of the Supreme Court, and the Court for Divorce and Matrimonial Causes in this Colony.

3. General Orders and rules of practice of Courts to be in force

That all General Orders, and all rules regulating the practice of the Courts in England under any of the aforesaid Acts, shall as far as practicable be in force for regulating the practice of the Courts in this Colony. And every power, and all duties conferred and imposed in and by any of the aforesaid Acts on any Court or Judge, or upon the Lord Chancellor, whether with or without the advice and assistance of any other Judge or Judges, Court or Courts, shall respectively be exercised and discharged by the Supreme Court or Chief Justice of this

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Colony; and that all functions ascribed by any of the said Acts to the Attorney General in England shall be discharged by the Attorney General in this Colony; and all acts and duties to be performed by any Master of any Court at Westminster shall be performed and discharged by the Registrar Master and Keeper of Records of the Supreme Court in this Colony.

4. Short title

This Ordinance may be cited as the *Imperial Acts Adopting Ordinance 1867*.

[Section 4 inserted: No. 10 of 1970 s.3.]

Notes

- ¹ This is a compilation of the *Imperial Acts Adopting Ordinance 1867* and includes all amendments effected by the other Acts referred to in the following Table.

Compilation table

| Short title | Number and year | Assent | Commencement |
|--|----------------------|---------------|---------------|
| <i>Imperial Acts Adopting Ordinance 1867</i> | 31 Vict., No. 8 1867 | 15 July 1867 | 15 July 1867 |
| <i>Statute Law Revision Act 1970 s. 3</i> | 10 of 1970 | 29 April 1970 | 29 April 1970 |

- ² Sections 1-6 of this adopted Act (2 & 3 Vict. c. 11), [the *Judgments Act 1839* (Imp)], so far as they were a part of the law of WA, were subsequently repealed by the *Courts Legislation Amendment and Repeal Act 2004* (No. 59 of 2004) s. 20(e). The adopted Act has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.
- ³ This adopted Act (17 & 18 Vict. c. 113) (1854), so far as it was a part of the law of WA, was subsequently repealed by the *Wills Act 1970 s 3* [Assent 29 April 1970; Commencement 1 July 1970].
- ⁴ Sections 1-8 of this adopted Act (18 & 19 Vict. c. 15), [the *Judgments Act 1855* (Imp)], so far as they were a part of the law of WA, were subsequently repealed by the *Courts Legislation Amendment and Repeal Act 2004* (No. 59 of 2004) s. 20(g). The adopted Act has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.
- ⁵ This adopted Act (19 & 20 Vict. c. 97), [the *Mercantile Law Amendment Act 1856* (Imp)] has been reproduced as at 26 October 1999 as part of the document entitled “Imperial Acts Adopted”.
- ⁶ This adopted Act (21 & 22 Vict. c. 93) (1858), so far as it was a part of the law of WA, was subsequently repealed by the *Supreme Court Act 1935 s 3* [Assent proclaimed 3 April 1936; Commencement 1 May 1936].
- ⁷ This adopted Act (22 & 23 Vict. c. 35) (1859), so far as it was a part of the law of WA, was subsequently repealed;
- ss 26, 30, 31 & 32 were repealed by the *Trustees Act 1900* (64 Vict. No. 17) s 2 [Assent 5 December 1900; Commencement 31 December 1900];
 - the balance was repealed by the *Property Law Act 1969 s 4* [Assent 19 May 1969; Commencement 1 August 1969].
- ⁸ This adopted Act (23 & 24 Vict. c. 38) (1860), so far as it was a part of the law of WA, was subsequently repealed:
- all but ss 6, 7 & 8 was repealed by the *Trustees Act 1900* (64 Vict. No. 17) s 2 [Assent 5 December 1900; Commencement 31 December 1900];

- the balance was repealed by the *Property Law Act 1969* s 4 [Assent 19 May 1969; Commencement 1 August 1969].
- ⁹ This adopted Act (23 & 24 Vict. c. 145) (1860), so far as it was a part of the law of WA, was subsequently repealed:
- ss 8 & 9 were repealed by the *Trustees Act 1900* (64 Vict. No. 17) s 2 [Assent 5 December 1900; Commencement 31 December 1900];
 - Parts I and III were repealed by the *Trustees Act 1962* s 4 [Assent 6 December 1962; Commencement 1 January 1963];
 - the balance was repealed by the *Property Law Act 1969* s 4 [Assent 19 May 1969; Commencement 1 August 1969].
- ¹⁰ This adopted Act (1 & 2 Vict. c. 110), [the See *Judgments Act 1838* (Imp)], so far as it was a part of the law of WA, was subsequently repealed by the *Courts Legislation Amendment and Repeal Act 2004* (No. 59 of 2004) s. 20(d).
- ¹¹ This adopted Act (3 & 4 Vict. c. 82), [the See *Judgments Act 1840* (Imp)], so far as it was a part of the law of WA, was subsequently repealed by the *Courts Legislation Amendment and Repeal Act 2004* (No. 59 of 2004) s. 20(f).