

CAP. LVI.

An Act to repeal the Acts of Parliament now in force respecting the Disposal of the Waste Lands of the Crown in Her Majesty's Australian Colonies and to make other provision in lieu thereof. [16th July, 1855.]

IMPERIAL REPEAL OF
COLONIAL WASTE
LANDS ACTS.

WHEREAS it is expedient that the Acts for regulating the Sale and other disposal of the Waste Lands belonging to the Crown in the Australian Colonies should be repealed and that other provision should be made with respect to the subject matter of the said Acts Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The Act of the sixth year of Her Majesty chapter thirty-six intituled "*An Act for regulating the Sale of Waste Lands belonging to the Crown in the Australian Colonies*" and the Act of the tenth year of Her Majesty chapter one hundred and four intituled "*An Act to amend an Act for regulating the Sale of Waste Lands belonging to the Crown in the Australian Colonies and to make further provision for the management thereof*" are hereby repealed.

5 & 6 Vic. c. 36 and
9 and 10 Vic. c. 104
repealed.

2. The repeal of the said Acts and the other provisions of this Act shall take effect in the Colonies of New South Wales and Victoria at the date of the Proclamation in those Colonies respectively of certain Acts passed in this Session of Parliament intituled "*An Act to enable Her Majesty to assent to a Bill as amended of the Legislature of New South Wales to confer a Constitution on New South Wales and to grant a Civil List to Her Majesty*" and "*An Act to enable*

Periods at which
this Act is to take
effect in the Aus-
tralian Colonies
respectively.
18 & 19 Vic. c. 54.

Imperial Repeal of Colonial Waste Lands Acts.

“enable Her Majesty to assent to a Bill as amended of the Legislature of Victoria to establish a Constitution in and for the Colony of Victoria” and in Van Diemen’s Land from the date of the Proclamation of this Act by the Governor which Proclamation shall take place within one month after a copy thereof shall be received by such Governor and in South Australia from the date of the Proclamation in that Colony of the Assent of Her Majesty to any Bill which may be passed by the Legislature of the said Colony under the provisions of an Act passed in the fourteenth year of Her Majesty and intituled “An Act for the better Government of Her Majesty’s Australian Colonies” establishing a Legislative Council and Assembly within the said Colony in lieu of the present Legislative Council.

13 & 14 Vic. c. 59.

Powers of the repealed Acts continued for certain purposes in this country.

Power to amend or repeal Orders in Council.

3. The powers vested by the said Acts hereby repealed in Her Majesty the Commissioners of Her Majesty’s Treasury and the Colonial Land and Emigration Commissioners respectively shall continue so far as regards the appropriation and application of moneys which may be received from the said Colonies respectively under and by virtue of the provisions of the said Acts or either of them.

4. It shall be lawful for the Legislature of any Colony in which the repeal of the said Act of the tenth year of Her Majesty shall have taken effect to repeal alter or amend any Order in Council made under authority of the said Act and affecting such Colony but subject nevertheless so far as respects the Colonies of New South Wales and Victoria respectively to the provisions in the said Acts of this Session for the preservation and enabling the fulfilment of contracts promises and engagements made by or on behalf of Her Majesty with respect to lands situate in such respective Colonies and until so repealed and subject to any such alteration or amendment every such Order in Council shall have the same force and effect as if this Act had not been passed.

Power to the Legislature of Van Diemen’s Land and of South Australia when its Constitution is altered to dispose of Waste Land notwithstanding provisions of 5 & 6 Vic. c. 76 and 13 & 14 Vic. c. 59.

5. It shall be lawful for the Legislature of Van Diemen’s Land and for the Legislature of South Australia after such change in the Constitution thereof as aforesaid by any Act or Acts to be passed from time to time in the same manner and under the same conditions as are or may be by law required in respect of other Acts of the said Legislature respectively to regulate the sale and other disposal of the Waste Lands of the Crown in the said two last-mentioned Colonies respectively and the disposal of the proceeds arising therefrom for the public service of the said Colonies any provisions of an Act of Parliament of the sixth year of Her said Majesty intituled “An Act for the Government of New South Wales and Van Diemen’s Land” or of an Act of the fourteenth year of Her said Majesty intituled “An Act for the better Government of Her Majesty’s Australian Colonies” or of any other Act of Parliament to the contrary notwithstanding Provided always that it shall be lawful for Her Majesty at any time by Order in Council to separate Norfolk Island from the Colony of Van Diemen’s Land and to make such provision for the Government of Norfolk Island as may seem expedient Provided also that nothing herein contained nor any Act to be passed as aforesaid by either of the said Legislatures shall affect or be construed to affect any contract or extend to prevent the fulfilment of any promise or engagement made by or on behalf of Her Majesty with respect to any lands situate in either of the said Colonies of Van Diemen’s Land and South Australia where such contract promise or engagement shall have been lawfully made before the time when this Act shall take effect in such respective Colony.

Power for Her Majesty by Order in Council to separate Norfolk Island from Van Diemen’s Land.

Existing regulations maintained in force until altered.

6. All regulations respecting the sale or other disposal of the Waste Lands of the Crown made under the authority of the said recited Acts or either of them which shall be legally in force in New South Wales Victoria Van Diemen’s Land or South Australia at the date when the present Act shall take effect in the said Colonies respectively

Marriage.

tively shall remain in force in each of the said Colonies respectively until the Legislature of such Colony shall otherwise provide.

7. It shall be lawful for Her Majesty by Instructions under Her Signet and Sign Manual or through one of Her Principal Secretaries of State to regulate the sale letting disposal and occupation of Waste Lands of the Crown in Western Australia and the disposal of the proceeds arising therefrom until Parliament shall otherwise provide.

Power to regulate the disposal of Waste Land in Western Australia.

8. No appropriation which has been or shall be made of the proceeds of the sale or disposal of the Waste Lands of the Crown in either of the said Colonies shall be deemed invalid by reason of its not having been made in accordance with the provisions of the said Acts of Parliament hereby repealed.

Past appropriations to be valid.

9. In the construction of this Act the term "Governor" shall mean the person for the time being lawfully administering the Government of any Colony.

As to the term "Governor."