

ROAD CLOSURE.

11° Elizabeth II., No. LV.

No. 55 of 1962.

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

[Assented to 20th November, 1962.]

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, 1962.*

Closure of
portion
Margaret
Street,
South Perth.

2. (1) All that portion of a public road known as Margaret Street, in the municipal district of the City of South Perth, and being—

the remaining portion of Margaret Street, adjacent to the western boundary of Reserve No. 20804 and bounded on the west by the Kwinana Freeway and on the south by Mill Point Road,

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 is hereby re-vested in Her Majesty as of her former estate, with the intention that it be included in the adjacent Reserve No. 20804.

3. All those portions of public roads, in the Municipal District of the Shire of Cockburn, being—

Closure of various roads at Walliabup.

- (a) portion of Dean Road, commencing at the southern alignment of Hope Road and extending south-easterly and southerly to the north-western alignment of King Road;
- (b) Clamp, Robertson, Bucknell, Needwell, Martin and Gilchrist Roads, within the Townsite of Walliabup; and
- (c) Middleton Road, extending from Annois Road westward along the southern boundary of Jandakot Agricultural Area Lot 170, to Dean Road,

are hereby closed and all rights of way over them shall cease on the coming into operation of this Act, with the intention that the land comprised therein may be included in a proposed reserve for a Public Cemetery, in such manner as the Governor may approve.

4. (1) All that portion of a public road known as Mitchell Avenue, in the municipal district of the Town of Northam, being—

Closure portion Mitchell Avenue, Northam.

the portion commencing at the south-eastern alignment of Great Eastern Highway and extending south-easterly through Swan Location 283 to the south-eastern extremity of the road,

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 so closed is hereby re-included in the contiguous Swan Location 283 and is vested in the owner for the time being of that portion of the

location contiguous to the closed portion of the road, subject however to the payment to the Minister for Lands of an amount of fifty pounds as purchase price for the land contained in the closed portion.

(3) The Registrar of Titles shall, on application by the owner of the contiguous land and on payment of the prescribed fees, cancel the relevant Certificate of Title to the contiguous land and issue a new certificate in which the land comprised in the portion of the road so closed and vested shall be included.

(4) Where land contiguous to the portion so closed and vested is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then, the 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 been originally included in the encumbrance by the owner for the time being of that estate or interest.

5. (1) All that portion of a public road, in the municipal district of the Town of Northam, being—
the portion of Morrell Street, being one chain wide, commencing at the north-western alignment of Fitzgerald Street and extending north-westward a distance of two chains five links, to a line in prolongation south-westerly of the north-western boundary of Lot 1 of Northam Lots 1 and 2 on Land Titles Office Plan No. 2674,

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 is hereby re-vested in Her Majesty, as of her former estate, and is hereby removed from the operation of the Transfer of Land Act, 1893, with the intention that it be reserved for drainage and recreation purposes, in such manner as the Governor may approve.

6. (1) All that portion of a public road, in the municipal district of the Town of Northam, being—

Closure
portion
Milner Road,
Northam.

portion of Milner Road, being a strip of land fifty links wide along the south-eastern boundaries of Lots 6 to 10 inclusive of Avon Location P5, on Land Titles Office Plan No. 1002, commencing from the prolongation south-easterly of the south-western boundary of Lot 6, thence extending north-eastward to the south-western alignment of Morrell Street and being part of the land in Certificate of Title Volume 71 Folio 175,

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 is hereby reverted 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 may be disposed of by the Governor to the owner for the time being of the contiguous lots, in such manner as the Governor may approve.
