

CITY AND SUBURBAN RAILWAYS  
(RESUMPTION RESCISSION)  
ACT.

Act No. 10, 1917.

An Act to provide for the rescission of certain resumptions under the City and Suburban Electric Railways Act, 1915, and the Sydenham to Botany Railway Act, 1913; and for purposes consequent thereon or incidental thereto. [Assented to, 3rd November, 1917.]

George V,  
No. 10.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** This Act may be cited the “City and Suburban Railways (Resumption Rescission) Act, 1917.”

Short title.

**2.** (1) The Governor, by notification in the Gazette, may rescind in whole or in part any notification of resumption or any taking of land (including easements or rights) for the purposes of any of the works described in the Schedule to the City and Suburban Electric Railways Act, 1915, or in the Schedule to the Sydenham to Botany Railway Act, 1913, except where the land in respect of which rescission is notified as aforesaid, has been actually taken possession of and work of construction has commenced on such land under either of the said Acts.

Rescission of  
resumptions.

(2) On the publication of such notification the land, and any easements and rights resumed or taken as aforesaid, shall revert in the persons who were entitled to the same at the time of such resumption or taking for their estates, interests, or rights at the time of such resumption or taking, but subject to any interests in or equities binding on such land created by the Constructing Authority

**George V,** Authority since the resumption or taking; and the land  
**No. 10.** shall be subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way, or other easements, from which it was freed and discharged by such resumption or taking as if the land, easements, and rights had not been resumed or taken, and shall also be subject to any interests in or equities binding on the compensation moneys created since the resumption or taking.

(3) Any such person or any person claiming through or under him shall be entitled to be compensated by the Constructing Authority for any actual loss or damage which he has suffered as a direct consequence of the resumption or taking, and its rescission other than compensation in respect of the value of the land. Such compensation may be recovered by action against the Constructing Authority: and such action may be brought, heard, and determined in the same manner and subject to the same conditions, *mutatis mutandis*, as an action for damage or injury may be brought, heard, and determined under section twelve of the City and Suburban Electric Railways Act, 1915.