



ANNO OCTAVO

GEORGI 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 :

Short titles.

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 ".

Amendment of principal Act, s. 56—

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

Vesting of property of board on abolition of board.

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

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

II. 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 purpose and divided in manner provided by subdivision 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 representing 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.