



BILLE TALMHAN, 1929.

LAND BILL, 1929.

Mar do tugadh isteach.

As introduced.

ARRANGEMENT OF SECTIONS.

Section.

1. Appointment of limited administrators.
2. Standard purchase annuity of holdings subject to non-judicial rents.
3. Amendment of Land Act, 1923, in respect of fisheries and fishing rights.
4. Further provisions in respect of fisheries and fishing rights.
5. Purchase of certain fisheries and fishing rights by Land Commission.
6. Power to make rules.
7. Short title, citation, and construction.

SAORSTÁT EIREANN.

BILLE TALMHAN, 1929.

LAND BILL, 1929.

BILL

entitled

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AN ACT TO GIVE TO THE IRISH LAND COMMISSION POWER IN CERTAIN CASES TO APPOINT LIMITED ADMINISTRATORS TO DECEASED PERSONS, TO FIX THE STANDARD PURCHASE ANNUITY IN RESPECT OF HOLDINGS SUBJECT TO RENTS OTHER THAN JUDICIAL RENTS, TO EXPLAIN AND AMEND THE PROVISIONS OF THE LAND ACT, 1923, IN RELATION TO FISHERIES AND FISHING RIGHTS, AND TO GIVE TO THE IRISH LAND COMMISSION POWER TO PURCHASE CERTAIN FISHERIES AND FISHING RIGHTS. 10 15

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

Appointment of limited administrators.

1.—Whenever, in any proceedings under the Land Purchase Acts for the exchange or consolidation of a holding or parcel of land for or with other land, the owner of such holding or parcel is dead and there is no legal personal representative of such deceased owner or the services of his legal personal representative are not conveniently available for carrying out such exchange or consolidation, the Land Commission may, on such terms and conditions (if any) as they may think fit, appoint some proper person to be administrator of the personal estate of such deceased owner limited to the said proceedings for such exchange or consolidation (as the case may be), and thereupon such limited administrator shall for the purposes of the said proceedings represent the said deceased owner in the same manner as if such owner had died intestate and letters of administration of all his personal estate and effects had been duly granted to the said limited administrator. 20 25 30

Standard purchase annuity of holdings subject to non-judicial rents.

2.—(1) In the case of every holding to which Part II. of the First Schedule to the Land Act, 1923 (No. 42 of 1923), applies and in respect of which the standard purchase annuity has not been agreed upon or fixed under the said Schedule before the passing of this Act, the standard purchase annuity shall (save as is hereinafter otherwise provided) be an annuity of an amount equivalent to sixty-five per cent. of the rent payable in respect of the holding. 35 40

(2) The landlord or the tenant of a holding to which the foregoing sub-section applies may object in the prescribed manner and within the prescribed time to the standard purchase annuity in respect of such holding being fixed in accordance with the said sub-section, and where such objection is duly so made the standard purchase annuity in respect of such holding shall be agreed upon or fixed (as the case may require) under Part II. of the First Schedule to the Land Act, 1923, as amended by section 25 of the Land Act, 1927 (No. 19 of 1927), as if this section had not been passed. 45 50

Amendment of Land Act, 1923, in respect of fisheries and fishing rights.

3.—(1) In the construction and application of section 45 of the Land Act, 1923 (No. 42 of 1923), the expression " fisheries appurtenant to the said lands " contained in sub-section (1) of that section shall mean and include and be deemed always to 55

have meant and included all fisheries and fishing rights which are situate in or exercisable in respect of rivers or waters adjoining or intersecting lands mentioned in the said section and were, immediately before the vesting of such lands in the Land Commission, vested in the vendor of such lands or in a person having an estate in such lands superior to the estate of such vendor and no other fisheries or fishing rights whatsoever, and the said section shall be construed and have effect and (subject to the provisions of this Act) be deemed always to have had effect accordingly.

(2) If any question shall arise as to whether any fishery or fishing right has or has not vested before the passing of this Act in the Land Commission under section 45 of the Land Act, 1923, as amended by this section, such question shall be determined by the Land Commissioners other than the Judicial Commissioner with a right of appeal to the Judicial Commissioner.

