

ROAD CLOSURE.

12° Elizabeth II., No. LIII.

No. 53 of 1963.

AN ACT to provide for the closure of certain Roads and of portions of certain Roads and for other purposes.

[Assented to 17th December, 1963.]

BE it enacted by the Queen'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:—

Short title
and citation.

1. This Act may be cited as the *Road Closure Act, 1963*.

Closure of
road
widening
Bayswater.

2. (1) All that portion of a road-widening, at the intersection of Beaufort and Drake Streets, in the Shire of Bayswater, being the land formerly comprising Lot 73 on Land Titles Office Plan No. 1702, is hereby closed and all rights of way over it shall cease on the coming into operation of this Act.

(2) The land comprised in the portion of the road-widening so closed is hereby revested in Her Majesty, as of her former estate, and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it be sold under the provisions of the Land Act, 1933, in such manner as the Governor may approve.

(3) Authority is hereby given for the payment to the Shire of Bayswater of portion of the proceeds of the sale of the land, to cover the cost of its resumption for road purposes, in September, 1942, in such manner and amount as the Governor may approve.

3. (1) The private right-of-way, known locally as Georges Street, at Bayswater, in the Shire of Bayswater, being—

Closure of
Right-of-way
Bayswater.

the right-of-way, twenty links wide, extending south-easterly from the south eastern side of Murray Street, opposite its intersection with Veitch Street, and separating Lots 4 and 24 on Land Titles Office Plan No. 1637 and being part of the land comprised in Certificate of Title Volume 16 Folio 78,

is hereby closed and all rights of way over it shall cease, on the coming into operation of this Act.

(2) The land comprised in the right-of-way so closed is hereby revested in Her Majesty as of her former estate, and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it be sold to the owners of the adjoining land under the provisions of section one hundred and eighteen A of the Land Act, 1933, in such manner as the Governor may approve.

4. (1) All that portion of Swan Street, North Fremantle, in the City of Fremantle, being—

Closure of
portion
Swan Street,
North
Fremantle.

the portion of Swan Street, commencing at the north-eastern corner of North Fremantle Lot P.8 and extending west along the southern street alignment, two chains eighty-eight links,

thence north-westward to the northern street alignment, thence east, three chains thirty-seven links, along that alignment to the south-eastern corner of North Fremantle Lot P.30, thence south, to the starting point, is hereby closed and all rights of way over it shall cease, on the coming into operation of this Act.

(2) The land so closed is hereby revested in Her Majesty, as of her former estate, with the intention that it be reserved for railway purposes.

Closure of
Right-of-way
Kalgoorlie.

5. (1) All that portion of a private right-of-way, in the Kalgoorlie Municipal District, being—

the portion of the right-of-way within Kalgoorlie Lot 917, commencing at the southern corner of Lot 3 on Diagram No. 1165 and extending south-westerly, eighteen and two-tenths links, to the south-western boundary of the Lot, 917, thence north-westerly along that boundary, thirty and one-tenth links, thence north-easterly, eighteen and two-tenths links, to the south-western boundary of the Lot, 3, and thence south-easterly along that boundary, thirty and one-tenth links, to the starting point,

is hereby closed and all rights of way over it shall cease, on the coming into operation of this Act.

(2) The land comprised in the portion so closed, being portion of the land comprised in Certificate of Title Volume 182 Folio 172, is hereby vested, for an estate in fee simple, in the owner for the time being of the adjoining portion of Kalgoorlie Lot 917, comprised in Certificate of Title Volume 193 Folio 97.

(3) The Registrar of Titles shall, on the application of the owner for the time being of the land contiguous to the portion of the right-of-way by this section closed and vested, and on payment of the prescribed fee, cancel the relative certificate of title to that land and issue a new certificate in which the land in the portion of the right-of-way shall be included.

(4) Where any land contiguous to a portion of the right-of-way by this section closed and vested is subject to any encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then, that portion shall, if the nature of the encumbrance so admits, on the issue of the new certificate of title showing the vesting of the portion as in this section provided, become subject to that encumbrance as if it had originally been included in the encumbrance by the owner for the time being of that estate or interest.

6. (1) The private right-of-way, at Osborne Park, in the Shire of Perth, being—

Closure
Right-of-way
Osborne
Park.

the right-of-way twenty-five links wide, commencing at the eastern alignment of Donovan Street and extending eastward, for two chains fifty links, along the northern boundaries of Lots 627, 626 and 625 on Land Titles Office Plan No. 2453 and being portion of the land comprised in Certificate of Title Volume 634 Folio 18,

is hereby closed and all rights of way over it shall cease, on the coming into operation of this Act.

(2) The land comprised in the right-of-way so closed is hereby revested in Her Majesty, as of her former estate, and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it be sold to the owner for time being of the contiguous land, under the provisions of section one hundred and eighteen A of the Land Act, 1933, in such manner as the Governor may approve.

