



ANNO NONO

GEORGII V REGIS.

A.D. 1918.

No. 1326.

An Act to amend the Lands Clauses Consolidation Amendment Act, 1881.

[Assented to, November 21st, 1918.]

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 alone as the "Lands Clauses Consolidation Further Amendment Act, 1918." Short titles.

(2) The Lands Clauses Consolidation Acts, 1847 to 1917, and this Act may be cited together as the "Lands Clauses Consolidation Acts, 1847 to 1918."

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

3. Section 13 of the Lands Clauses Consolidation Amendment Act, 1881, is amended so as to read as follows:— Amendment of Act 202, 1881, s. 13—

13. (1) In determining or assessing under the Lands Clauses Consolidation Act the amount of compensation to be paid by the promoters of any undertaking for or in respect of— Basis for assessing compensation for land taken, and for severance, and for injurious affection.

(a) any lands taken by them for the purposes of such undertaking, and

(b) the damage (if any) by reason of the severing of the lands taken from the other lands of such owner, and
(or) (c) the

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(c) the damage (if any) by reason of injurious affection of any lands,

the value of the lands taken or severed or injuriously affected (as the case may be) shall be deemed to be—

- i. their value at the beginning of the period of twelve months prior to the giving by the promoters of the undertaking of the notice of their intention to take such lands for the purposes of the undertaking, in a case where lands are taken, or
- ii. their value at the beginning of the period of twelve months prior to the commencement of the execution of the works, in a case where lands are not taken,

together in either case with the actual value of any improvements *bonâ fide* made thereon during the said period of twelve months.

(2) If the promoters of the undertaking fail to take possession or pay the compensation for the period of twelve months next after the giving of such notice, or after the commencement of the execution of the works, as the case may be, then the promoters shall pay to the person entitled to the compensation interest on the amount thereof at the rate of five per centum per annum computed from the expiration of such period until payment of such compensation.

(3) In determining or assessing the amount of such compensation, regard shall not be had to any enhancement or diminution in the value of the lands taken, or severed, or injuriously affected (as the case may be) arising in consequence of—

- (a) the passing of the special Act; or
- (b) the acquisition under the special Act of any other lands;
or
- (c) any proposal to construct the works, or expectation that the works will be constructed.

(4) For the purposes of this section, the term “commencement of the execution of the works” shall, in a case where an authorised work is extended or altered after it has been substantially completed, be taken to refer to the commencement of the execution of such extension or alteration.

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

H. L. GALWAY, Governor.