

## NATIONAL TRUST OF AUSTRALIA (W.A.).

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No. 70 of 1970.

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AN ACT to amend the National Trust of Australia  
(W.A.) Act, 1964.

[Assented to 17th November, 1970.]

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. (1) This Act may be cited as the *National Trust of Australia (W.A.) Act Amendment Act, 1970*.

(2) In this Act the National Trust of Australia (W.A.) Act, 1964, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the National Trust of Australia (W.A.) Act, 1964-1970.

2. The principal Act is amended by adding after section twenty-one, a section as follows—

S. 21A added.

21A. (1) Where any person is willing to agree with the Trust that any land shall, so far as his interest in the land enables him so to bind it, be made subject either permanently or for a specified period to conditions restricting the planning, development or use thereof in any manner the Trust may, if it thinks fit agree to accept and accept a covenant from the person to that effect, in like manner and to the like extent as if the Trust were possessed of or entitled to or interested in adjacent land and as if the covenant had been and had been expressed to be entered into for the benefit of that adjacent land.

Agreements  
with Trust  
restricting  
use of land.

(2) Where the land to which a covenant accepted by the Trust pursuant to subsection (1) of this section relates, is land under the Transfer of Land Act, 1893, the provisions of Division 3A of Part IV of that Act apply to and in relation to the registration, discharge, modification and dealing with that covenant and any restriction arising therefrom.

(3) Where the land to which a covenant accepted by the Trust pursuant to subsection (1) of this section relates is not land under the Transfer of Land Act, 1893—

- (a) the provisions of sections one hundred and twenty-nine B and one hundred and twenty-nine C of that Act, apply so far as they are capable of being applied, to and in relation to the discharge, modification and dealing with that covenant and any restriction therefrom as if the land were land under that Act; and
- (b) the Registrar of Deeds and Transfers under the Registration of Deeds Ordinance, 1856, shall, upon the production of the memorial required under that Act, give due effect to any agreement duly made under section

one hundred and twenty-nine B of the Transfer of Land Act, 1893, as so applied, and any order of a judge made under section one hundred and twenty-nine C of that Act as so applied.

(4) A covenant to which any land is subject pursuant to this section shall, unless a contrary intention is expressed, be deemed to be made by the covenantor on behalf of himself, his successors in title (including the owners and occupiers for the time being of the land) and the persons deriving title under him or them and unless a contrary intention is expressed, shall have effect as if such successors and other persons were expressed. .

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