



**BILLE TALMHAN, 1930.
LAND BILL, 1930.**

*Mar do tugadh isteach.
As introduced.*

ARRANGEMENT OF SECTIONS.

PART I.

FINANCE.

Section.

1. Land bonds issued under the Land Act, 1929.
2. Exemption from stamp duty.
3. Amendment of Section 1 of the Land Act, 1923.
4. Annuities on the resale of land purchased by the late Congested Districts Board.
5. Proceeds of the sale of certain lands of the late Congested Districts Board.
6. Liability of county boroughs in respect of the guarantee fund.
7. Disposal of certain purchase annuities.
8. Provision of moneys for the execution of this Act.

PART II.

VESTING OF HOLDINGS.

9. Publication of lists of vested holdings.
10. Amendment of lists of vested holdings.
11. Retention of holdings in a list of vested holdings.
12. Vesting orders in respect of vested holdings.
13. Dismissal of purchase proceedings in respect of certain vested holdings.
14. Holdings alleged to be wrongly omitted from a list of vested holdings.
15. Subtenancies on vested holdings.
16. Mutual rights of tenant and his subtenants.
17. Provisions consequential on increase of purchase annuity.
18. Provisions consequential on reduction of purchase annuity.
19. Provisions consequential on certain orders of the Land Commission.
20. Guarantee deposits.

PART III.

VESTING OF HOLDINGS ON RE-SALES.

21. Definitions for Part III.
22. Publication of lists of congested districts holdings.

[No. 29 of 1930.]

Section.

23. Publication of lists of holdings on untenanted land.
24. Amendment of lists of holdings.
25. Retention of holdings comprised in lists of holdings.
26. Payments by tenants of holdings.
27. Vesting orders in respect of holdings.
28. Vesting orders in the case of exchanged holdings.

PART IV.

MISCELLANEOUS AND GENERAL.

29. Amendment of vesting orders.
30. Registration of holdings comprised in vesting orders.
31. Date of conversion into personal estate.
32. Transfer of incumbrances to re-arranged holding.
33. Provisions in relation to the distribution of purchase-money.
34. Distribution of small amounts of purchase-money.
35. Payment of dividends on land bonds pending distribution.
36. Publication of notice of sale of a holding by the Land Commission.
37. Powers of Land Commission to confer water-rights.
38. Extension of powers of Land Commission as to turbary and rights of way.
39. Apportionment of rates on untenanted land.
40. Extension of powers of resumption.
41. Untenanted land held under fee farm grant or long lease.
42. Extension of powers of providing for maintenance of embankments, etc.
43. Extension of powers of recouping expenditure on repair of embankments, etc.
44. Grants for expenses of transferring migrants.
45. Variation of tithe rentcharges and variable rents.
46. Payment of additional sum by payers of certain purchase annuities.
47. Making of periodical returns by the Land Commission.
48. Rules and regulations.
49. Short title, construction and citation.

SAORSTÁT ÉIREANN.

BILLE TALMHAN, 1930.
LAND BILL, 1930.

BILL

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entitled

AN ACT TO MAKE PROVISION FOR THE EARLY VESTING
OF HOLDINGS IN THE PURCHASERS THEREOF
UNDER THE LAND PURCHASE ACTS AND FOR THAT
AND OTHER PURPOSES TO AMEND THOSE ACTS AND
10 THE LOCAL REGISTRATION OF TITLE (IRELAND)
ACT, 1891, AND ALSO TO MAKE PROVISION IN
RESPECT OF THE VARIATION OF CERTAIN TITHE
RENTCHARGES AND VARIABLE RENTS.

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

PART I.

FINANCE.

1.—The Land Bond Act, 1925, shall apply to land bonds
created and issued by the Minister for Finance under the powers
20 conferred upon him by sub-section (2) of section 5 of the Land
Act, 1929, for the purposes of that section in like manner as it
applies to land bonds created and issued by the said Minister for
the purposes of the Land Act, 1923.

Land bonds
issued under the
Land Act, 1929.

2.—No stamp duty shall be chargeable or payable on any
25 agreement, conveyance, deed of charge, memorial, or other instru-
ment (including instruments executed but not stamped before
the passing of this Act) made for the purposes of or in connec-
tion with the sale by the Land Commission under or in pursuance
of the Land Purchase Acts of land vested in them nor on any
30 such instrument required by the Land Commission to be made
for securing the repayment of moneys advanced by them.

Exemption from
stamp duty.

3.—(1) Subsection (3) of section 1 of the Land Act, 1923, as
amended by section 3 of the Land Bond Act, 1925, shall be con-
strued and have effect as if the words "in satisfaction of death
35 duties or" now contained in that sub-section were omitted there-
from.

Amendment of
section 1 of the
Land Act, 1923.

(2) In addition to the several sums required by sub-section (5)
of section 1 of the Land Act, 1923, as amended by section 3 of
the Land Bond Act, 1925, to be set aside in the land bond fund
40 for the purpose of the redemption of bonds, there shall for the
purpose of such redemption be set aside in the land bond fund,
at the close of every half-year ending on the 1st day of May or
the 1st day of November until all land bonds issued under the
Land Act, 1923, or any Act amending that Act have been
45 redeemed, all sums paid into the land bond fund during such
half-year by the Land Commission under this Act for the redemp-
tion of land bonds.

Annuities on the resale of land purchased by the late Congested Districts Board.

4.—(1) Every advance made by the Land Commission after the passing of this Act on the resale of land (other than land to which the next following section of this Act applies) which was purchased by the late Congested Districts Board out of the funds at its disposal shall be repayable by a purchase annuity calculated in such manner and at such rate and payable at such times as the Minister for Finance shall prescribe.

(2) Where before the passing of this Act an advance was made by the late Congested Districts Board or by the Land Commission on the resale of land which was purchased by the said Board out of the funds at its disposal, the Land Commission may, whenever they think it expedient so to do, cause an account to be taken of the sum then outstanding and unpaid in respect of such advance and may charge such land with a purchase annuity calculated at the rate of three and one-quarter per cent. per annum for the repayment of the sum so outstanding in lieu and satisfaction of the annuity theretofore payable in respect of such advance.

(3) All moneys collected in respect of purchase annuities created under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall appoint by regulations made by him under this Act.

Proceeds of the sale of certain lands of the late Congested Districts Board.

5.—(1) All moneys, funds, and land bonds which are now in or shall hereafter come to the hands of the Land Commission and which either represent the proceeds of the sale by the late Congested Districts Board or the Land Commission of land to which this section applies or represent the redemption price of head-rents or other superior interests acquired by the said Board shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

(2) This section applies to land which was purchased by the late Congested Districts Board out of the funds at its disposal or was acquired by that Board otherwise than by means of advances from the Irish land purchase fund and which was sold by the said Board as an ordinary vendor either by means of the Land Purchase Acts (whether such sale was completed before the 9th day of August 1923 or was subsequently completed as a purchase agreement pending on that date) or otherwise than by means of the said Acts.

Liability of county boroughs in respect of the guarantee fund.

6.—Notwithstanding anything contained in sub-section (3) of section 22 of the Purchase of Land (Ireland) Act, 1891, the share of a county borough in the local taxation grants shall be available (in accordance with that Act and regulations made thereunder and in like manner as if such county borough were a county) for the purposes of the guarantee fund in respect of land which has since the passing of that Act or shall hereafter become included within such county borough and is now or shall hereafter be subject to a land purchase annuity.

Disposal of certain purchase annuities.

