

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 Legislative 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 ^{No. 59, 1952.}
amended by subsequent Acts, is amended by inserting ^{Amendment}
next after section 20B the following new section:— ^{of Act No.}
^{30, 1912.}

20BB. (1) The Governor may, by notification ^{New sec.}
^{20BB.} 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.

(2) Upon the publication of any notification
of rescission the land described in such
notification shall revest in the person who was
entitled thereto immediately before the resump-
tion 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.
