



ANNO QUARTO

GEORGI VI REGIS.

A.D. 1940.

No. 8 of 1940.

An Act to provide for the alignment of the public streets within part of the Municipality of Henley and Grange, to provide for the defining of the boundaries of allotments of land within such part, and for incidental purposes.

[Assented to 26th September, 1940.]

WHEREAS by notice published in the *Government Gazette* on the seventeenth day of May, nineteen hundred and twenty-three, the Governor of the State of South Australia, with the advice and consent of the Executive Council thereof, did declare that, by virtue of the Municipal Corporations Act, 1890, and the Municipal Corporations Act Amendment Act, 1903, the alignments and marks mentioned in a public notice given by the council of the Municipality of Henley and Grange under section 116 of the Municipal Corporations Act, 1890, published in the *Government Gazette* on the ninth day of February, nineteen hundred and twenty-two, are respectively to be the alignments and permanent marks of the public streets mentioned in and referred to in the said public notice AND WHEREAS pursuant to section 119 of the Municipal Corporations Act, 1890, the said alignments and permanent marks are deemed to be the alignments and permanent marks of the public streets to which the said notice relates AND WHEREAS the said alignments and permanent marks have been found to be inaccurate and by reason of the said inaccuracy doubts have arisen as to what are the true boundaries both of the public streets within the part of the said Municipality in which the public streets are situated and of allotments of land within such part NOW THEREFORE BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title. 1. This Act may be cited as the “ Henley and Grange Alignment Act, 1940 ”.

Survey of area. 2. (1) The Surveyor-General shall cause to be surveyed the whole of the area referred to in the schedule to this Act, and shall cause to be prepared a plan showing—

- (a) the alignment of all public streets within the said area ;
and
- (b) the boundaries of all allotments of land within the said area ; and
- (c) if any certificate of title has been issued for any part of any allotment of land within the said area, the boundaries of each such part,

and may cause any permanent marks to be fixed in any such public street for the purpose of defining permanently the alignment.

(2) The Surveyor-General may cause any part of the said work to be carried out at any one time and so that if part only of the work is carried out at any one time, a plan may be prepared in respect thereof. If more than one plan is prepared as mentioned in this subsection in respect of different parts of the said area, all the plans so prepared shall be deemed to be included in any reference in this Act to “ the said plan ”.

(3) In making the said survey and preparing the said plan, the Surveyor-General shall consult with the council of the said Municipality, and with the Registrar-General of Deeds, and shall have regard to—

- (a) all plans relating to the said area which are in the office of the Surveyor-General, or the Lands Titles Registration Office ;
- (b) existing physical boundaries erected on land within the said area ;
- (c) any other matters which the Surveyor-General considers necessary or proper to be considered.

(4) After the said plan is prepared, the Surveyor-General shall cause copies thereof to be open for inspection by any person at the office of the Surveyor-General and at the office of the council of the said Municipality. The Surveyor-General shall give notice in the *Government Gazette* and in two newspapers published in Adelaide that the plan is open for inspection at the said offices and that any person who so desires may make representations to the Surveyor-General that the plan does not give effect to the provisions of this section. The notice shall state the part of the said Municipality to which the said plan relates and shall fix a time (being not less than one month)

within which any person may make representations to the Surveyor-General as aforesaid. If any such representations are made to the Surveyor-General, he shall consider the representations and, if he thinks fit, may alter the said plan accordingly.

3. (1) When satisfied that the said plan gives effect to the provisions of section 2, the Surveyor-General shall cause the said plan to be prepared in triplicate and each copy shall be signed by the Surveyor-General. The Surveyor-General shall deposit one copy in the office of the Surveyor-General, one copy in the General Registry Office, and one copy with the clerk of the council of the said Municipality.

Effect of survey and plan.

(2) Upon deposit as aforesaid—

(a) the said notice given by the Governor and the said public notice given by the council of the said Municipality and the plan therein referred to (so far as the same relate to the land referred to in the said plan) shall be deemed to be void and of no effect and the alignments and permanent marks therein referred to (so far as the same relate to the land referred to in the said plan) shall cease to be alignments and permanent marks :

(b) the alignments of the public streets shown in the said plan shall be deemed to be the alignments of those streets and any permanent marks fixed in the said public streets by the Surveyor-General shall be permanent marks of those streets :

(c) the boundaries shown in the said plan as the boundaries of any allotments of land or portions of allotments of land shall be deemed to be the boundaries of those allotments or portions notwithstanding any certificate of title or other document.

(3) The provisions of this section shall apply notwithstanding the provisions of The Real Property Act, 1886-1939, or any other Act or law to the contrary.

4. (1) The Registrar-General of Deeds shall cause any correction to be made in any register book or plan or any certificate of title or other document which is necessary to give effect to the provisions of section 3 and for the purpose of securing the production to him of any certificate of title or other document shall exercise any of the powers conferred by section 220 or any other provisions of The Real Property Act, 1886-1939.

Correction of register book.

(2) If any certificate of title or other document is required to be produced as aforesaid, then, notwithstanding any agree-

Henley and Grange Alignment Act, 1940.

ment to the contrary, any person having the possession thereof shall not be entitled to demand or receive any fee or charge from any other person for the production thereof.

(3) No fee shall be payable to the Registrar-General of Deeds in respect of the correction of any register book or any certificate of title or document pursuant to this section.

Payment by
council of
one-half of
expenses.

5. The council of the said Municipality shall pay to the Commissioner of Crown Lands one half of the expenses incurred in carrying out the said survey and in preparing the said plan.

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

C. M. BARCLAY-HARVEY, Governor.

THE SCHEDULE.

All the land comprised in Lands Titles Office Plans Nos. 553, 562, 601, 823, 1857, and 2221, being the subdivisions of the whole of sections 448, 449, and 2080, Hundred of Yatala, together with abutting streets and roads.