7.—Where the Land Commission have resold or shall hereafter resell a parcel of land under the Irish Land (Provision for Sailors and Soldiers) Act, 1919, at an enhanced price and such enhanced price is due in whole or in part to expenditure on improvements on or in respect of such land made by the Land Commission after the 1st day of April 1922 (whether before or after the passing of this Act) out of moneys provided or recouped by the British Government, so much of the purchase annuity paid into the purchase annuities fund or the land bond fund (as the case may be) in respect of such price as is attributable to such expenditure shall be paid or credited to the British Government in such manner as the Minister for Finance shall appoint by regulations made by him under this section and such regulations may prescribe the method of ascertaining the

proportion of the purchase annuity attributable to such expenditure.

- 8.—All moneys required by the Land Commission for the exercise of their powers under this Act or otherwise for the execution of this Act shall, save in so far as such moneys are otherwise provided for by this Act, be paid to such extent as shall be sanctioned by the Minister for Finance out of moneys provided by the Oireachtas.

Provision of moneys for the execution of this Act.

PART II.

10 VESTING OF HOLDINGS.

- 9.—(1) The Land Commission shall from time to time publish lists (in this Act referred to as lists of vested holdings) of tenanted land consisting of holdings in respect of which particulars have been furnished in pursuance of sub-section (1) of section 40 of the Land Act, 1923, and shall in every such list declare in respect of the tenanted land comprised in such list the appointed day (which may be previous to, coincident with, or subsequent to the date of the publication of such list) for such land.

Publication of lists of vested holdings.

- (2) Immediately upon the publication of a list of vested holdings, tenanted land comprised in such list shall (as the case may require) become or be deemed to have become vested in the Land Commission on the appointed day declared in such list for such land.

- (3) Every tenant of a holding included in a list of vested holdings (whether such tenant is or is not named in such list) or, where the tenant of a holding is named in such list and is dead on the appointed day for such holding, the personal representative of such tenant shall be deemed to have entered on the appointed day into a subsequent purchase agreement for the purchase of such holding from the Land Commission at the standard price and sub-sections (2), (3), and (5) of section 28 of the Land Act, 1923, shall apply in respect of such holding in like manner as they apply in respect of the holdings mentioned in those sub-sections save that such application shall not be prevented or limited by sub-section (6) of the said section 28.

- (4) All sums which by virtue of sub-sections (2), (3), and (5) of section 28 of the Land Act, 1923, as applied by this section become payable in respect of a holding included in a list of vested holdings shall be charged on such holding in priority to all existing interests and incumbrances affecting such holding whether created before or after the appointed day.

- (5) Sub-sections (2), (3), and (4) of section 40 of the Land Act, 1923, and sub-section (1) of section 17 of the Land Act, 1927, shall not apply to a holding included in a list of vested holdings.

- (6) Sub-section (7) of section 17 of the Land Act, 1927, shall apply in respect of a holding or part of a holding included in a list of vested holdings in respect of which the Commissioners of Public Works in Ireland certify to the Land Commission in accordance with that sub-section either before or after the appointed day but before such holding is vested under this Act in a tenant.

- (7) Sub-section (2) of section 73 of the Land Act, 1923, shall apply in respect of holdings included in a list of vested holdings with the modification that the declaration by the Land Commission mentioned in paragraph (a) of the proviso to the said sub-section may be made either before or after the appointed day.

- 10.—(1) A list of vested holdings may be amended by the Land Commission with the consent of all the parties concerned or, subject to the provisions of this section, without such consent.

Amendment of lists of vested holdings.

- (2) Where the Land Commission propose to amend a list of

vested holdings otherwise than on consent of the parties, the Land Commission shall serve in the prescribed manner on all the parties concerned notice of the proposal to make such amendment and shall afford to all such parties an opportunity to object to such proposed amendment.

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(3) Every objection duly made to a proposed amendment of a list of vested holdings shall be considered and decided by the Land Commissioners other than the Judicial Commissioner and there shall be a right of appeal to the Judicial Commissioner from the decision of the other Land Commissioners on any such objection and the decision of the Judicial Commissioner on such appeal shall be final.

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Retention of
holdings in a
list of vested
holdings.

11.—(1) Where a holding included in a list of vested holdings would be a retained holding within the meaning of sub-section (6) of section 28 of the Land Act, 1923, if that sub-section applied to it, such holding may, notwithstanding anything contained in this Act, be retained by the Land Commission.

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(2) Sections 29, 33, and 34 of the Land Act, 1923, shall apply to holdings retained by the Land Commission under this section as fully as they apply to the retained holdings mentioned in those sections and accordingly the Land Commission shall have, in respect of holdings retained by them under this section, all the powers conferred on them by the said sections.

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Vesting orders in
respect of vested
holdings.

12.—(1) Where the Land Commission has published a list of vested holdings, the Land Commission shall from time to time, after making such inquiry as they may consider necessary as to the accuracy of the particulars stated in such list of the holdings included therein and as to the existence of rights or easements affecting such holdings, publish in the prescribed manner a vesting order vesting in accordance with this section one or more of such holdings in the purchaser or purchasers thereof.

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(2) Every vesting order made under this section shall specify separately every holding thereby vested and shall state in respect of every such holding such matters as are required by this section to be so stated and such other particulars as may be necessary for the purposes of the registration of such holding under the Local Registration of Title (Ireland) Act, 1891.

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(3) Every vesting order made under this section shall be expressed and shall operate to vest every holding specified therein in fee simple in the person named in such order as the person appearing to the Land Commission to be in occupation of such holding as tenant thereof or nominated by the Land Commission under section 67 of the Land Act, 1923, to represent the tenant of such holding and shall also be expressed and shall operate so to vest such holding in such person subject to the following annuities, sums, and payments, that is to say:—

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(a) the standard purchase annuity for such holding; and

(b) the additional annuity (if any) in respect of compounded arrears of rent added to the purchase-money; and

(c) an additional sum equivalent to a proportion of the said annuities in respect of the period between the gale day on which the first instalment of the said annuities shall become payable and the next day on which dividends on land bonds are payable; and

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(d) to any sum which may be due to the Land Commission by the tenant in respect of payment in lieu of rent or in respect of repayments required by this Act to be made by such tenant to the Land Commission.

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(4) The Land Commission shall, in respect of every vesting order made under this section, afford to all parties concerned an opportunity for making objections to such order and the Land Commissioners other than the Judicial Commissioner shall con-

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sider and decide every such objection duly made, and there shall be a right of appeal to the Judicial Commissioner from every decision of the other Commissioners on any such objection and the decision of the Judicial Commissioner on any such appeal shall be final.

13.—(1) Whenever it appears to the Land Commission that a holding included in a list of vested holdings is not a holding to which sub-section (1) of section 24 of the Land Act, 1923, as amended and extended by the Land Act, 1927, applies, the Land Commissioners other than the Judicial Commissioner shall, after serving notice in the prescribed manner on all parties concerned, make such order in the matter as the justice of the case shall require.

Dismissal of purchase proceedings in respect of certain vested holdings.

(2) There shall be a right of appeal to the Judicial Commissioner from every order made by the other Land Commissioners under the foregoing sub-section of this section and the decision of the Judicial Commissioner on any such appeal shall be final.

