



Western Australia

## **Town Boundary Marks Ordinance 1853**

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As at 04 Mar 2005

Version 02-a0-08

Published on [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)



## **Town Boundary Marks Ordinance 1853**

### **Contents**

1.	Boundary posts or marks may be removed and another boundary mark substituted	1
2.	Other boundary marks may be used	2
3.	Boundary posts or marks displaced may be replaced	2
4.	Boundary posts or marks erected under Ordinance No. 8	2
4A.	Interpretation	3
5.	Short title	3

### **Notes**

	Compilation table	4
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### **Defined terms**



## **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, 1844<sup>2</sup>, 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 Ordinance<sup>1</sup> 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: 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. 8<sup>2</sup>.

*[Section 2 amended: 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: No. 126 of 1987 s. 26.]*

**4. Boundary posts or marks erected under Ordinance No. 8<sup>2</sup>**

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. 8<sup>2</sup>.

**4A. Interpretation**

In this Ordinance —

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

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

**5. Short title**

This Ordinance may be cited as the *Town Boundary Marks Ordinance 1853*<sup>1</sup>.

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

**Notes**

<sup>1</sup> 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**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
Untitled Ordinance <sup>3</sup>	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)
<b>Reprint of the <i>Town Boundary Marks Ordinance 1853</i> as at 17 Oct 1990</b> (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)
<b>Reprint 2: The <i>Town Boundary Marks Ordinance 1853</i> as at 4 Mar 2005</b> (includes amendments listed above)			

<sup>2</sup> Now titled the *Street Alignment Act 1844*.

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



**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
authorised land officer .....	4A