ANNO OCTAVO

GEORGII VI REGIS.

A.D. 1944.

No. 31 of 1944.

An Act to amend the Vermin Act, 1931-1943.

[Assented to 14th December, 1944.]

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 as the "Vermin Act Amendment Act, 1944".

   (2) The Vermin Act, 1931-1943, as amended by this Act, may be cited as the "Vermin Act, 1931-1944".

   (3) The Vermin Act, 1931-1943, is hereinafter referred to as "the principal Act".

2. (1) Section 56 of the principal Act is amended so as to read as follows:

   56. (1) The following provisions shall apply when a vermin-fenced district ceases to be a vermin-fenced district:

   1. The board of the district shall be deemed to be abolished:

   2. So much of any fence erected or purchased by the board as is on the land of a landholder or as separates the land of any landholder from any road, shall become the property of the landholder upon payment to the Crown by the landholder of the then value of the portion or portions of the fence on his land or separating his land as aforesaid, less any amount paid by the landholder or
any preceding owner or occupier of the land to
the board on account of the cost thereof (but not
including any amount paid pursuant to section
116). If any such fence or any portion thereof
separates the land of two landholders, that fence
or portion thereof shall become the joint property
of those landholders upon payment to the Crown
by each of the landholders of one-half the then
value of the fence or portion thereof, less any
amount paid by that landholder or any preceding
owner or occupier of the land of that landholder
to the board on account of the cost thereof (but
not including any amount paid pursuant to
section 116):

III. So much of any fence erected or purchased by
the board as is on any land of the Crown (other than
land subject to any lease granted by the Crown
or comprised in any agreement with the Crown
for the sale and purchase thereof) or as separates
any such land of the Crown from any road shall
become the property of the Crown and an
amount representing the then value of the portion
or portions of the fence on such land of the Crown
or separating any such land of the Crown as
aforesaid, less any amount paid to the board
by the Director of Lands or any owner
or occupier of the land on account of the
cost thereof (but not including any amount
paid pursuant to section 116), shall be provided
out of moneys voted by Parliament for the pur-
pose and divided in manner provided by sub-
division IV. hereof. If any such fence or any
portion thereof separates any such land of the
Crown and the land of any landholder, that
fence or portion thereof shall become the joint
property of the Crown and that landholder upon
payment to the Crown by the landholder of one-
half the then value of the fence or portion thereof,
less any amount paid by the landholder or any
preceding owner or occupier of the land of that
landholder to the board on account of the cost thereof (but not including any amount paid pursuant to section 116), and an amount repre-
senting one-half of the then value of the fence
or portion thereof, less any amount paid to the
board by the Director of Lands or any owner or
occupier of such land of the Crown on account
of the cost thereof (but not including any
amount paid pursuant to section 116) shall be
provided out of moneys voted by Parliament for the purpose and divided in manner provided by subdivision IV. hereof:

IV. The total of the amounts paid pursuant to subdivision II. hereof or provided pursuant to subdivision III. hereof shall, after deducting proper expenses of collection and any amounts required to be paid by the Commissioner pursuant to section 55, be divided amongst the persons who were landholders of land within the district at the time of the abolition of the district pro rata according to the number of square miles of land held by them respectively within the district and which was ratable property at the time of the abolition of the board.

(2) If all the landholders to whom payment is required to be made pursuant to subdivision IV. of subsection (1) by notice in writing waive their claims to such payment, payment shall not be required as provided in subdivision II. or III. of subsection (1) and any amount required to be provided pursuant to subdivision III. of subsection (1) need not be so provided.

(3) If, pursuant to this section, any fence becomes the sole property of any landholder, then, for the purposes of Part V. of this Act, the fence shall be deemed to have been erected by the landholder, and the landholder shall be deemed to be an occupier within the meaning of the said Part V. Section 204 shall not apply with respect to any such fence.

(4) In this section "landholder" means—

(a) with reference to any land of the Crown (other than land subject to any lease granted by the Crown or comprised in an agreement with the Crown for the sale and purchase thereof), the Director of Lands:

(b) with respect to any other land—

(i) any proprietor of an estate in freehold in the land;
(ii) any person who has agreed to purchase the land from the Crown;
(iii) any person who is in possession of the land under any lease granted by the Crown;
(iv) any mortgagee in possession who is by himself or his tenant in occupation of the land and is entitled to receive the rents and profits thereof.

(2) The amendments made by this section shall be deemed to have effect as from the first day of January, nineteen hundred and forty-three.

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

J. M. NAPIER, Lieutenant-Governor.