(3) When the purchase proceedings in relation to a holding are dismissed by an order made by the Land Commission under this section, the following provisions shall have effect, that is to say:—

(a) the Land Commission shall pay into the land bond fund such sum as shall be required to redeem the land bonds issued for the purchase of such holding (including the contribution of the State to the standard price); and

(b) all parties shall be restored in all respects to their mutual rights and liabilities in relation to such holding as such rights and liabilities existed immediately before the passing of the Land Act, 1923; and

(c) the tenant shall be bound to pay to the Land Commission all arrears of payment in lieu of rent or of the annual sum equivalent to the standard purchase annuity and such arrears shall be deemed to be a charge on such holding in priority to all existing interests and incumbrances affecting the tenancy therein; and

(d) the tenant shall be entitled to credit for all moneys paid by him in respect of such holding on account of payment in lieu of rent or annual sum equivalent to the standard purchase annuity as against rent or other payment due by him to his landlord in respect of such holding; and

(e) all moneys paid by the Land Commission under this sub-section shall be recoverable by them in the manner provided by this Act; and

(f) the Land Commission shall have for the recovery of moneys payable under this sub-section to them by the tenant the same remedies as they have for the recovery of unpaid instalments of purchase annuities.

14.—(1) A tenant who claims to be entitled to the benefits of section 24 of the Land Act, 1923, as amended and extended by the Land Act, 1927, and alleges that his holding has not been included in the particulars furnished by his landlord under sub-section (1) of section 40 of the Land Act, 1923, to the Land Commission and is not included in any published list of vested holdings, may apply in the prescribed manner to the Land Commission for an order requiring the said landlord to furnish to the Land Commission in accordance with the said sub-section (1) particulars of such holding.

Holdings alleged to be wrongly omitted from a list of vested holdings.

(2) Every application under this section shall be heard and decided by the Land Commissioners other than the Judicial Commissioner and there shall be a right of appeal to the Judicial

Commissioner from the decision of the other Land Commissioners on any such application and the decision of the Judicial Commissioner on such appeal shall be final.

Subtenancies
on vested
holdings.

15. (1) Where the whole or part of a holding which is included in a list of vested holdings is at the date of the publication of such list sublet otherwise than for the purpose of temporary depasturage, agistment, or conacre, or for temporary convenience, or to meet a temporary necessity, the following provisions shall have effect, that is to say:—

- (a) the Land Commission shall (save as is hereinafter otherwise authorised) declare that the subtenants on such holding are to be deemed to be the tenants of the respective portions of such holding in their several and separate occupations and that the said respective portions (hereinafter referred to as separate holdings) of such holding are to be deemed to be separate holdings; 10 15
- (b) each of the said subtenants shall be deemed to have entered on the date of the said declaration into a subsequent purchase agreement for the purchase of the said separate holding in his separate occupation; 20
- (c) the standard purchase annuities for the said separate holdings shall be ascertained in the like manner as standard purchase annuities for tenancies are ascertained under the Land Act, 1923, as amended by the Land Act, 1929; 25
- (d) where the portion or any part of the portion of such holding which is so sublet is, in the opinion of the Land Commission, of such a character that it ought not to be declared under this section to be a separate holding, the Land Commission may notwithstanding anything contained in this section treat the said holding as if the said portion or the said part of the said portion (as the case may be) of such holding were in the occupation of the tenant of the said holding and were not sublet; 30 35
- (e) the subsequent purchase agreement which the tenant of such holding was, on the publication of the said list of vested holdings, deemed to have entered into shall be withdrawn as from the date of the said declaration under this section; 40
- (f) the Land Commission shall redeem the interests (hereinafter referred to as intervening interests) intervening between the owner of the estate and the said subtenants; 45
- (g) if portion only of the said holding is sublet as aforesaid, the Land Commission shall declare that the tenant of such holding is to be deemed to be the tenant of so much only of such holding as is not so sublet, and thereupon such tenant shall be deemed to have entered on the date of the said declaration into a subsequent purchase agreement for the purchase of so much as aforesaid of such holding, and the standard purchase annuity for so much as aforesaid of such holding shall be such proportion as the Land Commission shall determine of the standard purchase annuity which would have been payable in respect of the whole of such holding if no part of it had been sublet. 50 55

(2) When the Land Commission make a declaration under this section deeming subtenants on a holding to be tenants of separate portions of such holding, then— 60

- (a) if the total of the standard purchase annuities for such separate portions of such holding and the standard purchase annuity for the remainder (if any) of such holding exceeds the standard purchase annuity which 65

would have been payable in respect of such holding if no part of it had been sublet, lands bonds proportionate to the amount of such excess shall be lodged to the credit of the estate as representing the value of the intervening interests; and

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(b) if the said total of standard purchase annuities is equal to or less than the said standard purchase annuity which would have been payable as aforesaid, the intervening interests shall be deemed to be of no value; and

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(c) if the said total of standard purchase annuities is less than the said standard purchase annuity which would have been payable as aforesaid, the Land Commission shall pay into the land bond fund such sum as will be sufficient to redeem the land bonds issued in excess of the total advances to be made for the purchase of the said separate portions and the said remainder (if any) of such holding, including so much of the contribution by the State to the standard price as is proportionate to the amount of such excess; and

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(d) where land bonds are redeemed under the foregoing paragraph of this sub-section and some or all of such land bonds represent compounded arrears of rent, the landlord of such holding shall be entitled to be paid by and to recover from the tenant of such holding the amount of the compounded arrears of rent represented by such land bonds.

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(3) The Land Commission shall give to all parties concerned an opportunity of objecting to any declaration proposed to be made under this section and every objection duly made to any such proposed declaration shall be considered and decided by the Land Commissioners other than the Judicial Commissioner and there shall be a right of appeal to the Judicial Land Commissioner from every decision of the other Land Commissioners on any such objection and the decision of the Judicial Commissioner on any such appeal shall be final.

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16.—(1) Where a subtenant on a holding is deemed under this Act to be the tenant of the portion of such holding in his separate occupation and to have entered into a subsequent purchase agreement in respect of such portion of such holding, the tenant of such holding shall be entitled to receive and recover from such subtenant all rent and arrears of rent accrued due by such subtenant to such tenant up to and including the gale day next before the date on which such subtenant is so deemed to have entered into such subsequent purchase agreement and also an apportioned gale of rent for the period between the said gale day and the said date.

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(2) A tenant entitled to receive and recover rent under this section from a subtenant shall have for the recovery of all rent and arrears of rent which he is so entitled to receive the same remedies (other than ejectionment for non-payment of rent) as he would have had if this Act had not been passed.

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17.—(1) Where the Land Commission, after the appointed day, make an order (not being an order consequential on a declaration that a subtenant is to be deemed to be the tenant of land in his separate occupation) increasing the standard purchase annuity for a holding and make an additional advance and issue additional land bonds for the purchase of such holding, the tenant of such holding shall pay to the Land Commission the following sums, that is to say:—

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(a) a sum equal to interest at the rate of four and one-half per cent. per annum on the additional advance so made for the period from the appointed day to the date of making such additional advance; and

Mutual rights of tenant and his subtenants.

Provisions consequential on increase of purchase annuity.

(b) the sum to which sinking fund payments on the additional advance so made would have amounted at the rate of four and one-half per cent. per annum compound interest if such additional advance had been made on the appointed day. 5

(2) Where the Land Commission make such order and make an additional advance and issue additional land bonds in such circumstances as are mentioned in the foregoing sub-section of this section, there shall be payable by the Land Commission to the person entitled to receive the same a sum equal to interest (less income tax) at the rate of four and one-half per cent. per annum on the amount of such additional advance for the period from the appointed day to the date of the issue of such additional land bonds. 10

(3) All sums payable under this section to the Land Commission by a tenant shall be a charge on the holding in respect of which they are payable in priority to all interests and incumbrances (other than the purchase annuity) whether created before or after the passing of this Act then affecting such holding and the Land Commission shall have for the recovery of such sums the same remedies as they have for the recovery of unpaid instalments of purchase annuities. 20

Provisions consequential on reduction of purchase annuity.