7. (1) All that portion of a road-widening, at the intersection of Eric Street and Melville Parade, Como, in the City of South Perth, being—

Closure of
road widen-
ing at Como
in City of
South Perth.

the portion of the road-widening on the south-eastern side of the intersection of Eric Street and Melville Parade, as surveyed and shown on Lands and Surveys Diagram No. 63223,

may be closed by the Governor, by proclamation, and all rights of way over it shall thereupon cease.

(2) The land comprised in the portion of the road-widening when so closed shall be revested in Her Majesty, as of her former estate, and shall be removed from the operation of the Transfer of Land Act, 1893, with the intention that it be sold to the registered proprietors for the time being of the contiguous land, under the provisions of section one hundred and eighteen A of the Land Act, 1933, in such manner as the Governor may approve.

(3) Authority is hereby given for payment to the former owners of the contiguous land, from whom the land comprising the road-widening was resumed, such amounts from the proceeds of the sale of the land as the Governor may approve; but no such payment shall be made where the former owner of the land has entered into an agreement with a purchaser, assigning to him any amount due by way of compensation for the resumption of the land for the road-widening.

Closure of
roads abut-
ting No. 2
Rabbit Proof
Fence.
Schedule.

8. (1) The various roads abutting the western, south-western, north-western and southern sides of the No. 2 Rabbit Proof Fence, as described in the Schedule to this Act, are hereby closed and all rights of way over them shall cease, on the coming into operation of this Act; but where any portions of those roads also comprise portions of roads intersecting them, the portions common to both roads shall not be closed but shall remain as parts of the intersecting roads.

(2) The land comprised in the portions of the roads so closed may be disposed of to the owners for the time being of the contiguous land, under the provisions of section one hundred and eighteen A, of the Land Act, 1933, in such manner as the Governor may approve.

SCHEDULE.

1. All those portions of a public road, in the Shire of Perenjori, situated on the western and south-western sides of the No. 2 Rabbit Proof Fence, extending south and south-easterly, from the 154 Mile Post on the Rabbit Proof Fence, to the north-eastern corner of Victoria Location 4442. Plan 96/80.

2. All those portions of a public road, in the Shire of Dalwallinu, situated on the south-western side of the No. 2 Rabbit Proof Fence, extending south-easterly, from the north-eastern corner of Victoria Location 4442, to the south-eastern corner of Ninghan Location 383. Plans 96/80, 89/80, 88/80 and 65/80.

3. All those portions of a public road, in the Shire of Wongan-Ballidu, situated on the south-western, western and north-western sides of the No. 2 Rabbit Proof Fence, extending south-easterly, south and south-westerly, from the south-eastern corner of Ninghan Location 383, to the south-eastern corner of Ninghan Location 1710. Plans 65/80 and 56/80.

4. All those portions of a public road, in the Shire of Dowerin, situated on the western side of the No. 2 Rabbit Proof Fence, extending south, from the north-eastern corner of Avon Location 25002, to the south-eastern corner of portion of Avon Location 21574. Plans 56/80, 56D/40, 33A/40, 33D/40 and 26A/40.

5. All those portions of a public road, in the Shire of Cunderdin, situated on the western and south-western sides of the No. 2 Rabbit Proof Fence, extending south and south-easterly, from the north-eastern corner of Avon Location 20634, to the south-eastern corner of Avon Location 20882. Plans 26A/40, 26D/40, 26C/40 and 3B/40.

6. All those portions of a public road, in the Shire of Quairading, situated on the south-western side of the No. 2 Rabbit Proof Fence, extending south-easterly, from the north-eastern corner of Avon Location 7992, to the south-eastern corner of Avon Location 10964. Plans 3B/40, 3C/40, 343B/40 and 344/80.

7. All those portions of a public road, in the Shire of Corrigin, situated on the south-western and western sides of the No. 2 Rabbit Proof Fence, extending south-easterly and south, from the north-eastern corner of Avon Location 19730, to the south-eastern corner of Avon Location 9823. Plans 344/80 and 377A/40.

8. All those portions of a public road, in the Shire of Wickepin, situated on the western side of the No. 2 Rabbit Proof Fence, extending south, from the north-eastern corner of Avon Location 27204, to the south-eastern corner of Williams Location 11326. Plans 377A/40, 377D/40, 386A/40 and 386/80.

9. All those portions of a public road, in the Shire of Dumbleyung, situated on the western and south-western sides of the No. 2 Rabbit Proof Fence, extending south and south-easterly, from the north-eastern corner of Williams Location 12830, to the south-eastern corner of Williams Location 6922. Plans 386/80 and 408/80.

10. All those portions of a public road, in the Shire of Nyabing-Pingrup, situated on the south-western side of the No. 2 Rabbit Proof Fence, extending south-easterly, from the north-eastern corner of Williams Location 9992, to the south-eastern corner of Kent Location 507. Plans 408/80, 417/80 and 418/80.

11. All those portions of a public road, in the Shires of Gnowangerup and Ravensthorpe, situated on the south-western and southern sides of the No. 2 Rabbit Proof Fence, extending south-easterly, easterly and again south-easterly, from the south-eastern corner of Kent Location 507, to the coast-line at a point about 40 chains north-west of Point Ann. Plans 418/80, 419/80, 434/80 and 433/80.
