



Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

No. XXIX.

AN ACT to restrict the operation of the Law
of Prescription respecting Access and Use of
Light and Air to Buildings.

[Assented to, 19th February, 1902.]

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 Parlia-
ment assembled, and by the authority of the same, as follows:—

1. THE short title of this Act is the Light and Air Act, Short title.
1902.

2. EXCEPT as herein provided, after the passing of this Act
no tenement shall become servient to any other in respect of the
access of either light or air, and no person shall have or acquire, by
prescription, grant, or otherwise, any claim or right to the access of
light or air to any land or building from or over the land of any
other person : Access or use of
light or air.

1° & 2° EDWARDI VII., No. 29.

Light and Air.

Provided that nothing in this Act contained shall prejudice or affect any easement or right to access or use of either light or air now existing, or acquired by prescription or otherwise, prior to the passing of this Act:

Provided further, that a grant of the right of access of light or air made at any time after the passing of this Act may be enforced if—

- (a.) Such grant be made by deed duly executed and registered;
- (b.) Such grant shall provide that the benefit thereof shall inure for a term not exceeding twenty-one years, and no longer.

Applicat on.

3. THIS Act shall apply to all lands in the State of Western Australia, including lands held by or on behalf of His Majesty, his heirs and successors.

Law relating to
pollution of air
not affected.

4. NOTHING in this Act shall be deemed to repeal or affect any law or statute relating to the pollution of air.

Repeal.

5. SECTION three of the Imperial Act, passed in the second and third years of King William the Fourth, Chapter seventy-one, intituled the Prescription Act, 1832, shall cease to have operation within Western Australia on and after the passing of this Act.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.