18.—(1) Where the Land Commission, after the appointed day, make an order (not being an order consequential on a declaration that a subtenant is to be deemed to be the tenant of land in his separate occupation) reducing the standard purchase annuity for a holding, they shall pay the following sums, that is to say:— 25

(a) into the land bond fund such sum as will be sufficient to redeem the land bonds issued in excess of the advance made for the purchase of such holding and the land bonds issued for so much of the contribution by the State to the standard price of such holding as is proportionate to such excess advance; and 30

(b) to the tenant of such holding or such other person as may be entitled to receive the same, all such sums as may have been overpaid by such tenant in respect of such excess advance for the period between the appointed day and the date of such order. 35

(2) All moneys paid by the Land Commission under this section shall be recoverable by the Land Commission in the manner provided by this Act. 40

Provisions consequential on certain orders of the Land Commission.

19.—Where, in consequence of an order made by the Land Commission under this Act in respect of a holding comprised in a list of vested holdings either reducing the standard purchase annuity for such holding or dismissing the purchase proceedings in respect of such holding or deeming a subtenant on such holding to be the tenant of land in his separate occupation, the Land Commission shall have paid into the land bond fund money for the redemption of land bonds, there shall be paid to the Land Commission by the vendor or such other person as shall have received the purchase-money or any part of the purchase-money of the estate and shall be found liable to make such payment the following sums, that is to say:— 45

(a) such sum as the Land Commission shall have so paid into the land bond fund; and 55

(b) a sum equal to interest at the rate of four and three-quarters per cent. per annum on so much of the land bonds so redeemed as were issued for the contribution of the State to the standard price of such holding for the period from the issue of such land bonds to the redemption thereof; and 60

(c) such sum as the Land Commission shall have repaid to the tenant of such holding in pursuance of this Act.

20.—(1) Where the purchase money of an estate is distributed before the vesting orders in respect of all the holdings comprised in such estate have been made, the Judicial Commissioner may, on the application of the Land Commission made on such distribution retain in land bonds out of such purchase-money such sum (in this Act referred to as the guarantee deposit) as the Judicial Commissioner shall think proper but not exceeding in any case one-tenth of such purchase-money.

Guarantee deposits.

(2) Every guarantee deposit shall be applicable for the purposes hereinafter mentioned and, subject to such application, shall be retained until an order is made under this section for the release thereof and upon such order being made such guarantee deposit or so much thereof as has not been so applied shall be paid out to the person found to be entitled thereto.

(3) The dividends on land bonds for the time being retained as a guarantee deposit shall be paid out as they accrue to the person found to be entitled thereto.

(4) The following moneys, if or so far as they are not otherwise paid, shall be payable to the Land Commission in money out of the appropriate guarantee deposit so far as that deposit will extend, that is to say:—

(a) moneys payable under this Act to the Land Commission in repayment of moneys paid into the land bond fund by the Land Commission to redeem land bonds; and

(b) moneys payable under this Act to the Land Commission in repayment of moneys paid by the Land Commission to a tenant by way of refund of excess payments by such tenant; and

(c) so much of moneys expended by the Land Commission on the repair or maintenance of embankments or other works as the Judicial Commissioner shall under this Act order to be repayable to the Land Commission by a person to whom the purchase-money or any part thereof has been paid.

(5) The Judicial Commissioner, on being satisfied that all moneys for the payment of which a guarantee deposit may be resorted to under this section, have been duly paid out of such guarantee deposit or otherwise, may make an order releasing (as the case may require) such guarantee deposit or so much thereof as has not been applied in or towards making such payments.

PART III.

VESTING OF HOLDINGS ON RE-SALES.

21.—In this Part of this Act—

the word “holding” includes, where the context so admits, a holding surrendered or deemed to have been surrendered in exchange for another holding, and also a holding vested in a tenant in exchange for another holding, and also a parcel of untenanted land; and

the word “tenant” includes the occupier of a holding whether he does or does not occupy the same under a contract of tenancy and whether he was or was not in such occupation prior to the publication of the list of congested districts holdings or the making of the vesting order in which such holding is comprised.

Definitions for Part III.

22.—(1) The Land Commission may from time to time publish lists (in this Act referred to as lists of congested districts holdings) of holdings on estates which either were transferred by the Land Law (Commission) Act, 1923, from the late Congested

Publication of lists of congested districts holdings.

Districts Board to the Land Commission or were purchased by the Land Commission under powers transferred by that Act from the said Board to the Land Commission.

(2) Every list of congested districts holdings shall specify separately every holding comprised therein and shall state in respect of each such holding the name of the person appearing to the Land Commission to be the tenant thereof, the amount of the purchase annuity subject to which the Land Commission is prepared to sell such holding, and such other matters (if any) as the Land Commission shall in any particular case consider to be necessary or desirable.

Publication of lists of holdings on untenanted land.

23.—(1) The Land Commission may from time to time publish lists (in this Act referred to as lists of holdings on untenanted land) of holdings on untenanted land vested in the Land Commission otherwise than by transfer from the late Congested Districts Board or by purchase under powers transferred from that Board.

(2) Every list of holdings on untenanted land shall specify separately every holding comprised therein and shall state in respect of every such holding the name of the person appearing to the Land Commission to be the tenant thereof, the amount of the purchase annuity subject to which the Land Commission is prepared to sell such holding, and such other matters (if any) as the Land Commission shall in any particular case consider to be necessary or desirable.

Amendment of lists of holdings.

24.—(1) Lists of congested districts holdings and lists of holdings on untenanted land may be amended by the Land Commission with the consent of all the parties concerned or, subject to the provisions of this section, without such consent.

(2) Where the Land Commission propose to amend a list of congested districts holdings or a list of holdings on untenanted land otherwise than on consent of the parties, the Land Commission shall serve in the prescribed manner on all the parties concerned notice of the proposal to make such amendment and shall afford to all such parties an opportunity to object to such proposed amendment.

(3) Every objection duly made to a proposed amendment of a list of congested districts holdings or a list of holdings on untenanted land shall be considered and decided by the Land Commissioners other than the Judicial Commissioner and there shall be a right of appeal to the Judicial Commissioner from the decision of the other Land Commissioners on any such objection and the decision of the Judicial Commissioner on any such appeal shall be final.

Retention of holdings comprised in lists of holdings.

25.—The Land Commission shall have and may exercise in respect of any holding comprised in a list of congested districts holdings or in a list of holdings on untenanted land the powers vested in and exercisable by them in relation to retained holdings under the Land Act, 1923, and the Acts amending or extending that Act as fully as if such holding were a retained holding within the meaning of that Act.

Payments by tenants of holdings.

26.—(1) Every tenant of a holding comprised in a list of congested districts holdings or in a list of holdings on untenanted land shall pay to the Land Commission as from the date of the publication of such list an annual sum equal to the purchase annuity specified in such list in respect of such holding and such tenant shall continue to pay such sum until whichever of the following dates is applicable, that is to say:—

(a) if the whole of such holding is resold to such tenant, until the gale day next after the date of the vesting order in respect of such holding;

- (b) if the whole of such holding is resumed by the Land Commission, until the date of such resumption;
- (c) if part only of such holding is resold to such tenant or if part only of such holding is resumed by the Land Commission, until such date as the Land Commission shall appoint but subject to such apportionment or variation before that date as the Land Commission shall direct.

(2) Every tenant of a holding comprised in a list of congested districts holdings or in a list of holdings on untenanted land shall, on the first gale day on which a gale of the annual sum mentioned in the foregoing sub-section of this section is payable by him, pay to the Land Commission an additional sum the amount of which shall bear to the yearly amount of such annual sum the same proportion as the period between such first gale day and the next following day on which dividends are payable on stock issued under the Irish Land Act, 1903, or the Irish Land Act, 1909, or on land bonds (as the case may be) bears to one year.

