



ANNO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1959

No. 28 of 1959

An Act to amend the Compulsory Acquisition of Land Act, 1925.

[Assented to 3rd December, 1959.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Compulsory Acquisition of Land Act Amendment Act, 1959". Short titles.

(2) The Compulsory Acquisition of Land Act, 1925, as amended by this Act, may be cited as the "Compulsory Acquisition of Land Act, 1925-1959".

(3) The Compulsory Acquisition of Land Act, 1925, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 30 of the principal Act is amended by striking out the words "of competent jurisdiction," therein and inserting in lieu thereof the words "having jurisdiction in personal actions up to the amount claimed,". Amendment of principal Act, s. 30—
Action for compensation.

4. Section 31 of the principal Act is amended by striking out the words "six months" in subsection (1) thereof and inserting in lieu thereof the words "one month". Amendment of principal Act, s. 31—
Determination of compensation on application of promoters.

Amendment of
principal Act,
s. 33—
Procedure to
determine
compensation
where no
claim made.

5. Subsection (2) of section 33 of the principal Act is amended by striking out the words “four hundred and ninety” (twice occurring) therein and inserting in lieu thereof in both cases the words “one thousand two hundred and fifty”.

Enactment of
s. 44a of
principal Act—

6. The following section is inserted in the principal Act after section 44 thereof :

Provision for
vesting where
owner dead.

44a (1) If the registered proprietor or owner of any land required to be taken by the promoters is dead, or the circumstances of the case are such that in the opinion of the Attorney-General the registered proprietor or owner may be presumed to be dead, and after service of notice to treat by affixing of the same on some conspicuous part of the land no notice of claim for compensation is delivered to the promoters within three months by any person able to sell and convey the land to the promoters, the promoters may, if they think fit, execute a deed poll.

(2) Such deed poll shall—

- (a) be under the common seal of the promoters if they are a body corporate or if not, under the hands and seals of the promoters or of any two of them ;
- (b) contain a description of the land concerned ;
- (c) recite that the land is required by the promoters, the name of the person in whom the land is legally vested and that such person is dead, or, as the case may be, that in the opinion of the Attorney-General such person may be presumed to be dead, and that notice to treat has been served under subsection (1) of this section ; and
- (d) state that no notice of claim for compensation has been delivered to the promoters within three months by any person able to sell and convey the land to the promoters.

(3) Upon the registration of the deed poll the estate and interest of every person interested in the land shall be converted into a claim against the promoters for compensation and the land shall vest absolutely in the promoters, freed and discharged from all trusts, obligations, estates, interests, contracts, licences, mortgages, charges, rates, and easements and as against all persons the promoters shall be entitled to immediate possession of the land.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.