

Saorstát Éireann.

**BILLE CHUN ACHT CUIRTEANNA DHAIL EIREANN
(CRIOCHNU 'A nGNÓTHA), 1923, DO LEASU, 1924.**

**DAIL EIREANN COURTS (WINDING UP) ACT, 1923,
AMENDMENT BILL, 1924.**

Mar do ritheadh ag dhá Thigh an Oireachtais.

As passed by both Houses of the Oireachtas.

ARRANGEMENT OF SECTIONS.

Section.

1. Definitions.
2. Commissioners of the Irish Land Commission may be appointed to be Judicial Commissioners for the purposes of this Act.
3. Adaptation and extension of times prescribed by principal Act.
4. Additional powers of Commissioners in hearing of appeals as regards registration.
5. Limitation of appeals in respect of Dáil Land Court decrees.
6. Dáil Land Court decrees may be deemed to be arbitration awards.
7. Pleading and enforcement of registered decrees.
8. Preservation of powers of Irish Land Commission.
9. Short title.

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(CRIOCHNU A nGNÓTHA), 1923, DO LEASU, 1924.
DAIL EIREANN COURTS (WINDING UP) ACT, 1923,
AMENDMENT BILL, 1924.

BILL

entitled

AN ACT TO AMEND THE DÁIL EIREANN COURTS
(WINDING UP) ACT, 1923 (NUMBER 36 OF 1923), AND
TO PROVIDE FOR THE DISPOSAL OF THE BUSINESS
OF THE LAND SETTLEMENT COURTS, AND OTHER
SIMILAR COURTS. 10

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT
ÉIREANN AS FOLLOWS:—

Definitions.

1.—(1) The definition of the expression “Dáil Court” con- 15
tained in sub-section (1) of section 1 of the Dáil Éireann Courts
(Winding Up) Act, 1923, in this Act called “the principal Act,”
shall be extended so as to include any court which was constituted
under, or which was confirmed in its functions, or which pur- 20
ported to act under the authority of Dáil Éireann and was pre-
sided over by any person who at any subsequent time presided
over a court constituted or confirmed in its functions as aforesaid,
by virtue of a decree entitled “Proposals constituting a National
Land Commission for the purpose of carrying the Land Settle- 25
ment schemes of An Dáil into effect” made on the 17th day of
September, 1920, by the Dáil Éireann constituted as in said sub-
section mentioned, and the provisions of the principal Act shall,
subject to the provisions of this Act, apply to decrees of any such
court, in this Act called a “Dáil Land Court.”

(2) For the purposes of this Act the authority of all Dáil Land 30
Courts shall be deemed to have been withdrawn on the 17th day
of September, 1922.

Commissioners,
Irish Land Com-
mission may be a
appointed to be
Judicial Commis-
sioners for the
purposes of this
Act.

2.—For the purposes of this Act sub-section (2) of section 2
of the principal Act shall be read and construed as if Commis- 35
sioners of the Irish Land Commission were therein mentioned as
one of the classes of persons qualified for appointment as Judicial
Commissioners.

Adaptation and
extension of
times prescribed
by Principal Act.

3.—(1) In the application of sub-section (1) of section 12 of
the principal Act to decrees of a Dáil Land Court the date to be
prescribed by the public notice referred to in the said sub-section 40
shall be a date not sooner than three months or later than six
months after the passing of this Act, and the Register of decrees
of Dáil Land Courts and of all orders made by the Commissioners
in respect of proceedings commenced in Dáil Land Courts shall
be kept separate and distinct from the Register of the decrees of 45
other Dáil courts, and the expression “the Register” shall mean
the Register of the decrees of Dáil Land Courts or the Register
of the decrees of other Dáil courts as the case may be.

(2) The time prescribed by section 26 of the principal Act
shall for the purposes of the said Act and of this Act be extended 50
to any time within six months from the passing of this Act.

Additional
powers of
Commissioners
in hearing of
Appeals as
regards
registration.

4.—(1) On an appeal under sub-section (4) of section 12 of
the principal Act in respect of the registration, or the refusal of
the Registrar to register a decree of a Dáil Land Court, the Com- 55
missioners may, without prejudice to the generality of the said
sub-section, cancel the registration or refuse to make an order
for the registration of the decree:—

(a) if in the opinion of the court the ends of justice would
be better served by the institution of fresh proceed- 60
ings; or

(b) if the decree has been executed or partly executed and
the application for registration is made for the pur-
pose of an appeal under section 5 of the principal Act;
or

(c) if, after due consideration of all the circumstances and after making due allowances for prevalent conditions, it appears to the court inequitable that the decree should be registered.