(3) Every annual sum and every additional sum payable under this section by a tenant shall be charged on the holding in respect of which it is payable and shall be so charged in priority to all interests and incumbrances (whether created before or after the passing of this Act) then affecting such holding and the Land Commission shall have for the recovery of every such sum the same remedies as they have for the recovery of unpaid instalments of purchase annuities.

(4) Where the whole of a holding comprised in a list of congested districts holdings or in a list of holdings on untenanted land is re-sold to the tenant thereof, all payments made by such tenant to the Land Commission in respect of the said annual sum payable by him under this section shall, from and after the date of the vesting order in respect of such holding, be treated for all purposes as payments in respect of purchase annuity.

(5) Where part only of a holding comprised in a list of congested districts holdings or in a list of holdings on untenanted land is re-sold to the tenant thereof, so much as the Land Commission shall direct of the payments made by such tenant to the Land Commission in respect of the said annual sum payable by him under this section shall, from and after the date of the vesting order in respect of so much of such holding as is so re-sold, be treated for all purposes as payments in respect of purchase annuity.

27.—(1) The Land Commission may at any time publish in the prescribed manner a vesting order vesting any holding or part of a holding which was comprised or could under this Part of this Act have been comprised in a list of congested districts holdings or a list of holdings on untenanted land in the person named in such order subject to the purchase annuity and upon the terms and conditions stated in such order.

Vesting orders
in respect of
holdings.

(2) Every person named in a vesting order made under this section as the tenant of a holding or part of a holding thereby vested shall be deemed to have entered on the date of such vesting order into a purchase agreement for the purchase of such holding or such part of such holding subject to the purchase annuity and upon the terms and conditions stated in such vesting order.

(3) The Land Commission shall, in respect of every vesting order made under this section, afford to all parties concerned an opportunity for making objections to such order and the Land Commissioners other than the Judicial Commissioner shall consider and decide every such objection duly made and there shall be a right of appeal to the Judicial Commissioner from every decision of the other Commissioners on any such objection and the decision of the Judicial Commissioner on any such appeal shall be final.

Vesting orders
in the case of
exchanged
holdings.

28.—Where prior to the date of a vesting order made under this Part of this Act a tenant named in such vesting order was the tenant of a holding (in this section referred to as the original holding) which is not the holding (in this section referred to as the vested holding) vested in him by such vesting order 5 and the vested holding is stated in such vesting order to be given to him in exchange for the original holding, the following provisions shall have effect, that is to say:—

- (a) such tenant shall be deemed to have entered into an agreement with the Land Commission for the exchange 10 of the original holding for the vested holding;
- (b) such vesting order shall operate as a surrender of the original holding to the Land Commission;
- (c) all incumbrances, charges, and equities affecting such tenant's interest in the original holding immediately 15 before the making of such vesting order shall without any conveyance or any other order become and be transferred, as on and from the date of such vesting order, to the interest in the vested holding acquired 20 by such tenant by virtue of such vesting order;
- (d) notwithstanding the making of such vesting order or anything contained in this section, the Land Commission shall be entitled to receive and recover from such tenant all (if any) rent or interest owing by 25 him to them in respect of the original holding immediately before the making of such vesting order.

PART IV.

MISCELLANEOUS AND GENERAL.

Amendment of
vesting orders.

29.—(1) Where the Judicial Commissioner is satisfied, on the application of any person interested and after notice to all such persons as he shall direct and upon hearing such evidence as he shall think proper to receive, that a vesting order made under the Land Purchase Acts (including this Act) whether before or after the passing of this Act contains an error within the meaning of this section, the Judicial Commissioner may either amend 35 such vesting order as justice may require or confirm such vesting order without amendment. 30

(2) References in this section to errors in a vesting order shall be construed as including errors and mistakes of every kind whatsoever, whether clerical or substantial, or whether occasioned by the Land Commission or due to an error or mistake in an agreement, return, rental, statement of particulars, or other document made or prepared by a person other than the Land Commission and lodged with or furnished to the Land Commission. 40

(3) Where the Judicial Commissioner makes an order under this section amending a vesting order, the registering authority under the Local Registration of Title (Ireland) Act, 1891, shall on the lodgment with him of an office copy of such order rectify the register under that Act as may be necessary to make such register conformable with the said vesting order as so amended. 45 50

(4) Whenever the Judicial Commissioner amends a vesting order under this section he may amend any error in any list, agreement, return, or other document (whether prepared or made by the Land Commission or lodged or furnished by another person with or to the Land Commission) which in his opinion caused or 55 contributed to the error in the said vesting order.

(5) Whenever the Judicial Commissioner amends or confirms a vesting order under this section he may if he so thinks fit order payment of such compensation for or in lieu of (as the case may be) amendment of such vesting order to be made by such person 60

(including the Land Commission) to such person as justice may require having regard to all the circumstances of the case.

(6) In this section the expression "vesting order" includes a vesting fiat.

5 (7) Sub-section (3) of section 32 of the Land Law (Ireland) Act, 1896, and sub-section (6) of section 58 of the Land Act, 1923, are hereby repealed.

30.—(1) Whenever the Land Commission make a vesting order under this Act they shall forthwith furnish to the Registrar of Titles a copy of such order together with a map showing the several holdings comprised in such vesting order and thereupon the Registrar of Titles shall register in accordance with the Local Registration of Title (Ireland) Act, 1891, every holding comprised in such vesting order and shall register as full owner (subject as is hereinafter mentioned) of each such holding the person in whom such holding is expressed in such vesting order to be thereby registered.

Registration of holdings comprised in vesting orders.

20 (2) Every person registered in pursuance of this section as full owner of a holding shall be so registered subject to the several annuities, sums, and payments and the several rights and easements subject to which such holding is vested in him by the vesting order and subject to any rights or equities arising from the interest so vested in him being a graft upon his previous interest in the holding or arising in any other manner from the existence of such previous interest.

30 (3) Every holding comprised in a vesting order made under this Act shall, as on and from the date of such vesting order, be deemed to be registered land within the meaning of sub-section (1) of section 19 of the Local Registration of Title (Ireland) Act, 1891, and that Act shall apply to every such holding accordingly.

35 (4) Every holding comprised in a vesting order made under this Act shall, as on and from the date of such vesting order, be exempt from the provisions of the Acts relating to the Registry of Deeds.

40 (5) The memorial of the registration required by sub-section (4) of section 19 of the Local Registration of Title (Ireland) Act, 1891, to be given to the Registrar of Deeds shall, in the case of every holding to which that Act applies by virtue of this section, be a copy of the vesting order made under this Act in which such holding is comprised.

31.—(1) Land of freehold tenure which has vested or shall hereafter vest, under the Land Act, 1923, or any Act amending or extending that Act, in the Land Commission on the appointed day (whether such day is prior or subsequent to the passing of this Act) shall, for the purpose of determining the destination thereof or of the purchase-money thereof under any disposition whenever made or on any death whenever occurring, be deemed to become and be or, in the case of any such land which so vested in the Land Commission before the passing of this Act, to have become and been converted into personal estate on the appointed day.

Date of conversion into personal estate.

55 (2) Every superior interest of freehold tenure in land of any tenure which has vested or shall hereafter vest, under the Land Act, 1923, or any Act amending or extending that Act, in the Land Commission on the appointed day (whether such day is prior or subsequent to the passing of this Act) shall, to the extent to which such superior interest is redeemed under the Land Purchase Acts and for the purpose of determining the destination of such superior interest or of the redemption money thereof or of any part thereof under any disposition whenever made or on any death whenever occurring, be deemed to become and be or, in the case of any such superior interest in land which

so vested in the Land Commission before the passing of this Act, to have become and been converted into personal estate on the appointed day.

