

ROAD DISTRICTS.

25° GEO. V., No. XVIII.

No. 19 of 1934.

AN ACT to make provision in the Road Districts Act, 1919-1933, for the revestment in His Majesty of certain Land in certain cases.

[Assented to 12th December, 1934.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and commencement.

1. (1.) This Act may be cited as the *Road Districts Act Amendment Act, 1934*, and shall be read as one with the Road Districts Act, 1919-1933, as reprinted in the Appendix to the Sessional Volume of the Statutes for the years 1933-1934, hereinafter referred to as the principal Act.

(2.) This Act shall come into operation on a day to be fixed by proclamation.

New sections.

2. Sections are inserted in the principal Act after section two hundred and eighty-five, as follows:—

Vacant land to revert in His Majesty in certain cases.

285A. In either of the following cases, that is to say—

(a) Where an order for sale of any vacant land (whether enclosed with a fence or not) made under this Part of this Act has expired within the meaning of section two hundred and eighty of this Act before the land is sold in pursuance of such order, and—

(i) no fresh order for sale of such land is registered within three months after the expiration of the said order; and

- (ii) within such period of three months no application is made or proceeding is taken for sale of such land for non-payment of rates or taxes under any other Act, or, if any application made or proceeding taken as aforesaid within such period is abandoned within such period, or for a period of three months after the making of such application, or the taking of such proceeding is not proceeded with; and
 - (iii) there has been no change in proprietorship of the land, or no encumbrance registered against such land; and
 - (iv) the amount of the rates in respect of which the said order was made remains unpaid after the expiration of notice in writing by registered post of not less than one month or more than three months given by the Crown Solicitor to every person appearing by the records in the Office of Titles, or the Registry of Deeds, or the Department of Lands and Surveys to have any legal or equitable estate or interest in the said vacant land at the address of such person appearing on the records aforesaid, that unless the amount of the said rates is paid within the period specified in the notice, the said land is liable to become vested absolutely in His Majesty, or
- (b) Where any vacant land (whether enclosed with a fence or not) has been sold in pursuance of an order for sale made under this Part of this Act, but a transfer thereof is not registered within fifteen months after the date of such order, and there has been no change in the proprietorship of such land or no encumbrances registered against such land after the expiration of twelve months and before the expiration of fifteen months from the date of the said order,

all rights of property which may have at any time been vested by statute or otherwise in any person whomsoever in the said vacant land shall absolutely cease and determine, and the said vacant land, and all the estate, right, and title in law and equity therein or thereto, shall by virtue of this section be and become

vested in His Majesty freed, released, and discharged of and from all rates and taxes then charged upon or owing in respect of the said land and of and from all encumbrances, and the estate, right, title, interest, claim, or demand of any person whomsoever.

For the purposes of this section, and of sections two hundred and eighty-five B and two hundred and eighty-five C of this Act, the term "vacant land" means land of any tenure, which has not been improved (other than being enclosed with a fence) or cultivated and used for any purpose, or, which, after being improved or cultivated and used, has ceased to be used by the proprietor thereof or by any person acting for, under, or through such proprietor in such a manner as to indicate that the said land has been abandoned by such proprietor.

Orders for sale of vacant land to be recorded.

285B. (1.) As and when an order for sale is made under this Act, and the same is submitted for registration, such order for sale shall be accompanied by a certificate under the hand of the secretary of the board by which such order was obtained, stating whether or not the land to be sold pursuant to the order is vacant land, and where such certificate states that the land is vacant land the Registrar of Titles, Registrar of Deeds, or Under Secretary for Lands, or other person receiving the order for sale for registration, shall enter in a book to be kept for the purpose particulars of the order for sale and the date thereof, and of the land to be sold, and the date when such order of sale will expire.

On expiration of order for sale, inquiries to be made to ascertain if land sold.

(2.) As and when it appears from the particulars entered in the book aforesaid, or from any other relevant and material records that an order for sale recorded in such book has expired, the Registrar of Titles, the Registrar of Deeds, the Under Secretary for Lands, or other person aforesaid, shall give notice thereof to the Crown Solicitor.

(3.) The Crown Solicitor, on receipt of such notice, shall ascertain from the clerk of the local court in which such order for sale was made whether the land in respect of which such order was made has been sold, and thereafter shall make such other investigations as may be necessary to satisfy himself whether or not the vacant land in respect of which such order for sale was made has reverted in His Majesty as provided for in section two hundred and eighty-five A of this Act.

285C. When, after inquiry made as provided for in subsection three of section two hundred and eighty-five B of this Act, the Crown Solicitor is satisfied that any vacant land has reverted in His Majesty as provided for in section two hundred and eighty-five A of this Act, then, upon application in writing made by the Crown Solicitor, the Registrar of Titles, the Registrar of Deeds, the Under Secretary for Lands, or other person as the case may be, having the custody or control of any register or public record relating to the said land, is hereby authorised to make, and shall make, in the registers or records in his custody or control all such entries relating to the said land as may be necessary and requisite to complete and effectuate the reversion of the said land in His Majesty as aforesaid, and otherwise to give effect to sections two hundred and eighty-five A and two hundred and eighty-five D of this Act. Insofar as such land is under the Transfer of Land Act, 1893, such entries may be made notwithstanding that the duplicate certificate of title is not produced.

Authority to alter records to effectuate reversion of land.

285D. Any land which is reverted in His Majesty by section two hundred and eighty-five A of this Act may be dealt with and disposed of as unalienated Crown land under the provisions of the Land Act, 1933.

Land reverted may be dealt with as unalienated Crown land.

3. The principal Act as amended by this Act and by any other Act passed previously to this Act may be cited as the Road Districts Act, 1919-1934.

Citation of principal Act as amended.