



AN BILLE UM MINTIRIU TALUN, 1949.
LAND RECLAMATION BILL, 1949.

*Mar a tugadh isteach.
As introduced.*

ARRANGEMENT OF SECTIONS.

Section.

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3. Payment of occupier's contribution by means of annuity.
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ÉIRE.

AN BILLE UM MINTIRIU TALUN, 1949. LAND RECLAMATION BILL, 1949.

BILL

entitled

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AN ACT TO AUTHORISE THE MINISTER FOR AGRICULTURE TO CARRY OUT LAND RECLAMATION, FIELD DRAINAGE AND OTHER WORKS FOR THE IMPROVEMENT OF AGRICULTURAL HOLDINGS AND TO PROVIDE FOR THE PAYMENT BY THE OCCUPIERS 10 OF A CONTRIBUTION TOWARDS THE COST OF THOSE WORKS AND FOR OTHER MATTERS RELATING TO THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Definitions.	1.—In this Act—	15
Land Commission.	“ the Land Commission ” means the Irish Land Commission ;	
Minister.	“ the Minister ” means the Minister for Agriculture ;	
Prescribed.	“ prescribed ” means prescribed by regulations under <i>section 6</i> ;	
Purchase Annuity.	“ purchase annuity ” means an annual payment in respect of an advance sanctioned or made under the Land Purchase Acts ;	20
Works.	“ works ” refers to the following or any of them ;	
	(a) field drainage ;	
	(b) land reclamation ;	
	(c) the construction and improvement of watercourses ;	
	(d) the removal of unnecessary fences ;	25
	(e) the construction of new fences and the improvement of existing ones ;	
	(f) improvement of hill grazing ;	
	(g) reclamation of estuarine marsh land and of callows ;	
	(h) any operations ancillary to the foregoing.	30

Power of Minister to carry out works and occupier's contribution towards cost.	2.—(1) The Minister may, at the request of the occupier of land, carry out works on the land and do all things necessary for this purpose.	
	(2) Whenever the Minister proposes to carry out works on any land, he shall inform the occupier of the nature and extent of the proposed works and the amount of the occupier's contribution towards the cost of carrying them out.	35

(3) Where the occupier of land accepts the Minister's proposal, the Minister shall notify the Land Commission forthwith in the prescribed form and the Land Commission shall transmit the notifi- 40

cation to the Land Registry or the Registry of Deeds (as the case may be) for registration and no fee or other payment shall be required for registration.

5 (4) (a) Unless the occupier, in accepting the Minister's proposal, informs the Minister that he wishes to pay his contribution by means of an annuity, the contribution shall become due and payable to the Minister by the occupier for the time being on the date upon which the Minister certifies that the works have been completed.

10 (b) In default of payment, the Minister shall inform the Land Commission of the default.

3.—(1) This section applies where—

15 (a) the occupier, in accepting the Minister's proposal, informs the Minister that he wishes to pay his contribution by means of an annuity, or

Payment of occupier's contribution by means of annuity.

(b) default occurs under subsection (4) of section 2.

20 (2) In any case to which this section applies, the occupier's contribution shall, as on and from the date upon which the Minister certifies that the works have been completed, be charged by the Land Commission in the prescribed manner upon the fee simple of the land upon which the works have been carried out and all land held by the occupier for consolidation therewith or held by him therewith by the same tenure or under the same tenancy and shall be payable by means of an annuity (in this Act referred to as a
25 reclamation annuity) calculated at the rate of four per cent. per annum.

30 (3) The charge created under this section shall take priority over all charges and incumbrances, whether statutory or otherwise, except sums payable to the Commissioners of Public Works in Ireland or the Land Commission.

(4) Where land on which a reclamation annuity is charged is or becomes subject to a purchase annuity, the two annuities shall, as on and from the prescribed date, stand consolidated so as to form one purchase annuity.

35 (5) Neither a consolidated annuity nor a reclamation annuity shall be subject to revision under the Land Purchase Acts.