Transfer of
incumbrances to
rearranged
holding.

32.—Where holdings have been retained by the Land Commission and rearranged and a holding so rearranged is vested in a person who previous to such rearrangement was tenant of a holding so retained, whether such vesting is consequent upon the acceptance by such person of an offer made by the Land Commission for the sale of such rearranged holding to him or is consequent upon an order under section 34 of the Land Act, 1923, declaring such person to be the purchaser of such rearranged holding, all charges, incumbrances, and equities which immediately before such vesting affected the tenant's interest in the said retained holding of which such person was previously tenant shall, without any conveyance or order, become and be transferred to and thenceforward affect the said rearranged holding so vested in such person.

Provisions in
relation to the
distribution of
purchase-money.

33.—(1) Notwithstanding anything contained in the Land Purchase Acts, the following provisions shall have effect in relation to the distribution of purchase-money, that is to say:—

(a) the Court may direct payment of a claim in respect of which the Court is of opinion that the title of the claimant, though imperfect, is nevertheless such as to make it improbable that any claim adverse to such first-mentioned claim could be sustained;

(b) the Court shall be entitled to act on the evidence of title submitted by a claimant and it shall not be obligatory on the Court to inquire as to the existence or non-existence of any adverse estate, right, claim, or interest which is not disclosed by such evidence;

(c) where a person, within the time (hereinafter referred to as the time for claiming compensation) allowed in that behalf by this section, proves to the satisfaction of the Court that he or a person from whom he derives title was entitled to participate in the distribution of purchase-money and that his or such person's right so to participate was not disclosed at the time of such distribution and that such non-disclosure was not caused or substantially contributed to by such first-mentioned person or his solicitor or agent or by any person from or through whom he derives title or the solicitor or agent of any such person, such first-mentioned person shall be entitled to claim from and be paid by the Land Commission by way of compensation such sum as the Court shall fix having regard to all the circumstances of the case.

(2) The time for claiming compensation under this section shall be whichever of the following times is applicable, that is to say:—

(a) where the person claiming compensation was under the age of twenty-one years on the day on which the purchase-money was distributed, within six years after such person attains the age of twenty-one years;

(b) where the compensation is claimed in respect of a mortgage, charge, or other incumbrance, within whichever of the following periods is the shorter, that is to say, six years from the day on which the last payment in respect of the principal of or the interest on such incumbrance was made before the making of the claim for compensation or thirty years from the day on which the purchase money was distributed;

(c) where the compensation is claimed in respect of a superior interest, within whichever of the following

periods is the shorter, that is to say, six years from the day on which the last payment of rent, interest, or other income from such superior interest was made before the making of the claim for compensation or thirty years from the day on which the purchase-money was distributed;

(d) in any case to which none of the foregoing paragraphs applies, within six years from whichever of the following days is the later, that is to say, the day on which the purchase-money was distributed or the day on which the person claiming compensation or some person from or through whom he derives title first knew or might with reasonable diligence have ascertained the existence of the right to such compensation.

(3) All compensation payable by the Land Commission under this section shall be paid out of moneys provided by the Oireachtas.

(4) The amount of any compensation paid by the Land Commission under this section shall be repaid to the Land Commission by such person as shall be declared by the Court to have received that portion of the purchase-money which would have been applied in discharging the claim in respect of which such compensation was paid if such claim had been disclosed at the time of the distribution of the purchase-money, and the amount so repayable by such person shall be recoverable from him by the Land Commission as a debt due to the State.

34.—(1) Where either the total purchase-money of an estate or the residue of the purchase-money of an estate remaining after providing for all claims payable thereout does not exceed thirty pounds, such purchase-money or such residue (as the case may be) may be paid to the person in possession or in receipt of the income of the estate for his own benefit or, in the case of the incapacity of such person, to the guardian, committee, husband, or trustee (as the case may require) of such person.

Distribution of small amounts of purchase-money.

(2) Where either the total purchase-money of an estate out of which no claims are payable or the residue of the purchase-money of an estate remaining after providing for all claims payable thereout exceeds thirty pounds but does not exceed one hundred pounds, such purchase-money or such residue (as the case may be) may be paid to the person in possession or receipt of the income of the estate or to trustees to be appointed or approved by the Land Commission upon the undertaking in the prescribed manner of such person or such trustees to apply such purchase-money or such residue as if it were capital money arising under the Settled Land Acts, 1882 to 1890.

(3) Where any superior interest or an apportioned part thereof is redeemed under the Land Purchase Acts and portion of the redemption price is applied in providing for the redemption of the whole or an apportioned part of a higher superior interest or for any other claim payable out of such redemption money, then—

(a) if the residue of such redemption price remaining after providing for all such claims does not exceed thirty pounds, such residue may be paid to the person in possession or in receipt of the income of such superior interest for his own benefit or, in case of the incapacity of such person, to the guardian, committee, husband, or trustee (as the case may require) of such person; and

(b) if such residue exceeds thirty pounds and does not exceed one hundred pounds, such residue may be paid to the person in possession or receipt of the income of such superior interest or to trustees to be appointed or approved by the Land Commission upon the undertaking in the prescribed manner of such person or such trustees to apply such residue as if it were capital money arising under the Settled Land Acts, 1882 to 1890.

(4) The provisions of this section in relation respectively to the purchase-money and to the residue of the purchase-money of an estate shall apply with the necessary modifications respectively to any fund and to the residue of any fund which is distributable by the Court and to which none of the provisions of this section (other than this sub-section) nor of section 63 of the Irish Land Act, 1903, apply.

(5) Where the total amount of the purchase-money of an estate, the redemption price of a superior interest, or any other fund distributable by the Court exceeds one hundred pounds but does not exceed three hundred pounds, strict investigation of title and compliance with legal requirements in relation to the ascertainment and verification of claims against such fund may be dispensed with to such extent as shall be approved of by the Court.

Payment of
dividends on land
bonds pending
distribution.

35.—(1) Where land is vested in the Land Commission under the Land Act, 1923, or any Act amending or extending that Act, the Judicial Commissioner may, on the application of any person interested, order that the dividends (less income tax) then accrued and thereafter to accrue on the land bonds representing the purchase-money of such land shall until the distribution of such purchase-money be paid as they accrue to the vendor or to such other person as shall appear to the Judicial Commissioner to be entitled to receive the same.

(2) An order made by the Judicial Commissioner under the foregoing sub-section of this section shall be final save that it may be rescinded or varied by the Judicial Commissioner as justice may require.

(3) Where an order under this section for the payment of dividends on land bonds has been made, the interest on all mortgages, charges, and other interest-bearing incumbrances affecting the purchase-money or any part of the purchase-money represented by such land bonds shall, so long as such order remains in force and so far as such interest is payable out of the dividends on such land bonds and notwithstanding anything in any instrument creating or relating to such incumbrance, be payable at the rate of four and one-half per cent. per annum by equal half-yearly payments on every first day of January and first day of July from whichever of the following days is the earlier, that is to say, the day on which such land bonds were transferred to the credit of the matter, or the appointed day.

