

**CASINO TO BONALBO RAILWAY (REPEAL)
ACT.**

Act No. 3, 1941.

An Act to repeal the Casino to Bonalbo Railway Act, 1928; to make provision, consequent upon such repeal, for the rescission of certain resumptions, the payment of compensation, and the review of the capital indebtedness of the State in respect of railways; and for purposes connected therewith. [Assented to, 26th March, 1941.]

George VI.
No. 3, 1941.

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Casino to Bonalbo Railway (Repeal) Act.

No. 3, 1941.

BE it enacted by the King'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 "Casino to Bonalbo Railway (Repeal) Act, 1941."

Repeals. 2. The Casino to Bonalbo Railway Act, 1928, is hereby repealed.

Power to rescind resumptions. 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 (including an easement or right) for the purposes of the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, except where compensation in respect of the resumption or taking has been paid:

Provided that where compensation in respect of the resumption or taking has not been paid no such notification of rescission shall be published in any case where, after the commencement of the Casino to Bonalbo Railway Act, 1928, the Constructing Authority had entered into possession of any land so resumed or taken and had commenced the construction of works thereon, unless the person who was entitled to such land immediately before the resumption or taking or other the person entitled to the compensation moneys consents to such rescission.

(2) Upon the publication of any notification of rescission the land, easement or right 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, easement or right had not been resumed or taken
and

and shall also be subject to any interests in or equities binding on the compensation moneys, created since the resumption or taking. No. 3, 1941.

(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 him as a direct consequence of the resumption or taking and its rescission other than compensation in respect of the value of the land, easement or right.

4. Where, for the purposes of the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, possession of any land was taken by the Constructing Authority with the permission of the person entitled thereto and work of construction was commenced thereon, the Constructing Authority shall be under no obligation to acquire such land or any easement or right, but the person entitled to such land at the time the permission was granted or any person claiming through or under him, shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered as a direct consequence of the occupation of the land by the Constructing Authority and of the work performed thereon but such compensation shall not exceed the compensation which would have been payable if the land, easement or right had been resumed or taken at the time the permission was granted. Provisions applicable where land not resumed but possession taken and work commenced.

5. Any claim for compensation arising under this Act 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 for public purposes under the Public Works Act, 1912, 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.

6. Any land resumed or taken for the purposes of the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, which is not revested under and in accordance with section three of this Act within a period of one year after the commencement 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.

7.

Wheatgrowers Relief Act.

No. 3, 1941.

Adjustment
of capital
indebted-
ness.

7. (1) The amount of all moneys expended on or in connection with the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, and the amounts of compensation and of costs, charges and expenses paid under this Act shall be deducted from the capital debt (as defined in the Government Railways Act, 1912, as amended by subsequent Acts).

(2) As soon as practicable after the commencement of this Act the Committee of Review appointed under the Government Railways Act, 1912, as amended by subsequent Acts, shall certify to the Governor the amount by which the capital debt (as defined in that Act) should be reduced in order to give effect to subsection one of this section.
