

ROAD CLOSURE.

5° Elizabeth II., No. IXVI.

No. 66 of 1956.

AN ACT for the Closure of certain Roads and Rights-of-way and of portions of certain Roads and Rights-of-way and for other purposes.

[Assented to 4th January, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Road Closure Act, 1956.* Short title.

2. (1) The public road in the Carnarvon Municipal District being— Closure of a public road at Carnarvon.
the surveyed road between Carnarvon Lots 239, 240 and 504 and Carnarvon Lot 502

is hereby closed, and all rights of way over it shall cease on the coming into operation of this Act.

(2) The land comprised in the road so closed is hereby revested in Her Majesty as of her former estate with the intention that it be included in the adjoining Reserve No. 10737 which is set apart for the purpose of a Public Cemetery.

Closure of
portion of
Stirling
Road,
Claremont.

3. (1) All that portion of a public road in the Claremont Municipal District being—

the portion of Stirling Road commencing at the prolongation westerly of the southern boundary of Swan Location P. 232 and extending northerly to the southern alignment of Alfred Road including a widening at the north-eastern corner of Lot 57 on Land Titles Office Diagram No. 16686,

is hereby closed and all rights of way over it shall cease on the coming into operation of this Act.

(2) The land comprised in the portion of the road so closed is hereby revested in Her Majesty as of her former estate with the intention that it shall be granted to the Municipality of Claremont for incorporation in the Lake Claremont reclamation and beautification scheme.

Closure of
portion of
Ambleside
Avenue,
Mount
Hawthorn.

4. (1) All that portion of a public road in the City of Perth being—

the portion of Ambleside Avenue, Mount Hawthorn, east of the eastern alignment of East Street,

is hereby closed and all rights of way over it shall cease on the coming into operation of this Act.

(2) The land comprised in the road so closed vests as for an estate in fee simple therein in the respective owners for the time being of the lots contiguous thereto and where the lots on opposite sides of any

portion of the road so closed are owned by different owners, the contiguous half of that portion extending to a longitudinal line along the middle thereof vests in the owner or owners of the lot or lots contiguous to it.

(3) The Registrar of Titles shall, on the application of the owner of the land contiguous to the part of the road so vested and on payment of the prescribed fee, cancel the relative certificate of title and issue a new one in which the land in that part shall be included.

(4) Where the land contiguous to any part of the road so vested is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, that part shall, if the nature of the encumbrance so admits, on the issue of the new certificate of title showing the vesting of the part as in this section provided, become subject to that encumbrance as if it had been originally included in the encumbrance by the owner for the time being of that estate or interest.

5. (1) All that portion of a public road in the Perth Municipal District being—

Closure of
portion of a
public road
at Leeder-
ville.

the portion of a road one chain wide extending along part of a north-eastern boundary of Swan Location 2853 and situate south-eastward of the prolongation south-westerly of a line parallel to and distant six and two-tenths links north-westerly from the south-eastern boundary of lot 28 of Perthshire Location 1 on Land Titles Office Plan 2557,

is hereby closed and all rights of way over it shall cease on the coming into operation of this Act.

(2) The land comprised in the road so closed is hereby revested in Her Majesty as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it be set apart as a reserve for Recreation.

Deviation of
portion of
Esplanade,
Rocking-
ham.

6. (1) The public road in the Rockingham Road District known as Esplanade is hereby deviated in the manner shown on Lands and Surveys Diagram No. 63608 and the portion containing three perches as coloured blue on the diagram is hereby closed and all rights of way over that portion shall cease on the coming into operation of this Act.

(2) The land comprised in the portion so closed is hereby vested as for an estate in fee simple in the owner for the time being of the contiguous land comprising portion of Rockingham Lot 218 and being Lot 1 on Land Titles Office Diagram No. 16071 by way of exchange for portion of the same lot referred to in subsection (3) hereof and shall be included in and become portion of Lot 1.

(3) The portion of the said Lot 1 on Land Titles Office Diagram No. 16071 as shown coloured dark brown on Lands and Surveys Diagram No. 63608 and containing six-tenths of a perch is hereby revested in Her Majesty as of her former estate and is dedicated as portion of the public road known as Esplanade.

(4) The Registrar of Titles shall, on application by the owner of the aforesaid Lot 1 and on payment of the prescribed fee cancel the relative Certificate of Title and issue a new one to that lot to include the land comprised in the portion of the road so closed and excluding the revested land.

