



AN BILLE TALUN, 1963

LAND BILL, 1963

Mar a ritheadh ag Dáil Éireann

As passed by Dáil Éireann

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FIRST SCHEDULE.

SECOND SCHEDULE.



AN BILLE TALUN, 1963
LAND BILL, 1963

BILL

entitled

**5 AN ACT TO AMEND AND EXTEND THE LAND
PURCHASE ACTS.**

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

1.—In this Act—

Definitions.

10 “congested area” has the meaning assigned to it by *subsection*
(1) of *section 4*;

“the Minister” means the Minister for Lands;

“prescribed” means, save where the context otherwise requires,
prescribed by the appropriate rules or regulations referred to in
section 2;

15 “works” means any works whatsoever and includes any river,
stream, natural or artificial watercourse, canal, drain, pond, lake
or other area covered by water, and any natural or artificial bank
or embankment;

20 every reference to a holding or land shall be construed as including
a reference to part or parts of a holding or land and to a parcel
of land in whole or in part and to an incorporeal hereditament in
whole or in part;

every reference to purchase money shall be construed as including
a reference to redemption price of a superior interest, resumption
25 price, compensation, fund and a share and a residue thereof,
respectively.

2.—(1) The power of making rules conferred by subsections
(1) and (2) of *section 3* of the Land Act, 1933, shall extend to and
be exercisable for making rules for carrying into effect the pro-
30 visions (other than provisions relating to land purchase finance)
of this Act.

**Rules and
regulations.**

1933, No. 38.

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

3.—The payments made and expenses incurred by the Minister
and by the Land Commission in giving effect to this Act and in
40 the administration thereof shall, to such extent as may be
sanctioned by the Minister for Finance, be paid out of moneys
provided by the Oireachtas.

**Payments and
expenses.**

Order declaring
area to be a
congested area.

4.—(1) Each of the following shall be a congested area for the purposes of this Act—

- (a) a county or portion of a county specified in the *Second Schedule* to this Act;
- (b) such other area as may from time to time be declared by 5
order of the Minister to be a congested area.

(2) When making an order under *subsection (1)* of this section, the Minister shall have regard to the size of the holdings, the quality of the land and the type or types of farming carried on in the area to be declared a congested area. 10

(3) The Minister may by order amend or revoke an order under *subsection (1)* of this section.

Advances for
purchase of land
by persons in
congested areas.

5.—(1) The Land Commission may, in accordance with regulations under this section, make an advance to a qualified person in connection with the purchase by him of land. 15

(2) (a) The Minister may, with the consent of the Minister for Finance, make regulations for the purpose of giving effect to this section and any such regulations may include such supplemental or incidental provisions as appear to the Minister to be expedient. 20

(b) Regulations under this section may, in particular but without prejudice to the generality of *paragraph (a)* of this subsection, make provision in relation to all or any of the following matters—

(i) the charging of the advance on the land, whether 25
by charging order made by the Land Commission or otherwise;

(ii) the obtaining by the Land Commission of security, whether by charge or otherwise, for an advance under this section; 30

(iii) the amount of an advance under this section;

(iv) the method of repayment of an advance under this section;

(v) the payment of interest on an advance under this section; 35

(vi) the payment by a qualified person to the Land Commission of a fee or fees for an inspection or inspections deemed necessary by the Land Commission in respect of an application for an advance under this section; 40

(vii) the application of such existing provisions in the Land Purchase Acts or the Land Reclamation Act, 1949, as the Minister deems necessary, relating to vesting of land and to the apportionment, consolidation, charging and recovery of advances 45
under this section and the adaptation where necessary of references in such provisions.

(3) (a) Stamp duty shall not be chargeable on any instrument made for the purpose of this section.

(b) No fee or other payment shall be charged or imposed 50
by the Registry of Deeds in respect of any document which is necessary for or in relation to an advance under this section.

(4) In this section—

“qualified person” means a person (including a joint owner 55
or tenant in common) to whom in the opinion of the Land Commission an advance ought to be made and who is the tenant or proprietor of a holding which is—

(a) situate in a congested area,

(b) suitable, in the opinion of the Land Commission, for land settlement purposes, and

(c) agreed to be sold to the Land Commission within such period as is specified in regulations under this section.

