

SEANAD ÉIREANN.

AN BILLE FORAOISEACHTA, 1945.

FORESTRY BILL, 1945.

An Tuarascáil.

Report.

Leasaithe.

Amendments.



* * * *Government amendments are distinguished by an asterisk.*

* * * 1. In page 6, section 9, subsection (1), after paragraph (j), to insert the following new paragraph:—

“(k) disseminate, or aid in the dissemination of, information likely, in his opinion, to arouse, stimulate, or increase, public interest in forestry or woodland industries;”.

* * * 2. In page 8, at the end of section 14, line 55, to insert the following new subsection:—

“(2) Where, in the course of the hearing of an appeal to the Appeal Tribunal under any section contained in this Part, any party to the appeal requests the Appeal Tribunal to refer a question of law arising on the appeal to the Supreme Court by way of case stated for the determination of the Supreme Court, the Appeal Tribunal shall refer the question to the Supreme Court accordingly, and adjourn its decision on the appeal pending the determination of such case stated.”

* * * 3. In page 9, to delete subsection (1) of section 16, lines 11 to 20 inclusive, and substitute the following subsection:—

“(1) (a) In any proceedings under this Part heard and determined by the Lay Commissioners or the Appeal Tribunal, the Lay Commissioners or the Appeal Tribunal, as the case may be, may direct that the costs and expenses of any party to such proceedings shall be paid by any other party thereto, and they may also, on the application of such first-mentioned party, issue an order for the levying of the amount (as taxed or measured in accordance with paragraph (b) of this subsection) of such costs and expenses together with the costs of obtaining such order.

(b) Where the Lay Commissioners or the Appeal Tribunal direct, under paragraph (a) of this subsection, that the costs and expenses of any party to proceedings heard and determined by them shall be paid by any other party thereto, the said costs and expenses shall be taxed by a Taxing Master of the High Court, unless both the said parties agree that the said costs and expenses should be measured by the Lay Commissioners or the Appeal Tribunal, as the case may be, in which case the said costs and expenses shall be so measured.”

* * * 4. In page 11, section 17, subsection (9), after paragraph (b), to insert the following new paragraph:—

“(c) If any person (other than the Minister), who is liable to pay compensation under section 20 of this Act, fails to comply with the provisions of the foregoing paragraphs

of this subsection, any person, who is competent to give an effective discharge for such compensation, may recover from such first-mentioned person such compensation and the interest payable thereon under *paragraph (b)* of this subsection as a simple contract debt in a court of competent jurisdiction."

* * 5. In page 11, to delete subsection (2) of section 19, lines 55 to 59, inclusive, and substitute the following subsection:—

"(2) The Minister shall, immediately upon making an application for an extinguishment order, do the following things:—

(a) publish the prescribed notice of the application in the *Iris Oifigiúil* and in one or more newspapers circulating in the locality in which the land to which the application relates is situate, and

(b) serve a copy of such notice on the occupier (if any) of the land to which any easement to which the application relates is believed to be appurtenant and on every person who appears to the Minister to be the owner of any such land, if it is practicable to ascertain that person."

6. In page 14, section 20, subsection (1), after paragraph (i) to insert a new paragraph as follows:—

"(j) The Lay Commissioners or the Appeal Tribunal (as the case may be) may, if they so think fit, direct that the compensation payable under subsection (4) of this section be paid before any order made under this subsection shall come into force and may further direct the applicant to give such security as may seem reasonable to ensure the performance by the applicant of any conditions attached to the said order and of the requirements imposed by subsection (5) of this section."

—Senator Sweetman.

* * 7. In page 15, to delete subsection (6) of section 20, lines 55 to 60, inclusive, and substitute the following subsection:—

"(6) Where the land, over which a right of way is granted by an order under *subsection (1)* of this section, is registered under the Act of 1891, the Land Commission shall send a copy of the order to the registering authority under the Act of 1891, together with a certificate as to the date on which the order came into force, and the said registering authority shall register the said right of way as a burden affecting the said land during the period for which the said right of way is exercisable."

8. In page 20, section 23, subsection (14), to delete the words "two years" in line 52 and to substitute therefor the words "twelve months".—Senator Sweetman.

* * 9. In page 26, section 32, subsection (3) (b) (ii) (II), line 3, to insert after the word "allocate" the words "in accordance with the respective priorities of the mortgages,".