(4) Where an order under this section for the payment of dividends on land bonds has been made, the Judicial Commissioner may, on the application of any interested person, fix the redemption price of any superior interest or of an apportioned part of any superior interest which then appears to affect the purchase-money represented by such land bonds, and may for that purpose apportion any such superior interest, and thereupon interest at the rate of four and one-half per cent per annum on the redemption price so fixed shall be payable to the person in possession or receipt of the income of such superior interest by the person liable to discharge such superior interest and such payment of interest shall be taken in satisfaction of the accruing income of such superior interest in respect of which such redemption price was so fixed.

Publication of
notice of sale
of a holding by
the Land
Commission.

36.—So much of section 33 of the Land Act, 1927, as requires that the notice mentioned in that section shall be published in the *Iris Oifigiúil*, a leading Dublin daily paper, and if there be a local paper, such local paper, shall cease to have effect and in lieu thereof it is hereby enacted that the notice required by the said section 33 shall be published as follows, that is to say:—

(a) where the holding to which such notice relates is a holding for the purchase of which an advance not exceeding three hundred pounds was made under the Land Purchase Acts, by posting copies of such notice in the

prescribed manner in suitable places in the district in which such holding is situate; or

- (b) where the holding to which such notice relates is either a holding for the purchase of which an advance exceeding three hundred pounds was made under the Land Purchase Acts or is a holding in respect of which no advance was made under the Land Purchase Acts, by advertisement in the *Iris Oifigiúil* and in at least one issue of either a newspaper published and circulating in the locality in which such holding is situate or, if there is no such newspaper, in a daily newspaper published in Dublin and circulating in the said locality.

37.—(1) Where there is on any land sold or agreed to be sold under the Land Purchase Acts a well, stream, pond, lake, or other water (hereinafter referred to as a water-source) the Land Commission may, if in their opinion it is necessary or expedient so to do for the benefit of other lands so sold or agreed to be sold, make orders—

Powers of Land Commission to confer water-rights.

- (a) granting to and conferring on such persons for the benefit of such lands as the Land Commission shall think fit rights (hereinafter referred to as water-rights) to take water from such water-source for use on such lands for domestic or farming purposes; and
- (b) providing for persons to whom such water-rights are so granted, rights of access to such water-source for the purpose of exercising such water-rights; and
- (c) providing for the payment by persons to whom such water-rights are granted of compensation for such water-rights to the owner of such water-source and fixing the amount of such compensation.

(2) Where the compensation payable under this section to the owner of a water-source does not exceed fifty pounds, such compensation may be paid to the person who satisfies the Land Commission that for not less than six years immediately preceding the date of the order fixing the amount of such compensation he and his predecessors in title (if any) have been in actual occupation of the land on which such water-source is situate or in receipt of the rents and profits of such land.

(3) In making an order under this section the Land Commission shall have due regard to the reasonable requirements of the owner of the water-source to which such order relates and of other persons having rights in respect of such water-source.

38.—(1) The powers of the Land Commission to make regulations with respect to turbary on bogs as extended by section 42 of the Land Act, 1923, are hereby further extended so as to include power to make regulations conferring on the Land Commission and their licensees and defining rights of access over any land to a bog for the purpose of turbary whether such rights of access are or are not made by such regulations appurtenant to any land.

Extension of powers of Land Commission as to turbary and rights of way.

(2) The powers of the Land Commission to expend money on the improvement of land sold or agreed to be sold under the Land Purchase Acts shall, in addition to the matters mentioned in section 43 of the Land Act, 1923, include power to confer on the Land Commission and their licensees and to define rights of way over any land to any land sold or agreed to be sold under the Land Purchase Acts, whether such rights of way are or are not so conferred as to be appurtenant to any land.

(3) Where the Land Commission confers and defines a right of way or a right of access, whether under this section or under any other provision of the Land Purchase Acts, the Land Commission shall have power to enter on the land over which such right of way or access is so conferred and there to repair or

construct a road or pass and erect fences and gates and for those purposes to take all or any necessary materials from or out of such land and to provide for the compensation paid by the Land Commission for such right of way or right of access being repaid to the Land Commission by the person for whose benefit such right was conferred. 5

(4) Where the compensation payable for a right of way or right of access conferred by the Land Commission under this section or any other provision of the Land Purchase Acts does not exceed fifty pounds, such compensation may be paid to the person who satisfies the Land Commission that for not less than six years immediately preceding the payment of such compensation he and his predecessors in title (if any) have been in actual occupation of the land over which such right of way or of access is so conferred or in receipt of the rents and profits of such land. 10 15

Apportionment
of rates on
untenanted land.

39.—(1) Where untenanted land has or shall hereafter become vested in the Land Commission on the appointed day under the Land Act, 1923, and such untenanted land was or is then rated in conjunction with other land to poor rate or any other rate, the Land Commission may apportion between such untenanted land and such other land all poor rate and other rate made or assessed in respect of all such land for the local financial year current on the appointed day, and in making such apportionment the Land Commission shall have regard to the respective values of such untenanted land and such other land and to all other relevant circumstances. 20 25

(2) Where rates are apportioned by the Land Commission under this section between untenanted land and other land, the proportion of such rates so apportioned to such untenanted land shall alone be deemed to have been made or assessed in respect of such untenanted land within the meaning of sub-section (1) of section 18 of the Land Act, 1927, and that section shall be construed and have effect accordingly. 30

Extension of
powers of
resumption.

40.—(1) The Land Commission shall have and may exercise in respect of any land (other than a holding to which the Land Act, 1923, applies) vested in them either before or after the passing of this Act all the like powers of resumption in whole or in part as they have and may exercise in respect of holdings to which the Land Act, 1923, applies. 35 40

(2) When the Land Commission resume under this section a part of a holding they may apportion the rent payable in respect of such holding between the part so resumed and the remainder of such holding as the justice of the case may require.

(3) Where the Land Commission resume under this section the whole or part of a non-judicial holding, the rent payable by the tenant of such holding at the time of such resumption shall, for the purpose of fixing the compensation payable in respect of such resumption, be deemed to be a third term judicial rent and the said compensation shall be fixed accordingly. 45 50

Untenanted land
held under
fee farm grant
or long lease.

41.—(1) Where, on the application of the owner of a parcel of untenanted land, and after notice to all interested parties, the Land Commission is satisfied—

(a) that such parcel is held by such owner under a fee farm grant, lease for lives or years renewable for ever, or lease for a term of years of which sixty or more were unexpired at the date of the passing of the Land Act, 1923, whether such grant or lease does or does not comprise other land as well as such parcel, and 55

(b) that such owner is in bona fide occupation of such parcel and occupies and uses it as an ordinary farmer in accordance with proper methods of husbandry, and 60

(c) that the rent payable by such owner in respect of such

parcel is not less than the rent which in the opinion of the Land Commission would have been the fair rent of such parcel at the date of the passing of the Land Act, 1923, if such parcel had then been held by such owner under a statutory tenancy subject to a third term judicial rent, and

(d) that such owner is willing to repurchase such parcel and that it should be resold to him, and

(e) that such parcel is not required for the relief of congestion,

the Land Commission may by order declare that such parcel shall vest in the Land Commission on the appointed day as if it were tenanted land.

(2) Where the fee farm grant or lease under which a parcel of untenanted land the subject of an application under the foregoing sub-section of this section is held comprises, in addition to such parcel, other land which is not in the occupation of the owner of such parcel (whether such owner has or has not any estate or interest in such other land) the Land Commission may either apportion the rent reserved by such grant or lease between such parcel and such other land or exclusively charge the whole of such rent on such parcel and thereupon the rent so apportioned to or exclusively charged on such parcel shall be deemed for the purposes of this section to be the rent payable by such owner in respect of such parcel.

