

**LAND (No. 2).**

5° Elizabeth II., No. XLVIII.

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**No. 48 of 1956.**

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**AN ACT to amend the Land Act, 1933-1954.***[Assented to 18th December, 1956.]*

**B**E 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:—

1. (1) This Act may be cited as the *Land Act Amendment Act (No. 2), 1956.*

Short title  
and citation.

(2) In this Act the Land Act, 1933-1954, Act No. 37 of 1933 as reprinted with amendments to and including Act No. 68 of 1948 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938, and as further amended by Acts Nos. 58 of 1950, 66 of 1953 and 17 of 1954, is referred to as the principal Act.

Reprinted  
Acts, Vol. 3,  
1950.  
Approved for  
reprint, 23rd  
March, 1950.

(3) The principal Act as amended by this Act may be cited as the Land Act, 1933-1956.

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

S. 15A added.

3. The principal Act is amended by adding after section fifteen the following section:—

15A. (1) In this section—

“commencing day” means the day of the coming into operation of the Land Act Amendment Act (No. 2), 1956;

“instrument” means an instrument of lease or of license, issued before the commencing day, whether issued under this Act or a repealed Act, or regulations made under a repealed Act;

“limited reservation” means a reservation to the Crown of a right to take marketable timber on land the subject of an instrument but only during the term or part of the term of the instrument;

“repealed Act” means an Act repealed by this Act;

“reservation” means a reservation to the Crown of a right to take marketable timber on land the subject of an instrument.

(2) Where in an instrument issued before the commencing day no reservation was expressly reserved, or a limited reservation only was reserved, the Crown Grant of the land the subject of the instrument shall not be subject to a reservation, whether the Crown Grant was issued before that day, or issues after that day.

(3) The provisions of subsection (2) of this section operate in respect of a Crown Grant

- (a) notwithstanding the provisions of any notice, or of any regulation, promulgated before the commencing day, whether promulgated under this Act, or a repealed Act; and
- (b) notwithstanding that the Crown Grant was issued prior to the commencing day and expressly contained a reservation.

Cf. Gazs. of  
24/4/1931,  
p. 1095;  
2/3/1934,  
p. 294;  
25/5/1945,  
p. 480;  
16/12/1949,  
p. 3262;  
17/6/1955,  
p. 1510.

(4) This section is enacted to resolve any doubts which but for this section may arise.

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