

SURVEY MARKS ACT 1902 No. 56

[Reprinted as at 27 March 1979]

UPDATED 26 JULY 1999

INCLUDES AMENDMENTS (SINCE LAST REPRINT) BY:

Statute Law (Penalties) Act 1992 No. 112

Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 95

Statute Law (Miscellaneous Provisions) Act 1999 No. 31

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NEW SOUTH WALES

[STATE ARMS]

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Reprinted under the Reprints Act 1972

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UPDATED 26 JULY 1999

NEW SOUTH WALES

[STATE ARMS]

An Act to consolidate enactments relating to Survey Marks, official landmarks, and beacons.

Short title

1. This Act may be cited as the Survey Marks Act 1902.

Repeal

2. The Act sixteenth Victoria number fifteen is hereby repealed.

Private surveyors and other persons not to use official survey marks

3. (1) In the conduct of official surveys made by the direction or under the authority of the Government, the distinguishing mark to be used by the surveyors appointed or licensed by the Government to conduct the same shall be in the form of a broad-arrow, which mark shall not be used by private surveyors or other persons not authorised in that behalf by the Government.

(2) Every person who makes or uses such mark in marking any boundary or so as to appear to indicate a boundary of any land, except in the conduct of an authorised official survey, shall, for every such offence, be liable to a penalty not exceeding 0.5 penalty unit.

Penalty for unauthorised defacement or destruction of survey marks, landmarks or beacons

4. (1) If any person wilfully obliterates, removes, or defaces any such survey mark as aforesaid, or any landmark or beacon which has been erected by or under the direction of an officer of the Survey Department, or by a surveyor licensed by the Government, such person shall for every such offence be liable to a penalty not exceeding 0.5 penalty unit.

(2) Nothing herein contained shall render the owner or occupier of any land liable to any penalty for the removal of any tree thereon upon which any such mark has been made which the owner or occupier may desire to remove in fencing, clearing, or otherwise improving such land.

Recovery of penalties

5. Penalties under this Act may be sued for and recovered summarily before a Local Court by any person authorised in that behalf by His Majesty's Attorney-General.

NOTES

Table of Acts

Survey Marks Act 1902 No. 56. Assented to, 3.9.1902. This Act has been amended as follows:

Decimal Currency Act 1965 No. 33. Assented to, 20.12.1965. Date of commencement of sec. 4, 14.2.1966, secs. 1 (3), 2 (1) and the Currency Act 1965 (Commonwealth), sec. 2 (2).

Statute Law (Penalties) Act 1992 No. 112. Assented to, 8.12.1992. Date of commencement, assent, sec. 2.

Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 95. Assented to, 12.12.1994. Date of commencement of Sch. 3, assent, sec. 2.

Statute Law (Miscellaneous Provisions) Act 1999 No. 31. Assented to, 7.7.1999. Date of commencement of Sch. 4, assent, sec. 2 (1).

Table of Amendments

(No reference is made to certain amendments made by the Decimal Currency Act 1965, and Schedule 3 (amendments replacing gender-specific language) to the Statute Law (Miscellaneous Provisions) Act (No. 2) 1994.)

Secs. 3, 4—Am. 1992 No. 112, Sch. 1.

Sec. 5—Am. 1999 No. 31, Sch. 4.95.