5 (2) An order on any appeal to which this section applies may be made subject to such terms and conditions as to the court shall appear to be just.

10 5.—An application to the Commissioners to hear and determine an appeal under sub-section (2) of section 4 or under sub-section (1) of section 5 of the principal Act in respect of a decree of a Dáil Land Court shall only be made to or be entertained by the Commissioners after special leave to appeal has been granted by the Commissioners on a motion on notice stating the grounds of appeal, and such leave may be granted or refused on such terms and conditions, if any, as shall appear to be just, including the striking out of any ground of appeal in respect of any matter which was or might have been considered on an appeal against the registration of the decree.

Limitation of Appeals in respect of Dáil Land Court Decrees.

20 6.—On any appeal or application under either of the two last preceding sections the court may make an order that the decree sought to be registered or to be appealed against, with any variations or amendments that may be agreed upon between the parties, shall be deemed to be an award of a properly constituted court of arbitration or board of arbitrators, and may make the same a rule of the court of the Commissioners.

Dáil Land Court Decrees may be deemed to be arbitration awards.

30 7.—(1) Sub-section (5) of section 5 of the principal Act shall be read and construed as if the words "or for the purpose of asserting or maintaining any right or title to any property declared by or transferred under any registered decree" were inserted after the words "in any proceeding" in said sub-section.

Pleading and enforcement of Registered Decrees.

(2) Sub-section (2) of section 20 of the principal Act shall be read and construed as if the following paragraph, that is to say:—

35 " (e) making any order for the appointing of a receiver by way of equitable execution, or for the attachment of debts owing or accruing from a garnishee, or making any instalment order or any committal order under section 6, of the Debtors Act (Ireland) 1872, for the purpose of enforcing any registered decree";

40 was inserted after paragraph (d) in said sub-section.

45 (3) For the purpose of the registration of any affidavit to have the effect of a mortgage under section 7 of the Judgment-Mortgage (Ireland) Act, 1850, a registered decree shall be deemed to be a judgment entered up after the passing of the said Act in one of the Superior Courts in section 6 of said Act mentioned or in the Court to which the jurisdiction formerly exercised by the said Court has been transferred, and the Court of the Commissioners shall, for the purposes of the said Act, be deemed to be one of the said Superior Courts or the Court to which this said jurisdiction was transferred and to be the Court in which the affidavit specified in said section 6 may be filed, and the provisions of said section 6 as to registration shall apply to an affidavit so filed.

50 (4) The expression "registered decree" shall, where the context so admits, include and be deemed to have always included an order of the Commissioners entered upon the Register.

55 8.—Nothing in this Act or in the principal Act shall have the effect of preventing any lands, the subject of proceedings before the Commissioners, from being dealt with by the Irish Land Commission under the Land Law or Land Purchase Acts or of abrogating or impairing any of the powers of the Irish Land Commission in respect thereto, whether such powers be exercised for the purpose of recovering arrears of purchase annuities or arrears of interest in lieu of rent, or for any other purpose for which they might have lawfully exercised such powers had this Act not been passed.

Preservation of powers of Irish Land Commission.

9.—This Act may be cited as the Dáil Eireann Courts (Wind-ing Up) Act, 1923, Amendment Act, 1924.

Short title.

Saorstát Éireann.

BILLE CHUN ACHT CUIRTEANNA
DHÁIL ÉIREANN (CRÍOCHNÚ A
nGNÓTHA), 1923, DO LEASÚ, 1924.

BILLE

dá ngairmtear

Bille chun leasú do dheanamh ar Acht
Cúirteanna Dháil Éireann (Críochnú a
nGnótha) 1923 (Uimhir 36 de 1923) agus
chun forálacha do dheanamh chun gnó na
gCúirteanna Soeruithe Talmhan agus gnó
Cúirteanna eile den tsórt san do chríochnú.

*Rithte ag dhá Thigh an Oireachtais,
18adh Iúil, 1924.*

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entitled

A Bill to amend the Dáil Éireann Courts
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*Passed by both Houses of the Oireachtas,
18th July, 1924.*

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through MESSRS. EASON & SON, LTD.
40 and 41 Lower O'Connell Street,
Dublin.

Printed by MESSRS. CAHILL AND CO., LTD.
[Threepence Net.]