(3) If, on the determination of any such question as is mentioned in the foregoing sub-section, it appears to the Land Commissioners or, on appeal to him, to the Judicial Commissioner that the fishery or fishing right to which such question relates has vested in the Land Commission but that it is not equitable or is not advisable that such fishery or fishing right should have so vested, it shall be lawful for the Land Commissioners or, on appeal to him, the Judicial Commissioner to declare that such fishery or fishing right has not vested in the Land Commission, and upon such declaration being so made such fishery or fishing right shall, notwithstanding anything contained in section 45 of the Act of 1923 or in this section, be deemed not to have vested in the Land Commission.

4.—(1) Whenever after the passing of this Act, any lands to which a fishery or fishing right is appurtenant within the meaning of Section 45 of the Land Act, 1923 (No. 42 of 1923), as amended by this Act shall vest in the Land Commission, the Land Commissioners other than the Judicial Commissioner shall, as soon as may be after such vesting but subject to a right of appeal to the Judicial Commissioner, by order declare whether such fishery or fishing right did or did not vest with such lands in the Land Commission and thereupon, notwithstanding anything contained in the said section 45 or this Act, such fishery or fishing right shall vest or not vest (as the case may require) in the Land Commission in accordance with such order of the Land Commissioners or, where the case so requires, of the Judicial Commissioner on appeal to him.

Further provisions in respect of fisheries and fishing rights.

(2) When making an order or deciding an appeal under the foregoing sub-section the Land Commissioners or the Judicial Commissioner (as the case may be) shall declare that the fishery or fishing right the subject of such order or appeal did vest in the Land Commission unless they or he are of opinion having regard to all the circumstances of the case that it is not equitable or is not advisable that such fishery or fishing right should so vest.

5.—(1) Where a fishery or fishing right is vested (whether before or after the passing of this Act) in the Land Commission under section 45 of the Land Act, 1923 (No. 42 of 1923), as amended by this Act and another fishery or fishing right (hereinafter referred to as the ancillary fishery or fishing right) which is not so vested is, in the opinion of the Land Commission, necessary for the proper user and enjoyment of the first-mentioned fishery or fishing right, the Land Commission may purchase such ancillary fishery or fishing right for such price, payable in four and one-half per cent. land bonds of equal nominal value, as shall be agreed upon between the Land Commission and the owner of such ancillary fishery or fishing right.

Purchase of certain fisheries and fishing rights by Land Commission.

(2) The powers conferred on the Minister for Finance by the Land Act, 1923, as amended and extended by the Land Bond Act, 1925 (No. 25 of 1925), to create and issue four and one-half

per cent. land bonds for the purposes of the Land Act, 1923, are hereby extended so as to include power to create and issue such bonds for the purposes of this section, and the Land Act, 1923, as so amended and extended and in particular section 17 thereof and rules made under that section shall apply to such bonds 5 created and issued by the Minister for Finance for the purposes of this section in like manner as it applies to such bonds created and issued by the said Minister for the purposes of the Land Act, 1923.