(3) Where a parcel of untenanted land becomes vested in the Land Commission by virtue of an order made under this section, the following provisions shall have effect, that is to say:—

(a) the owner of such parcel shall be deemed to have entered on the appointed day into a subsequent purchase agreement for the purchase of such parcel as if it were a holding held by such owner at the rent payable by him in respect of such parcel;

(b) arrears of the rent payable by such owner in respect of such parcel which accrued due on or before the first gale day in the year 1927 and are unpaid on the appointed day shall not be payable by such owner;

(c) arrears of the said rent which accrued due after the first gale day in the year 1927 and before the appointed day and are unpaid on the appointed day together with an apportioned gale of such rent from the last gale day before the appointed day up to the appointed day shall be compounded by the addition of compounded arrears of rent (calculated as hereinafter mentioned) to the purchase money of such parcel;

(d) the amount of the compounded arrears of rent so to be added to such purchase money shall be seventy-five per cent. of the arrears of rent and apportioned gale of rent so to be compounded.

(4) Applications to the Land Commission for an order under sub-section (1) of this section shall be heard and decided by the Land Commissioners other than the Judicial Commissioner and an appeal shall lie to the Judicial Commissioner from the decision of the other Commissioners on any such application (including any apportionment or exclusive charge of a rent) and the decision of the Judicial Commissioner on such appeal shall be final.

(5) Section 11 of the Land Act, 1927, is hereby repealed without prejudice to the continuance, completion, and validity of proceedings under that section which are pending at the passing of this Act.

(6) The owner of a parcel of untenanted land shall not be

precluded from applying to the Land Commission under this section nor shall an application under this section be refused solely by reason or on the ground of an application under section 11 of the Land Act, 1927, in respect of the same parcel of land having been refused before the passing of this Act.

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Extension of powers of providing for maintenance of embankments, etc.

42.—(1) Where at any time after the distribution of the purchase money of an estate it appears to the Judicial Commissioner that he could on the distribution of such purchase money, if application in that behalf had then been made to him, have directed under sub-section (1) of section 44 of the Land Act, 1923, the transfer of land bonds to the Public Trustee for the purposes mentioned in that section, the Judicial Commissioner may order the payment to the Public Trustee by any person to whom such purchase-money or any part thereof was paid on such distribution of such amount of land bonds as the Judicial Commissioner shall consider he could have so directed to be so transferred on such distribution.

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(2) Land bonds paid to the Public Trustee in pursuance of an order made under this section shall be applied in accordance with sub-section (2) of section 44 of the Land Act, 1923, as if they had been transferred to him under sub-section (1) of that section.

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Extension of powers of recouping expenditure on repair of embankments, etc.

43.—(1) Where at any time after the distribution of the purchase-money of an estate it appears to the Judicial Commissioner on the application of the Land Commission that he could on the distribution of such purchase-money, if an application in that behalf had then been made to him by the Land Commission, have ordered under section 20 of the Land Act, 1927, the transfer of land bonds to the Land Commission, the Judicial Commissioner may order the payment to the Land Commission by any person to whom such purchase-money or any part thereof was paid on such distribution of such amount of land bonds as the Judicial Commissioner shall consider he could have so ordered to be so transferred on such distribution.

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(2) Land bonds paid to the Land Commission in pursuance of an order made under this section shall be applied by the Land Commission to the purposes for which such land bonds would have been applicable if they had been transferred to the Land Commission under section 20 of the Land Act, 1927.

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Grants for expenses of transferring migrants.

44.—The powers of the Land Commission to expend money for the benefit or improvement of land purchased or agreed to be purchased under the Land Purchase Acts shall extend to and include the grant, where the Land Commission think it expedient, of such sums for or towards the expenses of transferring migrants to their new holdings as the Land Commission may think fit.

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Variation of tithe rent-charges and variable rents.

45.—(1) The sum payable in respect of every gale of a tithe rentcharge or a variable rent which has accrued or shall accrue due after the 1st day of November 1930, shall be ninety-two per cent. of the sum which was payable in respect of the gale of such tithe rentcharge or such variable rent (as the case may be) which accrued due next before the 2nd day of November 1930.

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(2) No variation of any tithe rentcharge or of any variable rent shall be made under (as the case may be) sections 2 and 3 of the Tithe Rentcharge (Ireland) Act, 1900, or those sections as applied by section 90 of the Irish Land Act, 1903, in respect of any gale of such tithe rentcharge or variable rent accruing after the 1st day of November 1930.

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(3) In this section the expression "tithe rentcharge" means a rentcharge in lieu of tithes whether payable to the Land Commission or to a lay impropriator or to any other person but does not include a tithe rentcharge which is excluded by section 8 of the Tithe Rentcharge Act, 1900, from the operation of section 3 of that Act, and the expression "variable rent" means a rent

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to which sections 2 and 3 of the Tithe Rentcharge Act, 1900, apply by virtue of section 90 of the Irish Land Act, 1903.

46.—(1) A person by whom a purchase annuity in respect of an advance made after the passing of this Act under section 38 or section 39 of the Land Act, 1923, is payable shall on the first gale-day on which a payment in respect of such purchase annuity is payable pay to the Land Commission (in addition to such payment) an additional sum equivalent to a proportion of such purchase annuity for the period between such gale-day and the next day on which dividends are payable on land bonds.

Payment of additional sum by payers of certain purchase annuities.

(2) The Land Commission shall have for the recovery of sums payable to them under this section the same remedies as they have for unpaid instalments of purchase annuities.

47.—Section 33 of the Purchase of Land (Ireland) Act, 1891, is hereby repealed and in lieu thereof it is hereby enacted that the Land Commission shall make such periodical returns at such times and in such manner as the Minister for Finance shall direct

Making of periodical returns by the Land Commission.

48.—(1) The Land Commission may, after consultation with the President of the Incorporated Law Society, make rules for carrying into effect the provisions (other than provisions relating to land purchase finance) of this Act, and in this Act the word "prescribed" means prescribed by such rules.

Rules and regulations.

(2) The Minister for Finance may make regulations for carrying into effect the provisions of this Act relating to land purchase finance and may by such regulations adapt to the requirements of this Act any provision relating to land purchase finance contained in any Act passed before this Act.

49.—(1) This Act may be cited as the Land Act, 1930.

Short title, construction and citation.

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

BILLE TALMHAN, 1930.

LAND BILL, 1930.

BILLE

(mar do tugadh isteach)
dá ngairmtear

Acht chun socrú do dhéanamh chun gabh-
áltaisí do dhílsiú go luath i lucht a
gceannuithe fé sna hAchtanna Talamh-
Cheannaigh agus chun leasú do dhéanamh,
chun na críche sin agus chun crícheanna
eile, ar na hAchtanna san agus ar an
Local Registration of Title (Ireland) Act,
1891 agus fós chun socrú do dhéanamh
maidir le muirir dheachmha-chíosá áirithe
agus le cíosá ion-atharuithe áirithe
d'atharú.

An Rúnaí Páirliminte don Aire Tailte agus
Iascaigh do thug isteach.

Do hordúidh, ag Dáil Eireann, do chlóbhuála,
26adh Mí na Samhna, 1930.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach tré aon díoltóir leabhar, no díreach
ó Oifig Díolta Foillseacháin Rialtais, 5, Sráid
Thobair Phádraig, Baile Átha Cliath, C.2.

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BILL

(as introduced)
entitled

An Act to make provision for the early vesting
of holdings in the purchasers thereof
under the Land Purchase Acts and for that
and other purposes to amend those Acts
and the Local Registration of Title (Ire-
land) Act, 1891, and also to make provi-
sion in respect of the variation of certain
tithe rent charges and variable rents.

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

Ordered, by Dáil Eireann, to be printed,
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