

**COBAR TO WILCANNIA RAILWAY (REPEAL)
ACT.**

Act No. 41, 1964.

Elizabeth II, An Act to repeal the Cobar to Wilcannia Railway
No. 41, 1964 Act, 1902; to make provision, consequent upon
such repeal, for the rescission of certain resump-
tions and the payment of compensation; to vest
certain resumed lands in the Council of the Shire
of Cobar; and for purposes connected therewith.
[Assented to, 27th November, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, by
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
follows :—

Short title. **1.** This Act may be cited as the "Cobar to Wilcannia
Railway (Repeal) Act, 1964."

2.

Cobar to Wilcannia Railway (Repeal) Act.

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2. The Cobar to Wilcannia Railway Act, 1902, is hereby **No. 41, 1964** repealed.

Repeal of
Act No. 85,
1902.

3. (1) The Governor may, by notification published in the Gazette, rescind, in whole or in part, any notification of resumption or any taking of land for the purposes of the works described in the Schedule to the Cobar to Wilcannia Railway Act, 1902.

Power to
rescind
resumptions.
cf. Act No.
3, 1941, s. 3.

In this subsection "land" does not include land in respect of the resumption or taking of which compensation has been paid nor land vested pursuant to section four of this Act.

(2) Upon the publication of any such notification of rescission, the land described in such notification shall revert in the person who was entitled thereto immediately before the resumption or taking for his estate, interest or right in the same immediately before such resumption or taking but subject to any interest in or equity binding upon such land created by the Constructing Authority since such resumption or taking; and the land shall be subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by such resumption or taking as if the land had not been resumed or taken and shall also be subject to any interest in or equities binding on the compensation moneys created since the resumption or taking.

(3) The person in whom any land is revested under this section shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered by such person as a direct consequence of the resumption or taking and its rescission but shall not be entitled to be compensated in respect of the value of the land.

4. (1) Subject to subsection two of this section, all land situated within the boundaries of the Shire of Cobar, as constituted at the commencement of this Act, which was resumed or taken for the purposes of the Cobar to Wilcannia Railway Act, 1902, from the council of any municipality or shire

Vesting of
land in
Cobar Shire
Council.

No. 41, 1964 shire is hereby vested in the Council of the Shire of Cobar in all respects as if it had been land resumed or taken from the Council of the Shire of Cobar for the purposes of that Act and revested subject to the like conditions as land revested in accordance with subsection two of section three of this Act.

(2) No council of any municipality or shire (including the Council of the Shire of Cobar) shall be entitled to any compensation which but for this subsection would have been payable, whether under this Act or otherwise, in respect of any resumption or taking of the land vested by this section or any entry thereon by the Constructing Authority.

Registrar-General to cancel entries and certificates of title.

5. (1) Upon the lodgment with the Registrar-General of a copy of a notification in the Gazette rescinding in whole or in part pursuant to this Act any notification of the resumption or taking of land, the Registrar-General shall—

- (a) cancel any entry or notification in the register book made by him pursuant to section 46A of the Real Property Act, 1900, as amended by subsequent Acts; and
- (b) cancel any certificate of title issued to the Constructing Authority pursuant to section 31A of the Real Property Act, 1900, as amended by subsequent Acts,

in so far as it relates to land the notification of the resumption or the taking of which has been so rescinded.

(2) The provisions of subsection one of this section shall apply in relation to land vested pursuant to section four of this Act as if it were land in respect of which a copy of a notification of rescission of resumption or taking had been lodged pursuant to that subsection.

(3) For the purpose of any dealing with land in respect of which an entry or notification has been cancelled pursuant to this section the entry or notification so cancelled shall be deemed never to have been made.

6.

6. Any claim for compensation arising under this Act No. 41, 1964 shall be heard and determined in like manner and subject to the like conditions as a claim for compensation by reason of the acquisition of land under the Public Works Act, 1912, as amended by subsequent Acts, and the provisions of the Land and Valuation Court Act, 1921, as amended by subsequent Acts, shall, mutatis mutandis, apply to and in respect of the hearing and determination of any such claim.

Claims for compensation.
cf. Act No. 3, 1941, s. 5.

7. Any land resumed or taken for the purposes of the works described in the Schedule to the Cobar to Wilcannia Railway Act, 1902, which is not revested within a period of three months after the commencement of this Act or vested by section four of this Act may be dealt with as superfluous lands under the Public Works Act, 1912, as amended by subsequent Acts.

Lands not revested may be dealt with as superfluous lands.