5 6.—(1) Whenever a person (in this section referred to as the vendor) who is elderly, incapacitated or blind, sells an interest in land voluntarily to the Land Commission (whether such interest is held severally, jointly, or in common) the Land Commission may, at the option of the vendor, and in lieu of the payment in cash of the whole or part of the purchase price, grant to the vendor a life annuity in accordance with regulations under this section.

Grant of life annuity under this Act.

15 (2) A life annuity under this section shall be of such value as, on the date of the closing of the sale of the interest, is actuarily equivalent (in accordance with such tables as, on that date, stand approved of by the Minister for Finance for the purposes of this section) to the whole or part of the purchase price in lieu of the payment of which the life annuity is granted.

20 (3) In the case of a vendor who on the date of the closing of the sale is married and whose spouse (not being interested jointly or in common in the land) is alive on that date, an annuity under this Act shall be so calculated as to provide—

25 (a) an annuity (in this Act and any regulations under this section referred to as a primary annuity) payable until the death of either the vendor or the vendor's spouse, and

30 (b) an annuity (in this Act and any regulations under this section referred to as a secondary annuity) of an amount equal to one half of the amount of the primary annuity payable from the death of the vendor or the spouse of the vendor until the death of the surviving spouse.

35 (4) A vendor who on the date of the closing of the sale is unmarried or is a widower or widow may nominate a person who is a dependant of the vendor, and, if such nomination is approved by the Land Commission, *subsection (3)* of this section shall apply to the vendor and the dependant in the same manner as if the dependant were the spouse of the vendor.

40 (5) (a) The Minister may, with the consent of the Minister for Finance, make regulations for the purpose of giving effect to this section and any such regulations may include such supplemental or incidental provisions as appear to the Minister to be expedient.

45 (b) Regulations under this section may, in particular but without prejudice to the generality of *paragraph (a)* of this subsection, make provision in relation to all or any of the following matters—

50 (i) prescribing the class or classes of persons who for the purposes of this section shall be deemed to be elderly, incapacitated or blind;

(ii) the payment by the Land Commission of the vendor's costs and expenses incurred in relation to the sale of the interest to the Land Commission;

55 (iii) the minimum purchase price or part of a purchase price in respect of which the vendor may exercise the option mentioned in *subsection (1)* of this section;

(iv) the period within which the vendor shall exercise the said option (if any);

(v) the grant by the Land Commission of a right of residence in a dwellinghouse on the land to the vendor for the life of the vendor and thereafter to the surviving spouse or dependant (if any) of the vendor for the life of that spouse or 5 dependant;

(vi) the conditions (if any) affecting such right of residence.

(6) In this section—

“dependant” means, in relation to a vendor, a member of the 10 family of the vendor who, on the date of the closing of the sale, is wholly or in part dependant on the earnings of the vendor;

“member of the family” means father, mother, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister, uncle, aunt, 15 nephew, niece, son-in-law or daughter-in-law.

Payment of
certain purchase
annuities, etc.,
in full.

1933, No. 38.

1939, No. 26.

7.—(1) Whenever a payment to which this section applies becomes due to the Land Commission, such payment shall, notwithstanding anything contained in Part III of the Land Act, 1933, or in section 42 of the Land Act, 1939, be payable in full by the 20 person or persons liable from time to time to make such payment.

1923, No. 42.

(2) This section applies to a rent, annual and additional sum, purchase annuity, purchase money in cash, interest on purchase money and any other payment payable to the Land Commission in respect of land, or an incorporeal hereditament, not situate in a 25 congested area, which either is sold by the Land Commission by public auction or private contract or is allotted under a scheme approved of by the Land Commission after the passing of this Act to a person referred to in paragraph (a) or paragraph (f) of subsection (1) of section 31 of the Land Act, 1923; provided 30 however, that where, subsequent to the passing of this Act, the area in which such land is situate is declared by order of the Minister under subsection (1) of section 4 of this Act to be a congested area, this section shall not, as on and from the gale day next after the making of the order, apply to such land, and 35 provided that this section shall not apply to a payment in respect of land or an incorporeal hereditament which the Land Commission (by reason of a default in the payment of any money, a breach of condition, or any other default) have either caused to be sold or have taken up or obtained possession of, and the 40 purchase annuity or other payment in respect of which has been revised under Part III of the Land Act, 1933.

