

1950.] *War Service Land Settlement Agree- [No. 41.
ment (Land Act Application).*

**WAR SERVICE LAND SETTLEMENT AGREE-
MENT (LAND ACT APPLICATION).**

14^o and 15^o Geo. VI., No. XLI.

No. 41 of 1950.

**AN ACT to amend the War Service Land Settle-
ment Agreement (Land Act Application) Act,
1945-1947.**

[Assented to 18th December, 1950.]

BE it enacted by the King'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 *War Service Land Settlement Agreement (Land Act Application) Act Amendment Act, 1950*, and shall be read as one with the War Service Land Settlement Agreement (Land Act Application) Act, 1945-1947 (Act No. 43 of 1945 as amended by Act No. 61 of 1947), hereinafter referred to as the principal Act. Short title.

2. The principal Act as amended by this Act may be cited as the *War Service Land Settlement Agreement (Land Act Application) Act, 1945-1950*. Citation of the principal Act as amended by this Act.

3. The principal Act is amended by adding the following section:— S. 5 added.

5. (1) In this section unless the context requires otherwise— Interpretation.

“Company” means the Midland Railway Company of Western Australia Limited;

“mineral rights” means, in relation to land, any grant, transfer or reservation—
to the Company; or to a person who derives his title to the mineral rights from the Company and is registered pursuant to the provisions of the Transfer of Land Act, 1893-1946, as the proprietor of the mineral rights—

of all mines of copper, tin, lead, coal, ironstone, phosphatic rock and other metals, ores or minerals whatsoever and all substances containing minerals or phosphates and all gems and precious stones and mineral oil in, upon and under the land, with full liberty at all times to search, dig, mine, bore for and carry them away, and for that purpose to enter upon the land or any part of it without paying compensation therefor;

“registration authority” means the Registrar of Titles, the Registrar of Deeds, the Under Secretary for Lands, the Under Secretary for Mines and any other person authorised by any Act to record and give effect to the registration of documents relating to transactions affecting any estate or interest in land.

Revesting
of mineral
rights in
the Crown.

(2) Where private land is—

acquired by the State by agreement, pursuant to the provisions of clause eleven of the agreement;

under the operation of the Transfer of Land Act, 1893-1946; and

the subject of mineral rights;—

on registration of the transfer to His Majesty from the registered proprietor of every estate and interest therein, other than the mineral rights, the mineral rights shall, subject to the provisions of this section and by virtue of the

provisions of this subsection, revert in His Majesty as of his former estate, for the purposes of—

- (a) removing the land from the operation of the Transfer of Land Act;
- (b) bringing the land under the operation of the Land Act; and
- (c) enabling the Governor to—
 - (i) grant leases of the land pursuant to the provisions of this Act; and
 - (ii) make and issue instruments evidencing the reversion, referred to in the next succeeding subsection, of the mineral rights in the land.

Cf. Act No. 37 of 1933, s. 7.

(3) Where mineral rights are reverted in His Majesty by operation of the provisions of the last preceding subsection—

Reversion of mineral rights in the Company.

- (a) the mineral rights are, by virtue of the provisions of this subsection, immediately thereupon, reverted in the person in whom and for the estate or interest in which, but for the operation of that subsection they would have continued to be vested;
- (b) the Governor shall make and issue an instrument of grant in the form of the Schedule to this Act evidencing that reversion free of cost to that person.

(4) Nothing contained in, or done in pursuance of, the provisions of this section, shall—

Preservation of adverse rights and immunity.

- (a) affect any proprietary interest in the mineral rights;
- (b) entitle any person to compensation or damages from the Crown.

(5) The Governor shall not grant, pursuant to the provisions of this Act, any lease of land referred to in this section, unless the lease is expressed to be and is subject to the mineral rights.

Leases to be subject to mineral rights.

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Authority
to record
operation of
this section.

(6) The appropriate registration authorities are hereby authorised to record in the appropriate manner the effect of the operation of the provisions of this section in relation to any land.

Second
Schedule.

4. The principal Act is amended by adding thereto a Schedule as follows:—

Section 5.

SCHEDULE.

FORM OF CROWN GRANT.

Western Australia.

GEORGE THE SIXTH, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas, King, Defender of the Faith, To all to whom these presents shall come, GREETING: Know Ye that We, of our especial Grace, certain knowledge, and mere motion and by virtue of the provisions of the War Service Land Settlement Agreement (Land Act Application) Act, 1945-1950, have given and granted, and We do by these presents for Us, our heirs and successors, Give and Grant unto

.....
all mines of copper, tin, lead, coal, ironstone, phosphatic rock and other metals, ores or minerals whatsoever and all substances containing minerals or phosphates and all gems and precious stones and mineral oil in, upon and under all that tract or parcel of land situate and being in the District of....., in Our said State containing..... more or less and marked and distinguished in the maps and books of the Department of Lands and Surveys of Our said State as..... and as the same is delineated and coloured in..... in the plan drawn hereon with full liberty at all times to search, dig, mine, bore for and carry away the same, and for that purpose to enter upon the said land or any part thereof: TO HAVE AND TO HOLD all and singular the premises hereby granted together with all appurtenances whatsoever thereunto belonging or in anywise appertaining for an estate in fee simple: YIELDING and paying for the same to Us, Our heirs and successors one peppercorn of yearly rent on the twenty-fifth day of March in each year, or so soon thereafter as the same shall be lawfully demanded.

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IN WITNESS whereof, We have caused.....
.....Governor in and over the State of
Western Australia in the Commonwealth of Australia, to
affix to these presents the Public Seal of the said State.

SEALED this.....day of.....,
one thousand nine hundred and.....

.....
Governor.

.....
Minister for Lands.
