

# ÉIRE.

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

*Mar a leasáíodh i gCoiste.  
As amended in Committee.*

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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 OF A CONTRIBUTION TOWARDS THE COST OF THOSE WORKS AND FOR OTHER MATTERS RELATING TO THE MATTERS AFORESAID. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Definitions.

1.—In this Act—

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Land Commission.

“the Land Commission” means the Irish Land Commission;

Minister.

“the Minister” means the Minister for Agriculture;

prescribed.

“prescribed” means prescribed by rules under *section 6*;

purchase annuity.

“purchase annuity” means an annual payment to the Land Commission under the Land Purchase Acts, other than rent under a temporary agreement; 20

temporary agreement.

“temporary agreement” means a letting for temporary convenience, temporary necessity or temporary pasturage or a grazing, conacre or agistment agreement;

works.

“works” refers to the following or any of them;

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(a) field drainage;

(b) land reclamation;

(c) the construction and improvement of watercourses;

(d) the removal of unnecessary fences;

(e) the construction of new fences and the improvement of existing ones; 30

(f) improvement of hill grazing;

(g) reclamation of estuarine marsh land and of callows;

(h) any operations ancillary to the foregoing.

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. 35

(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. 40



(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, except in the case of unregistered land subject to a purchase annuity or  
5 land held under a temporary agreement with the Land Commission, transmit the notification to the Land Registry or the Registry of Deeds (as the case may require) for registration and no fee or other payment shall be required for registration.

(4) (a) Unless the occupier, in accepting the Minister's proposal,  
10 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.

15 (b) If the contribution is not paid within three months after it has become due and payable, the Minister shall notify the Land Commission of the default.

3.—(1) This section applies where—

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

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

Payment of  
occupier's  
contribution by  
means of  
annuity.

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

(3) The charge created under this section shall take priority over  
35 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,  
40 during the prescribed period, stand consolidated so as to form one purchase annuity.

(5) To avoid doubts, it is hereby declared that neither a reclamation annuity nor that portion of a consolidated annuity which represents a reclamation annuity shall be subject to  
45 revision under Part III of the Land Act, 1933 (No. 38 of 1933).

(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.

(7) In every case to which this section applies the Land  
50 Commission shall, except in the case of unregistered land subject to a purchase annuity or land held under a temporary agreement with the Land Commission, transmit particulars of the charge to the Land Registry or the Registry of Deeds (as the case may require) for registration and no fee or other payment shall be  
55 required for registration.

(8) A certificate purporting to be under the common seal of the Land Commission shall be evidence that the land therein described has been duly charged under this section in accordance with the terms of the certificate.



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.

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(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.

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(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.

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(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.

(6) Where land is subject to a consolidated annuity or a reclamation annuity the Land Commission shall have for the apportionment of the annuity all the powers which they have under the Land Purchase Acts for the apportionment of any moneys charged on or payable out of land, and they may, if they think fit, discharge any portion or portions of land from any further liability for the annuity or any part thereof or any arrears thereof and thereafter the whole of the annuity shall be exclusively charged on the remainder of such land.

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5.—(1) 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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(2) Before entering on land under this section the Minister shall either obtain the consent (in the case of occupied land) of the occupier, or (in the case of unoccupied land) of the owner or shall give not less than fourteen days' notice in writing of the intention to make such entry.

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(3) The notice referred to in the preceding subsection may be given to a person in any of the following ways:—

(a) by delivering it to such person,

(b) by leaving it at the address where such person ordinarily resides,

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(c) by sending it by post in a prepaid registered letter addressed to such person at the address where he ordinarily resides, or

(d) by posting it at or near the land concerned.

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6.—(1) The Minister for Finance may make regulations for the calculation, period of payment, redemption and disposal of annuities under this Act.



(2) The power to make rules conferred by subsection (1) of section 3 of the Land Act, 1933 (No. 38 of 1933), shall extend to the making of rules for any matter referred to in this Act as prescribed.

- 5 (3) 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  
10 annulled accordingly but without prejudice to the validity of anything previously done thereunder.

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. Expenses.

- 15 8.—This Act may be cited as the Land Reclamation Act, 1949. Short title.



Éire.

Éire.

AN BILLE UM MINTIRIU TALUN, 1949.

LAND RECLAMATION BILL, 1949.

## BILLE

(mar a leasaíodh i gCoiste)

*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 socrúithe chun na háititheoirí d'íoc ranníoca i leith costais na n-oibreacha sin agus i dtaobh nithe eile a bhaineas leis na nithe réamh-ráite.

*An tAire Talmhaíochta do thug isteach.*

*Do hordaíodh, ag Dáil Éireann, do chlóbhualadh, 21ú Meitheamh, 1949.*

BAILE ATHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN TSOLATHAIR.

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais,  
3-4 Sráid an Choláiste, Baile Átha Cliath, nó trí  
aon díoltóir leabhar.

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[*Raol Glan.*]

Wt. 155—1283. 625. 6/49. C.&Co. (6170).

## BILL

(as amended in Committee)

*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.*

*Ordered by Dáil Éireann, to be printed,  
21st June, 1949.*

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