(3) A certificate under the common seal of the Land Commission certifying that a payment is in respect of land, or an incorporeal hereditament, mentioned in subsection (2) of this section 45 shall be *prima facie* evidence of the fact so certified.

(4) The Land Commission shall have for the recovery of any payment referred to in this section the same remedies as they have for the recovery of unpaid instalments of purchase annuities.

Power of Lay
Commissioners
to summon
witnesses.

8.—(1) For the removal of doubt, it is hereby enacted that 50 the Lay Commissioners may for the purposes of such of their functions as may require a hearing do all or any of the following things—

(a) summon witnesses to attend before them,

(b) examine on oath (which any Lay Commissioner is hereby 55 authorised to administer) witnesses attending before them,

(c) require any such witness to produce to them any document in his power or control.

(2) A witness before the Lay Commissioners at such a hearing shall be entitled to the same immunities and privileges as if he were a witness before the High Court.

(3) A summons shall be signed by at least one Lay Commissioner.

(4) If any person—

(a) on being duly summoned as a witness before the Lay Commissioners at such a hearing makes default in attending, or

(b) being in attendance as a witness at such a hearing refuses to take an oath legally required by the Lay Commissioners to be taken, or to produce any document in his power or control legally required by the Lay Commissioners to be produced by him, or to answer any question to which a Lay Commissioner may legally require an answer, or

(c) does any other thing which would, if the Lay Commissioners were a court of law having power to commit for contempt of court, be contempt of such court,

the Lay Commissioners may certify the offence of that person under the common seal of the Land Commission to the High Court and the High Court may, after such inquiry as it thinks proper to make, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court.

9.—(1) For the purpose of removal of doubt, it is hereby declared that a local authority has and always had power to make a payment to the Land Commission by way of contribution towards the cost of works carried out or proposed to be carried out by the Land Commission from which, on the completion of the works, the local authority has derived or is likely to derive a benefit.

Power of local authority to contribute to cost of certain works by Land Commission.

(2) In this section "local authority" means a council of a county, a corporation of a county or other borough, a council of an urban district, or any other statutory body which may be concerned in works mentioned in subsection (1) of this section.

10.—(1) For the purpose of removal of doubt, it is hereby declared that, subject to subsection (2) of this section, nothing contained in or done under the Land Purchase Acts or any other enactment or any rule of law or any implied contract shall operate or be deemed ever to have operated to impose on the Minister for Lands or the Land Commission—

Exoneration of Minister for Lands and Land Commission from certain obligations and liabilities.

(a) any obligation to cleanse, maintain, repair or restore any works, or

(b) any liability in respect of an act or omission of an officer, servant or agent of the Minister or the Land Commission (not being a negligent act or omission) in relation to the construction, cleansing, maintenance, repair or restoration of any works, being an act or omission constituting a tort on or in relation to any land purchased or agreed to be purchased under the Land Purchase Acts or dealt with under the Irish Church Act, 1869, or the Irish Church Act Amendment Act, 1881, or the Congested Districts Board (Ireland) Acts, or on or in relation to any land adjoining such first-mentioned land.

1869, c.42.

1881, c.71.

(2) Where land is during any period in the sole and exclusive occupation of the Land Commission, subsection (1) of this section shall not operate to relieve the Land Commission during such period from—

- (a) any obligation (however imposed or arising) to cleanse, maintain, or restore any works on that land, or
- (b) any liability in respect of any act which was done, or omission which occurred, when carrying out the construction, cleansing, maintenance, repair or restoration of any works, being an act or omission constituting a tort on or in relation to that land or on or in relation to any land adjoining such first-mentioned land.

(3) The fact that the Land Commission has at any time or times constructed, cleansed, maintained, repaired or restored any works shall not, of itself, operate or be deemed ever to have operated to impose a liability on the Land Commission to cleanse, maintain, repair or restore such works.