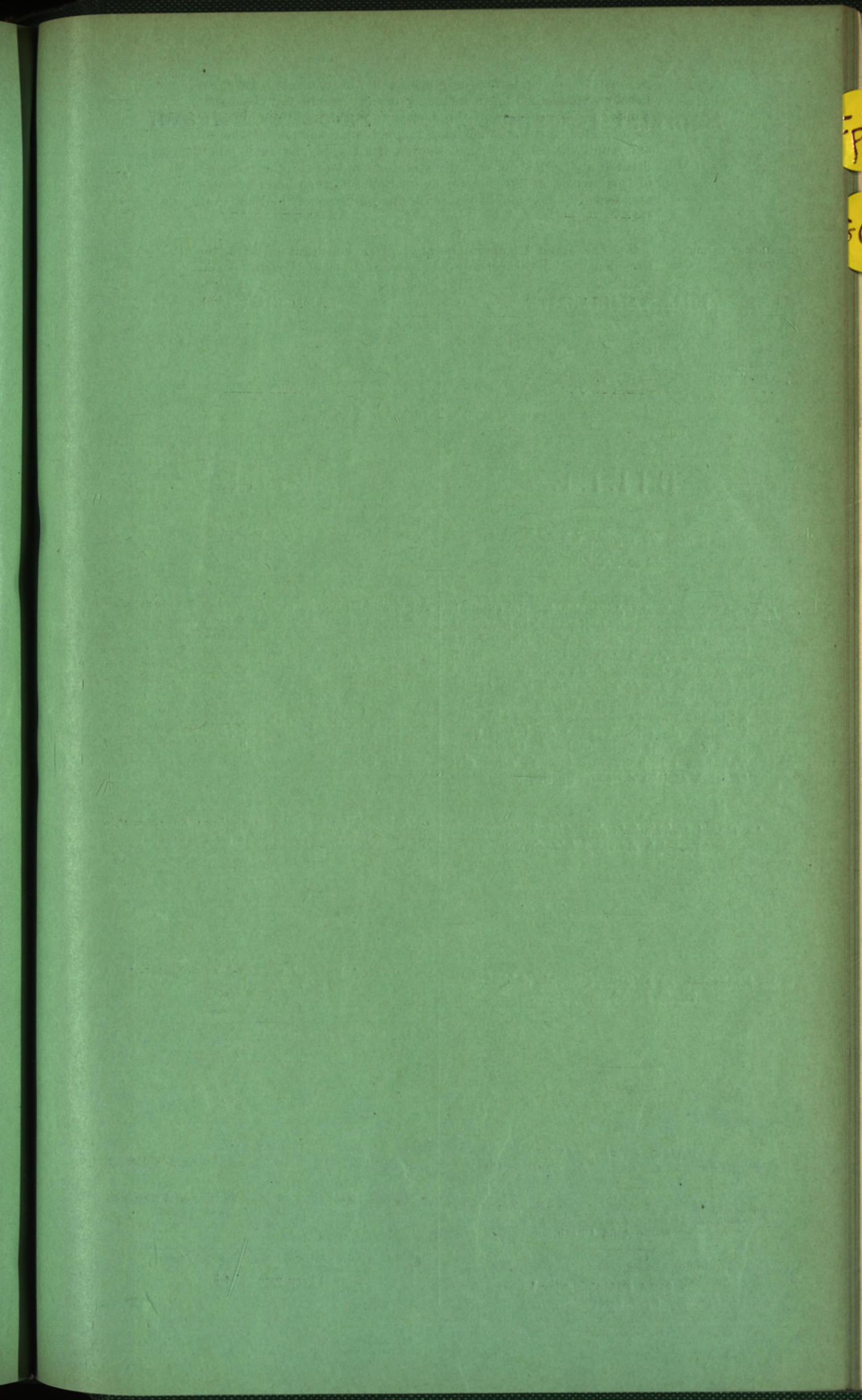
Power to make rules.

6.—The Land Commission may, after consultation with the 10 President of the Incorporated Law Society of Ireland, make rules for carrying into effect the provisions of this Act, and the word “prescribed” in this Act means prescribed by rules made under this section.

Short title, citation and construction.

7.—(1) This Act may be cited as the Land Act, 1929. 15

(2) This Act shall be construed as one with the Land Purchase Acts and may be cited with those Acts.



Saorstát Éireann

BILLE TALMHAN, 1929.

BILLE

*mar do tugadh isteach
dá ngairmtear*

Acht chun comhacht do thabhairt do Choimisiún Talmhan na hÉireann i gcásanna áirithe riarthóirí teoranta do dhaoine ná maireann do cheapa, chun an riailbhlianacht cheannaigh do shoerú maidir le gabháltaisí áta fé chíosá nách cíosa cúirte, chun na forálacha den Acht Talmhan, 1923, a bhaineann le hiascach agus le cirt iascaigh, do mhíniú agus do leasú, agus chun comhacht do thabhairt do Choimisiún Talmhan na hÉireann iascach agus cirt iascaigh áirithe do cheannach.

*An Runaí Párlaiminte don Aire Tailte agus
Iascaigh do thug isteach.*

*Do horduúodh, ag Dáil Éireann, do chlóbhuála,
26adh Meitheamh, 1929.*

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Saorstát Éireann

LAND BILL, 1929.

BILL

*as introduced
entitled*

An Act to give to the Irish Land Commission power in certain cases to appoint limited administrators to deceased persons, to fix the standard purchase annuity in respect of holdings subject to rents other than judicial rents, to explain and amend the provisions of the Land Act, 1923, in relation to fisheries and fishing rights and to give to the Irish Land Commission power to purchase certain fisheries and fishing rights.

*Introduced by the Parliamentary Secretary to
the Minister for Lands and Fisheries.*

*Ordered, by Dáil Éireann, to be printed,
26th June, 1929.*

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

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

Printed by CAHILL AND CO., LTD.

[*Twopence Net.*]