

ÉIRE.

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

*Mar a ritheadh ag dhá Thigh an Oireachtais.
As passed by both Houses of the Oireachtas.*

ARRANGEMENT OF SECTIONS.

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ÉIRE.

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

BILL

entitled

5

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 rules under *section 7*;

purchase annuity.

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

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;

25

(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 30 existing ones;

(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, 35 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 40 towards the cost of carrying them out.

(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, or land of which the Land Commission is the registered owner, 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.

10 (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
15 for the time being on the date upon which the Minister certifies that the works have been completed.

(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—

20 (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.

(2) In any case to which this section applies, the occupier's
25 contribution shall be charged by the Land Commission in the 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
30 date upon which the Minister certifies that the works have been 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.

35 (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.

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

45 (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 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.

50 (7) In every case to which this section applies the Land 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, or land of which the Land Commission is the registered owner, transmit particulars of the charge to
55 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.

60 (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.

(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. 10

(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. 15

(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. 20

(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. 25 30

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. 35 35

(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. 40

(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, 45

(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. 50

6.—(1) Any person who suffers damage by reason of any interference, caused by the execution of works pursuant to this Act, with any land owned or occupied by him or any easement, profit-

a-prendre or other right belonging to him shall, subject to the provisions of this Act, be entitled to be paid compensation in respect of such damage by the Minister.

5 (2) Every claim for compensation made under this section shall be made in writing to the Minister before the expiration of the period beginning on the commencement of the works which caused the interference to which the claim relates and ending either two years thereafter or one year after the completion of such works (whichever is the later).

10 (3) In default of agreement, the amount of any compensation payable by the Minister under this section shall, if the amount claimed in respect thereof does not exceed twenty pounds, be determined by the District Court or, in any other case, be determined by arbitration under the Acquisition of Land (Assessment of Compensation) Act, 1919 (as amended by subsequent enactments) as if
15 the compensation were the price of land compulsorily acquired and the court or the arbitrator, as the case may be, shall have jurisdiction to determine whether compensation is, in the circumstances, payable at all.

20 (4) In determining compensation under this section, regard shall be had to any protection or benefit enuring to the claimant by reason of the execution of the works to which the claim relates.

(5) A justice of the District Court when making an order under this section may at his discretion order the costs, to an amount
25 not exceeding three guineas, incurred in relation to the proceedings by any party thereto (together with such witnesses' expenses as the justice considers reasonable) to be paid by any other party thereto.

(6) Where, in the case of an application to the District Court
30 to determine the compensation to be paid under this section by the Minister, the compensation determined by the Court does not exceed that offered unconditionally by the Minister before the application was made, the Court may order that such costs and witnesses' expenses of the Minister as the Court considers reasonable shall be deducted from the compensation determined by the
35 Court.

(7) The jurisdiction conferred by this section on the District Court shall be exercised, at the election of the claimant, by the justice within whose district the works or any part thereof were
40 executed or by the justice within whose district the interference or any part thereof occurred.

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

45 (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.

(3) Regulations under this section shall be laid before each
50 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 any
55 thing previously done thereunder.

8.—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.**

9.—This Act may be cited as the Land Reclamation Act, 1949. **Short title.**

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AN BILLE UM MINTIRIU TALUN, 1949.

LAND RECLAMATION BILL, 1949.

BILLE

BILL

dá ngairmtear

entitled

Acht dá údarú don Aire Talmhaíochta míntíriú talún, siltean talún agus oibreacha eile a dhéanamh chun gabhátais 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 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.

*Rite ag dhá Thigh an Oireachtais,
20ú Iúil, 1949.*

*Passed by both Houses of the Oireachtas,
20th July, 1949.*

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