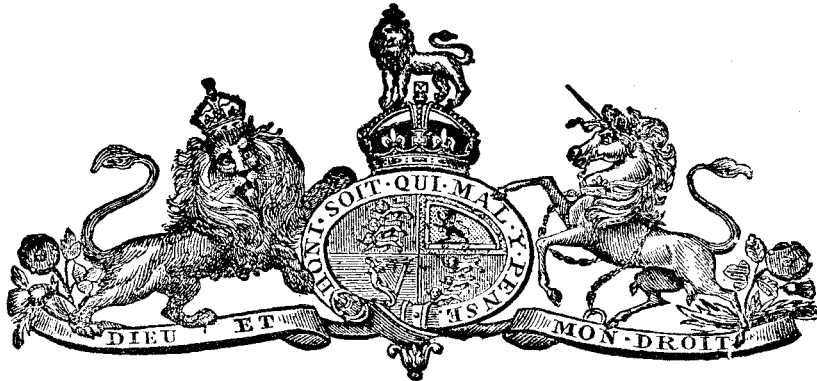


T A S M A N I A



1928.

ANNO NONO DECIMO

GEORGII V. REGIS.

No. 64.

ANALYSIS.

1. Short title.
Principal Act.
2. Company relieved from working and maintaining balance of railway, &c.
3. Company to restore line, &c. if required to do so.
4. Repeal of Sections 12 and 23 of the North Mt. Lyell Mining and Railway Act, 1901.

AN ACT to enable the Mount Lyell Mining and Railway Company Limited to abandon balance of Railway. [15 January, 1929.]

A.D.
1928.
—

WHEREAS under and by virtue of the powers contained in the North Mount Lyell and Macquarie Harbour Railway Act, a railway from Mount Lyell to Kelly Basin, hereinafter called "the said railway," was constructed by the North Mount Lyell Mining Company No Liability, and the construction of the said railway and its maintenance and working have been carried out in accordance with the provisions of that Act, save as is hereinafter mentioned:

PREAMBLE.

4d.]

North Mt. Lyell and Macquarie Harbour Railway.

A.D. 1928.

And whereas the said railway, and all the rights and obligations of the North Mount Lyell Mining Company No Liability under the said Act, were long since vested in the Mount Lyell Mining and Railway Company Limited as the assignee of the North Mount Lyell Mining Company No Liability :

And whereas under the North Mount Lyell and Macquarie Harbour Railway Act, 1924, it was enacted, subject to Section Three thereof, that, notwithstanding anything to the contrary contained in the North Mount Lyell and Macquarie Harbour Railway Act, it should not be incumbent on the Mount Lyell Mining and Railway Company Limited to work or maintain that portion of the said railway between Darwin and Kelly Basin :

And whereas under the authority given by the North Mount Lyell and Macquarie Harbour Railway Act, 1924, the Mount Lyell Mining and Railway Company Limited has abandoned that portion of the said railway between Darwin and Kelly Basin, and has removed the rails and sleepers therefrom :

And whereas it is expedient to relieve the Mount Lyell Mining and Railway Company Limited, subject to certain conditions, from maintaining and working the balance of the said railway between Mount Lyell and Darwin :

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—(1) This Act may be cited as “The North Mount Lyell and Macquarie Harbour Railway Act, 1928.”

Principal Act.

(2) The North Mount Lyell and Macquarie Harbour Railway Act is herein called “the Principal Act.”

Company relieved from working and maintaining balance of railway, &c.

2—(1) Notwithstanding anything to the contrary contained in the Principal Act, but subject to Section Three hereof, it shall not be incumbent on the Mount Lyell Mining and Railway Company Limited to work or maintain that portion of the said railway between Darwin and Mount Lyell.

(2) It shall be lawful for the Mount Lyell Mining and Railway Company Limited to take up, remove, and utilise for any purpose it thinks fit the rails and sleepers lying in or upon, or belonging to, that portion of the said railway between Darwin and Mount Lyell, but the said Company shall not demolish or injure the formation of the railway between these points to any greater extent than is necessary for the purpose aforesaid.

(3) From and after the time when the Company shall have removed the said rails and sleepers from the before-mentioned portion of the said railway, and until it shall commence to relay such portion as hereinafter provided, the Company shall allow the free and uninterrupted use by the public of the said portion as a roadway.

North Mt. Lyell and Macquarie Harbour Railway.

3 If, in the opinion of the Minister for Railways, circumstances warrant the renewal of the train service between Darwin and Mount Lyell, he may, by notice in writing, call upon the Mount Lyell Mining and Railway Company Limited to relay the section of the said railway between those points, and to put the same into running order within a reasonable time of the giving of the notice, and to work and maintain it in accordance with the provisions of the Principal Act ; and, if the Company shall fail to comply with such notice, all its rights under the Principal Act in respect of that section of the said railway shall become forfeited to the Crown.

A.D. 1928.

Company to
restore line, &c.,
if required to do
so.

4 Sections Twelve and Twenty-three of the North Mount Lyell Mining and Railway Act, 1901, are hereby repealed.

Repeal of
Sections 12 and
23 of the North
Mount Lyell
Mining and
Railway Act,
1901.

