

PUBLIC INSTRUCTION (AMENDMENT) ACT.

Act No. 29, 1949.

An Act to provide for the rescission of resumptions of lands resumed for public or other schools; for this purpose to amend the Public Instruction Act of 1880 and the Public Works Act, 1912, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 4th November, 1949.]

**George VI.
No. 29, 1949.**

BE

Public Instruction (Amendment) Act.

No. 29, 1949.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Public Instruction (Amendment) Act, 1949."

Amendment of Act No. 43 Vic. No. 23.

2. The Public Instruction Act of 1880, as amended by subsequent Acts, is amended by inserting next after section four the following new section:—

New sec. 4A.
Power to rescind resumptions.
cf. Act No. 7, 1912, s. 4C;
Act No. 11, 1949, s. 50.

4A. (1) The Governor may, by notification in the Gazette, rescind in whole or in part any notification of resumption made in pursuance of the Public Works Act, 1912, as amended by subsequent Acts, for the purposes of public schools or any other schools authorised to be established wholly or in part at the public cost by any Act in force for the time being.

Any such rescission may apply to any notification of resumption whether made before or after the commencement of the Public Instruction (Amendment) Act, 1949.

(2) Upon the publication of any notification of rescission the land described in such notification shall revert in the person who was entitled thereto immediately before the resumption for his estate, interest or right immediately before such resumption, but subject to any interest in or equity binding upon such land created by the Constructing Authority since such resumption; and the land shall be subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by such resumption as if the land had not been resumed and shall also be subject to any interests in or equities binding on the compensation moneys created since the resumption.

(3) On the lodgment with the Registrar-General of a copy of a notification in the Gazette rescinding a notification of resumption of land under the provisions of the Real Property Act, 1900, as amended by

by subsequent Acts, the Registrar-General shall ^{No. 29, 1949.} cancel any entry or notification in the register book made by him pursuant to section 46A of the Real Property Act, 1900, as so amended, in so far as it relates to the land the notification of the resumption of which has been rescinded, and for the purpose of any dealing with such land the entry or notification made pursuant to section 46A of the Real Property Act, 1900, as so amended, shall be deemed never to have been made.

(4) The person in whom any land is revested under this section shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered by him as a direct consequence of the resumption and its rescission other than compensation in respect of the value of the land.

(5) Any claim for compensation arising under this section shall be heard and determined in like manner and subject to the like conditions as a claim for compensation by reason of the acquisition of land under the Public Works Act, 1912, as amended by subsequent Acts, and the provisions of the Land and Valuation Court Act, 1921, as amended by subsequent Acts, shall, mutatis mutandis, apply to and in respect of the hearing and determination of any such claim.