



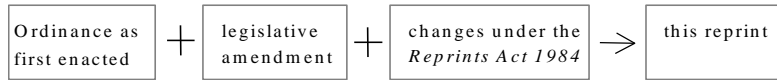
Western Australia

Town Boundary Marks Ordinance 1853

Reprint 2: The Ordinance as at 4 March 2005

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Ordinance and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Ordinance being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Ordinance being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Ordinance is in the Compilation table).
Notes of this kind may also be at the foot of Schedules or headings.
2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Ordinance has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the ordinance was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Ordinance is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 4 March 2005

Western Australia

Town Boundary Marks Ordinance 1853

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Western Australia

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Town Boundary Marks Ordinance 1853

An Ordinance to provide for the removal of boundary posts in towns, and for the substitution, under certain circumstances, of other boundary marks.

Preamble

Whereas the boundary posts at present used in towns under the provisions of the Ordinance No. 8, 1844², have in many instances proved inconvenient and dangerous and are in some cases calculated to interfere with the enjoyment of private property: And whereas it is expedient to legalise the substitution, in certain cases, of other boundary marks of a less objectionable nature: Be it therefore enacted, by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof:

1. Boundary posts or marks may be removed and another boundary mark substituted

That from and after the passing of this Ordinance¹ it shall and may be lawful for the Governor, by notice in writing addressed to an authorised land officer from time to time, to require the removal of any such boundary post erected, or to be erected, in any town under the provisions of the Ordinance, and also of any boundary mark made use of under the provisions of this Ordinance, and the substitution within a period to be named in

such notice, of any more convenient boundary mark of the description and material specified in such notice, and whether such substituted boundary mark project above the ground or not: Provided that if any application be made to the Governor for the removal of such boundary post or mark, it shall be lawful for the Governor to require as a conditional precedent to his consent to application, that the applicant shall, at his cost, provide such other boundary mark to be substituted for the post or mark to be removed, as the Governor may deem expedient, and shall pay all expenses of such removal and substitution.

[Section 1 amended by No. 126 of 1987 s. 24.]

2. Other boundary marks may be used

That it shall and may be lawful for the Governor, from and after the passing of this Ordinance, by notice in writing addressed to an authorised land officer, to require the use (after the receipt of such notice and within any town or towns to be therein named) of any other description of boundary mark which it may from time to time be deemed expedient to make use of, in lieu of the boundary posts required by the said Ordinance No. 8².

[Section 2 amended by No. 126 of 1987 s. 25.]

3. Boundary posts or marks displaced may be replaced

That it shall be lawful for the Governor from time to time to authorise and direct an authorised land officer to replace, in or as near as may be practicable to the original position, all or any boundary post or marks already erected, or to be erected, or used, and which may be displaced; and also from time to time, in like manner, to renew or replace all boundary posts or marks erected or to be erected, which may be injured or destroyed, either with posts or marks of the like description and material as may from time to time be deemed advisable.

[Section 3 amended by No. 126 of 1987 s. 26.]

4. Boundary posts or marks erected under Ordinance No. 8²

That all boundary posts or marks made use of under the provisions of this Ordinance shall be considered in all respects and every purpose as boundary posts or marks erected under the said Ordinance No. 8².

4A. Interpretation

In this Ordinance —

“authorised land officer” has the meaning given by the *Land Administration Act 1997*.

[Section 4A inserted by No. 126 of 1987 s. 27; amended by No. 31 of 1997 s. 141.]

5. Short title

This Ordinance may be cited as the *Town Boundary Marks Ordinance 1853*¹.

[Section 5 inserted by No. 10 of 1970 s. 3.]



Notes

- ¹ This reprint is a compilation as at 4 March 2005 of the *Town Boundary Marks Ordinance 1853* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
Untitled Ordinance ³	16 Vict. No. 16 (1853)	15 Apr 1853	15 Apr 1853
<i>Statute Law Revision Act 1970 s. 3</i>	10 of 1970	29 Apr 1970	29 Apr 1970
<i>Acts Amendment (Land Administration) Act 1987 Pt. V</i>	126 of 1987	31 Dec 1987	16 Sep 1988 (see s. 2 and <i>Gazette</i> 16 Sep 1988 p. 3637)
Reprint of the <i>Town Boundary Marks Ordinance 1853</i> as at 17 Oct 1990 (includes amendments listed above)			
<i>Acts Amendment (Land Administration) Act 1997 s. 141</i>	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
Reprint 2: The <i>Town Boundary Marks Ordinance 1853</i> as at 4 Mar 2005 (includes amendments listed above)			

- ² Now titled the *Street Alignment Act 1844*.

- ³ Now known as the *Town Boundary Marks Ordinance 1853*; short title inserted (see note under s. 5).