

Reprinted under the *Reprints Act 1984* as at 17 October 1990.

WESTERN AUSTRALIA

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:

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

1. 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 authorized 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.]

Other boundary marks may be used

2. 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 authorized 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.]

Boundary posts or marks displaced may be replaced

3. That it shall be lawful for the Governor from time to time to authorize and direct an authorized 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.]

Boundary posts or marks erected under Ordinance No. 8²

4. 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.

Interpretation

4A. In this Ordinance—

“authorized land officer” has the meaning given by the *Land Act 1933*.

[Section 4A inserted by No. 126 of 1987 s. 27.]

Short title

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

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

NOTES

¹. This reprint is a compilation as at 17 October 1990 of the *Town Boundary Marks Ordinance 1853* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
	16 Vict. No. 16 (1853)	15 April 1853	15 April 1853	Short title subsequently given (see note to section 5)
<i>Statute Law Revision Act 1970</i> , section 3	10 of 1970	29 April 1970	29 April 1970	
<i>Acts Amendment (Land Administration) Act 1987</i> , Part V	126 of 1987	31 December 1987	16 September 1988 (see <i>Gazette</i> 16 September 1988 p. 3637)	

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