(5) Where the land contiguous to any part of the road so vested is subject to encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, that part shall, if the nature of the encumbrance so admits, on the issue of the new certificate of title showing the vesting of that part as in this section provided, become subject to that encumbrance as if it had been originally included in the encumbrance by the owner for the time being of that estate or interest.

7. (1) All that portion of Outridge Terrace in the Kalgoorlie Municipal District being—

Closure of
portion of
Outridge
Terrace,
Kalgoorlie.

the portion surveyed in Kalgoorlie Lots 3381 to 3383 inclusive on Lands and Surveys Original Plan No. 6895

is hereby closed and all rights of way over it shall cease on the coming into operation of this Act.

(2) The portion so closed is hereby revested in Her Majesty as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that the land comprised therein be disposed of in such manner as the Governor approves and is hereby authorised to approve.

8. (1) The public road, known as University Avenue in the Subiaco Municipal District and being—

Closure of
University
Avenue,
Hollywood

the whole of University Avenue extending from the intersection of the southern alignment of Aberdare Road and the western alignment of Winthrop Avenue to the northern alignment of Monash Avenue

may be closed by the Governor by proclamation and thereupon all rights of way over it shall cease.

(2) The land comprised in the road when so closed is hereby revested in Her Majesty as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it may be disposed of in such manner as the Governor approves and is hereby authorised to approve.

9. (1) All those portions of Blair Street at Bunbury in the Bunbury Municipal District being—

Closure of
portions of
Blair Street,
Bunbury.

(a) that portion now surveyed as Wellington Locations 4686, 4687, 4688 and 4689 on Lands and Surveys Original Plan No. 6788, and

- (b) that portion abutting part of the western boundary of Wellington Location 4449 and being the portion coloured blue on Lands and Surveys Original Plan No. 6788

are hereby closed and all rights of way over them shall cease on the coming into operation of this Act.

(2) The lands comprised in the portions so closed are hereby revested in Her Majesty as of her former estate and are removed from the operation of the Transfer of Land Act, 1893, with the intention that they be disposed of in such manner as the Governor approves and is hereby authorised to approve.

Closure of
Swanbourne
Terrace,
Swanbourne.

10. (1) The public road known as Swanbourne Terrace in the Nedlands Municipal District and being—

the whole of Swanbourne Terrace situated northward of the northern alignment of Wood Street

is hereby closed and all rights of way over it shall cease on the coming into operation of this Act.

(2) The land comprised in the road so closed is hereby revested in Her Majesty as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it may be leased with the approval of the Governor to The Commonwealth of Australia.

Closure of
portion of
Higham
Road,
North
Fremantle.

11. (1) All that portion of Higham Road in the North Fremantle Municipal District being—

all that portion of a surveyed road, sixty-eight links wide, known as Higham Road, separating the south-eastern boundaries of lots 4 to 6 inclusive from the north-western boundaries of lots 7 to 10 inclusive on Land Titles Office Plan No. 446,

is hereby closed and all rights of way over it shall cease on the coming into operation of this Act.

(2) The land comprised in the portion of the road so closed is hereby vested as for an estate in fee simple in The State Housing Commission as owner for the time being of the contiguous land.

(3) The Registrar of Titles shall, on the application of The State Housing Commission and on payment of the prescribed fee, issue a certificate of title for the land in the road so closed.

12. (1) The public road known as Bond Street in the North Fremantle Municipal District and being—

Closure of
Bond Street,
North
Fremantle.

the whole of Bond Street extending from the south-eastern alignment of John Street to the north-western alignment of Swan Street

is hereby closed and all rights of way over it shall cease on the coming into operation of this Act.

(2) The land comprised in the road so closed is hereby revested in Her Majesty as of her former estate and is removed from the operations of the Transfer of Land Act, 1893, with the intention that it may be disposed of in such manner as the Governor approves and is hereby authorised to approve.

13. (1) All that portion of Archdeacon Street in the Perth Municipal District being—

Closure of
portion of
Archdeacon
Street,
Victoria
Park.

the portion between the south-eastern alignment of Balmoral Street and the north-western alignment of Camberwell Street

is hereby closed and all rights of way over it shall cease on the coming into operation of this Act.

(2) The land comprised in the road so closed is hereby revested in Her Majesty as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that the fee simple in the land be disposed of under the Land Act, 1933, to the City of Perth.