

1990 – No. 222

CROWN LANDS ACT 1989 – REGULATION
(Crown Lands (Transitional Provisions) Regulation 1990)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Crown Lands Act 1989, has been pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY
Minister for Natural Resources.

Citation

1. This Regulation may be cited as the Crown Lands (Transitional Provisions) Regulation 1990.

Commencement

2. This Regulation commences on 1 May 1990.

Definitions

3. In this Regulation:

"**Crown Lands Acts**" does not include the Act or the Continued Tenures Act;

"**the Act**" means the Crown Lands Act 1989;

"**the Continued Tenures Act**" means the Crown Lands (Continued Tenures) Act 1989;

"the Continued Tenures Regulation" means the Crown Lands (Continued Tenures) Regulation 1990.

Application of Regulation

4. This Regulation applies to an application or other matter that was pending or commenced at the commencement of the Act if the Minister has issued a direction under clause 15 of Schedule 8 to the Act that it be dealt with as if the Crown Lands Acts, or section 28BB of the Western Lands Act 1901 had not been repealed.

Purchases

5. On the granting of an application (to which this Regulation applies) to purchase land or for the conversion or purchase of a perpetual lease, term lease or special lease under the Crown Lands Acts, the purchase has effect as an incomplete purchase in force at the commencement of the Continued Tenures Act and the provisions of that Act and the Continued Tenures Regulation relating to incomplete purchases apply to that purchase.

Perpetual leases

6. On the granting of an application (to which this Regulation applies) to extend the term of a conditional lease, Crown-lease or prickly-pear lease to perpetuity, the lease has effect as a perpetual lease in force at the commencement of the Continued Tenures Act and the provisions of that Act and the Continued Tenures Regulation relating to perpetual leases apply to that lease.

Term leases

7. On the granting of an application (to which this Regulation applies) to extend the term of a conditional lease, Crown-lease or prickly-pear lease for an additional term of years, the lease has effect as a term lease in force at the commencement of the Continued Tenures Act and the provisions of that Act and the Continued Tenures Regulation relating to term leases apply to that lease.

Special leases

8. (1) On the granting of an application (to which this Regulation applies) to extend the term of a special lease (other than a special lease granted over an expired conditional lease, the holder of which had

failed to apply for extension of the term of the lease) for an additional term of years, the lease has effect as a special lease in force at the commencement of the Continued Tenures Act and the provisions of that Act (clause 5 of Part 5 of Schedule 2 excepted) and the Continued Tenures Regulation relating to special leases apply to that lease.

(2) On the granting of an application (to which this Regulation applies) to extend the term of a special lease:

- (a) to perpetuity; or
- (b) in the case of a special lease for a term of years granted over an expired conditional lease (the holder of which had failed to apply for extension of the term of the lease), for an additional term of years,

the lease has effect as a special lease in force at the commencement of the Continued Tenures Act and the provisions of that Act (clause 4 of Part 5 of Schedule 2 excepted) and the Continued Tenures Regulation relating to special leases apply to that lease.

Permissive occupancies

9. On the granting of an application (to which this Regulation applies) for a permissive occupancy, the occupancy has effect as a permissive occupancy in force at the Commencement of the Continued Tenures Act and the provisions of that Act and the Continued Tenures Regulation relating to permissive occupancies apply to that permissive occupancy.

Quarry licences

10. On the granting of an application (to which this Regulation applies) for a quarry licence or an interim quarry licence, the licence has effect as a quarry licence in force at the commencement of the Continued Tenures Act and the provisions of that Act and the Continued Tenures Regulation relating to quarry licences apply to that licence.

Permits to enclose roads or watercourses

11. On the granting of a permit to enclose a road or watercourse to which this Regulation applies:

- (a) pursuant to an application under section 202 of the Crown Lands Consolidation Act 1913; or

- (b) following a reference to a local land board under section 202 (b) of that Act,

the permit has effect as an enclosure permit granted under the Act and the provisions of the Act and the Crown Lands Regulation 1989 relating to enclosure permits apply to that permit.

NOTE

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EXPLANATORY NOTE

The object of this Regulation is to make savings and transitional arrangements consequent on the commencement of the Crown Lands Act 1989 and, in particular, to ensure that the Crown Lands (Continued Tenures) Act 1989 applies fully to tenures which are the subject of applications on that commencement but are dealt with under the former Crown Lands Acts.