(6) Land subject to the charge created under this section which is being sold or vested by the Land Commission under any statutory power shall be sold or vested subject to the charge.

40 (7) In every case to which this section applies the Land Commission shall transmit to the Land Registry or the Registry of Deeds (as the case may require) for registration particulars of the charge and no fee or other payment shall be required for registration.

45 4.—(1) The Land Commission shall have all such rights and remedies for the recovery of money payable to them in respect of a reclamation annuity as they have under the Land Purchase Acts in the case of money payable to them in respect of any lands.

Provisions relating to reclamation annuities.

50 (2) In particular, all money payable to them in respect of a reclamation annuity shall be recoverable from the person in actual occupation of the land at the time when proceedings for recovery of the money are commenced as a personal liability of that person notwithstanding that the whole or part of the arrears may have accrued due before that person went into occupation of the land.

55 (3) Nothing in this section shall relieve any other person from liability in respect of any such arrears and, as between successive

owners or occupiers of the land, all money paid by or recovered from an occupier in respect of arrears caused by the default of a former owner or occupier shall be recoverable by the occupier who has paid it, or from whom it has been recovered, as a debt due to him by the owner or occupier in default.

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(4) A certificate purporting to be under the common seal of the Land Commission shall be evidence that every sum stated therein to be due to them is so due and is payable by the person or persons named in the certificate as being liable therefor.

(5) All arrears of reclamation annuities shall be a charge on the Guarantee Fund under the Land Purchase Acts and shall be made good to the Exchequer out of that fund.

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Clearing of
watercourses.

5.—The Minister may, where it appears to him to be necessary for the adequate reclamation of any land under any works being carried out by him, clear or repair a watercourse, and, for this purpose, shall, by his servants and agents, have access to the watercourse and may proceed along its banks with or without machinery in so far as appears to him to be necessary so as to render it capable of carrying waters that should normally pass through it, and may dispose of the spoil in such manner as he thinks fit.

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Regulations.

6.—(1) The Land Commission may make regulations for the calculation, consolidation, period of payment and redemption of annuities under this Act and for any matter referred to in this Act as prescribed.

(2) Regulations under this section shall be laid before each House of the Oireachtas as soon as may be after they are made and if a resolution is passed by either House within the next twenty-one days upon which that House has sat after the regulations have been laid before it annulling the regulations, the regulations shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

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Expenses.

7.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title.

8.—This Act may be cited as the Land Reclamation Act, 1949.

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États

1913

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BILL

BILLE

(not a legal document)

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Enacted

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For the purpose of the Bill, the Minister for Agriculture
to carry out any regulations held in charge
and other matters for the improvement of
agricultural holdings and to provide for the
payment of the salaries of a contribution
towards the cost of those works and for
other matters relating to the matters above
said.

Act of 1913 for the purpose of the Bill
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and other matters for the improvement of
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Enacted by the Minister for Agriculture

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Éire.

AN BILLE UM MINTIRIU TALUN, 1949.

BILLE

(*mar a tugadh isteach*)

dá ngairmtear

Acht dá údarú don Aire Talmhaíochta míntíriú talún, siltean talún agus oibreacha eile a dhéanamh chun gabhálaí talmhaíochta d'fheabhsú agus do dhéanamh soeruithe chun na háititheoirí d'íoc ranníoca i leith costais na n-oibreacha sin agus i dtaobh nithe eile a bhaineas leis na nithe réamháite.

An tAire Talmhaíochta do thug isteach.

Do hordaiodh, ag Dáil Éireann, do chlóbhuailadh, 1ú Meitheamh, 1949.

BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLATHAIR.

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Éire.

LAND RECLAMATION BILL, 1949.

BILL

(*as introduced*)

entitled

An Act to authorise the Minister for Agriculture to carry out land reclamation, field drainage and other works for the improvement of agricultural holdings and to provide for the payment by the occupiers of a contribution towards the cost of those works and for other matters relating to the matters aforesaid.

Introduced by the Minister for Agriculture.

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