

GOVERNMENT RAILWAYS (AMENDMENT) ACT.

Act No. 59, 1952.

Elizabeth II. An Act to amend the Government Railways
No. 59, 1952. Acts, 1912-1951, in certain respects; and
for purposes connected therewith. [Assented
to, 4th December, 1952.]

BE it enacted by the Queen's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
the same, as follows:—

**Short title
and
citation.**

1. (1) This Act may be cited as the "Government
Railways (Amendment) Act, 1952".

(2) The Government Railways Act, 1912, as
amended by subsequent Acts and by this Act, may be
cited as the Government Railways Act, 1912-1952.

2.

2. The Government Railways Act, 1912, as amended by subsequent Acts, is amended by inserting next after section 20B the following new section:—

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Amendment
of Act No.
30, 1912.

20BB. (1) The Governor may, by notification in the Gazette, rescind in whole or in part any notification of resumption or any taking of land (including easements or rights) made for the purposes of any works in respect of which the Commissioner for Railways is the Constructing Authority within the meaning of the Public Works Act, 1912, as amended by subsequent Acts.

New sec.
20BB.
Power to
rescind
resumptions.

(2) Upon the publication of any notification of rescission the land described in such notification shall revert in the person who was entitled thereto immediately before the resumption or taking for his estate, interest or right immediately before such resumption or taking, but subject to any interest in or equity binding upon such land created by the Constructing Authority since such resumption or taking; and the land 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 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) On the lodgment with the Registrar-General of a copy of a notification in the Gazette rescinding a notification of resumption or taking of land under the provisions of the Real Property Act, 1900, as amended by subsequent Acts, the Registrar-General shall cancel any entry or notification in the register book made by him pursuant to section 46A of the Real Property Act, 1900, as so amended, in so far as it relates to the land the notification of the resumption or taking of which has been rescinded, and for the purpose of any dealing with such land the entry or

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or notification made pursuant to section 46A of the Real Property Act, 1900, as so amended, shall be deemed never to have been made.

(4) The person in whom any land is revested under this section shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered by him as a direct consequence of the resumption or taking and its rescission other than compensation in respect of the value of the land.

(5) Any claim for compensation arising under this section shall be heard and determined in like manner and subject to the like conditions as a claim for compensation by reason of the acquisition of land under the Public Works Act, 1912, and the provisions of the Land and Valuation Court Act, 1921, as amended by subsequent Acts, shall, mutatis mutandis, apply to and in respect of the hearing and determination of any such claim.
