

T A S M A N I A.



1943.

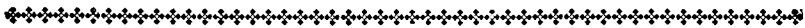
ANNO SEPTIMO

GEORGII VI. REGIS.

No. 51.

ANALYSIS.

- 1. Short title.
- 2. Certain roads to be closed.
- 3. Certain easements to be determined.
- 4. Recorder of Titles to make necessary adjustments.
- 5. Limitation of certain actions.



A.D
1943

AN ACT to provide for the closing of certain roads and the determination of certain rights of easement upon and in respect of certain lands in the Eastern suburbs of the City of Hobart, and for the substitution of other roads and rights in lieu thereof.

[25 November, 1943.]

WHEREAS the lands delineated in the diagram in the PREAMBLE. schedule other than those belonging to the Royal Hobart Golf Club became the property of a company known as the Rosny Estates and Ferry Company Limited:

And whereas the said Company subdivided the said lands and deposited in the office of the Recorder of Titles certain subdivision plans thereof and thereafter sold and transferred certain lots shown on such plans with certain rights, express or implied, in relation thereto:

Rosny Roads.

A.D. 1943. — And whereas a company known as Derwent Investments Proprietary Limited is the successor in title to the Rosny Estates and Ferry Company Limited:

And whereas the opening of the Hobart Bridge and the construction of the State Highway therefrom will necessitate the resubdivision of the said lands and doubts may arise with regard to the rights of certain holders of lots within the area comprised in the schedule to the use of the roads and easements set out in the said subdivision plans or to be implied therefrom and it is desirable to remove such doubts:

And whereas Derwent Investments Proprietary Limited has deposited in the office of the Recorder of Titles a new subdivision plan (being the plan numbered 1065 in the records of that office) of the said lands providing for roads and easements in substitution for those shown in the plan deposited by the former Company:

And whereas the Minister pursuant to section five of the *Hobart Bridge Act 1936* proposes to construct certain roads in lieu of those coloured blue in the diagram in the schedule and it is desirable that the roads as shown should be closed:

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title.

1 This Act may be cited as the *Rosny Roads Act 1943*.

Certain roads to be closed.

2—(1) The several roads or proposed roads delineated in the diagram in the schedule and therein coloured green and blue respectively shall be and the same are hereby closed and the lands comprised therein shall revert to and revest in the owners of the lands from which same respectively were reserved or taken freed and discharged from all easements and rights of user in respect thereof granted or implied by reference to the subdivision plans deposited by the Rosny Estates and Ferry Company Limited, or otherwise.

(2) Every owner of any lot comprised in the lands delineated in the said diagram having any right of user in respect of any road or proposed road hereby closed shall have the like right in respect of the road provided in lieu thereof as shown in the said subdivision plan number 1065.

Certain easements to be determined.

3—(1) The rights of drainage shown in the drainage easements indicated in the diagram in the schedule by yellow lines are hereby determined and the lands subject thereto shall be freed and discharged therefrom.

(2) Every person having any right, express or implied, to any easement hereby determined shall be entitled to a like right in any easement indicated in relation to the land held by him in the subdivision plan number 1065 deposited by Derwent Investments Proprietary Limited as aforesaid in lieu of and in substitution for the right hereby determined.

Rosny Roads.

4 The Recorder of Titles shall make all necessary adjustments and corrections in the register and in any certificate of title affected by the operation of this Act on production of such certificate to him.

A.D. 1943.
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Recorder of
Titles to make
necessary
adjustments.

5—(1) Any person claiming to have suffered injury or damage by reason of the—

Limitation
of certain
actions.

- I. Closure of any road shown in green in the diagram in the schedule:
- II. Determination of any right of easement: or
- III. Abrogation of, or interference with, any right expressed in, or implied by, any subdivision plan deposited by the Rosny Estates and Ferry Company Limited—

by force of this Act may institute proceedings in respect thereof against Derwent Investments Proprietary Limited or its successor in title within six months after the commencement of this Act.

(2) Except as provided by subsection (1) hereof no action shall lie in respect of any of the matters therein mentioned or in respect of anything done by or in pursuance of this Act.

(3) No damages shall be awarded in any such proceedings unless the court is satisfied that the rights to which the plaintiff is entitled under the said subdivision plan number 1065 are not substantially equivalent to those to which he was entitled under the previous subdivision.

THE SCHEDULE.

[Here take in plan.]

