

BORDER RAILWAYS (AMENDMENT) ACT.

Act No. 13, 1941.

George VI.
No. 13, 1941.

An Act to provide for the vesting of certain lands referred to in the Border Railways Act, 1922; to validate certain matters; to amend the Border Railways Act, 1922, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 29th March, 1941.]

BE 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 :—

Short title.

1. (1) This Act may be cited as the "Border Railways (Amendment) Act, 1941."

(2) The Border Railways Act, 1922, as amended by this Act, may be cited as the Border Railways Act, 1922-1941.

Amendment
of Act No.
16, 1922.

2. (1) The Border Railways Act, 1922, is amended—

Sec. 8.
(Resump-
tion by
Governor.)

(a) by omitting from section eight the words "in the Government of the State of Victoria for the purposes of the agreement" and by inserting in lieu thereof the words "for the purposes of the agreement, in such corporation constituted by or under any Act of the Parliament of Victoria as may be nominated for the purpose by the Governor of Victoria.

The vesting under this subsection shall be effected by the conveyance or transfer by the Minister for Public Works of so much of the land resumed or acquired as is required for purposes of or incidental to the railway so constructed."

(b)

(d) by inserting at the end of the same section the following new subsection:—

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New sub-sec. (2).

(2) Any land resumed or acquired under this section which is not required for purposes of or incidental to any railway constructed under the agreement may be sold, leased or otherwise dealt with under the Public Works Act, 1912, as amended by subsequent Acts, in all respects as if it were land taken under the provisions of that Act for an authorised work and not required for the purposes of any authorised work or may be reconveyed or retransferred to the persons entitled in full or part satisfaction of any claim for compensation in respect of the resumption or acquisition of the land.

In any sale made pursuant to this subsection an easement over or a right of using the whole or any part of the land sold may be reserved.

(2) Subsection one of this section shall be deemed to have commenced on the first day of January, one thousand nine hundred and twenty-three.

3. (1) The provisions of section 157A of the Conveyancing Act, 1919-1939, shall, mutatis mutandis, apply to and in respect of any resumption or acquisition of land under the authority of section eight of the Border Railways Act, 1922, whether such resumption or acquisition was made before or is made after the commencement of this Act.

Trustees and personal representatives.

(2) For the purposes of such application, but not otherwise, that section shall be deemed to be amended by omitting subsection seven and by inserting in lieu thereof the following subsection:—

(7) This section applies to resumptions made under the Border Railways Act, 1922, either before or after the commencement of the Border Railways (Amendment) Act, 1941.

(3) Where any land has been resumed or acquired, either before or after the commencement of the Border Railways (Amendment) Act, 1941, under the Border Railways Act, 1922, from a trustee or personal representative it shall be lawful for such trustee or personal representative or his successor in office to accept a reconveyance or a retransfer of the whole or any part of the land

No. 13, 1941. land resumed or acquired in full or part satisfaction of any claim for compensation arising out of such resumption or acquisition.

Validation. **4.** For the purposes of any resumption or acquisition of land under the Border Railways Act, 1922, any notice of taking, purporting to have been given before the commencement of this Act, under Division 2 of Part V of the Public Works Act, 1912, as amended by subsequent Acts, shall be deemed to have been duly given notwithstanding that the Governor had not directed that the land to which the notice relates should be acquired under that Division, and the provisions of the Public Works Act, 1912, as amended by subsequent Acts, shall apply and shall be deemed always to have applied accordingly.