Exemption of
Land Commission
from liability for
certain rates.

11.—(1) Where in respect of any hereditament not being a hereditament consisting of land without a building or buildings thereon—

- (a) the county rate or municipal rate in respect of the local financial year in which this Act is passed or any subsequent local financial year is made on the Land Commission, and
- (b) the Land Commission certify under their common seal that the building or buildings comprised in the hereditament were unoccupied at the date of the making of the said rate,

the relevant rates shall not be payable by the Land Commission or by a subsequent occupier of the hereditament.

(2) Where, after the date of the making of the county rate or municipal rate, the building or buildings comprised in such a hereditament are occupied by an occupier other than the Land Commission during any period in the local financial year in which this Act is passed or any subsequent local financial year, a part of the relevant rates for such local financial year bearing to the whole of the said relevant rates the same proportion as that period bears to a year shall be payable by that occupier and shall be recoverable in the same manner as if he had been originally rated for such building or buildings and, in default of payment by him, shall be payable by and recoverable from any subsequent occupier of the building or buildings.

(3) In this section "relevant rates" means the rates (whether for county rate or municipal rate) payable in respect of any building or buildings comprised in a hereditament as respects which the Land Commission has certified in pursuance of subsection (1) of this section that the building or buildings were unoccupied at the date of the making of the county or municipal rate in respect of the hereditament.

Prohibition of
letting, subletting
or subdivision of
certain holdings
without consent of
Land Commission.

12.—(1) An agricultural holding shall not be let, sublet or subdivided without the consent in writing of the Land Commission, and such consent may be either general or particular and may be subject to such conditions (if any) as the Land Commission think fit.

(2) The power of the Land Commission to withhold their consent under this section shall be so exercised as to prevent the creation or continuance of holdings which, in the opinion of the Land Commission, are not economic holdings.

(3) Any attempted or purported letting, subletting or subdivision in contravention of this section shall be null and void as against all persons; provided, however, that in any case where

the consent of the Land Commission under this Act is given after the attempted or purported letting, subletting or subdivision, such consent shall, if the Land Commission so direct, so operate as to validate with retrospective effect such attempted or purported letting, subletting or subdivision.

(4) Subsection (1) of this section shall not apply to any holding which is not subject to purchase annuity or other payment payable to the Land Commission, and either—

(a) the whole of such holding is situate within the boundary of any county borough, borough, urban district or town, or

(b) the Land Commission certify under their common seal that in their opinion such holding, by reason of its proximity to a county borough, borough, urban district or town, is required for urban development.

(5) The reference in subsection (2) of section 3 of the Land Act, 1927, to the consent of the Land Commission to a subdivision under that section shall be construed as a reference to the consent of the Land Commission under this Act.

1927, No. 19.

(6) Where but for this section a title to a part or parts of a holding would be acquired by possession, the consent of the Land Commission under this section shall be required to such acquisition.

(7) Every stipulation in a contract for the sale of land whereby the purchaser is precluded from making requisitions in relation to a letting, subletting or subdivision of an agricultural holding shall be null and void.

(8) In this section—
“agricultural”, in relation to a holding, means substantially agricultural or pastoral or substantially agricultural and pastoral in character;

“holding”, in relation to a particular tenant or proprietor, means all the land held by him at or after the passing of this Act under a single demise or to which he has acquired title by possession, whether fee simple, fee farm grant, leasehold or from year to year (whether or not under statutory conditions), and whether held jointly or in common or alone or in severalty, and whether or not purchased under the Land Purchase Acts or registered or deemed to be registered under the Registration of Title Acts, 1891 and 1942, or the Registration of Title Act, 1964; provided that where two or more than two such holdings stand consolidated they shall be deemed to be one holding and that, where two or more than two registered properties are registered in the same ownership and have not been consolidated by the Land Commission, they shall be deemed to be separate holdings for the purposes of this section;

1964, No. 16.

“subdivision” includes any claim whatsoever to title to a part or parts of a holding, whether by disposition to one or more than one person, and “subdivide” shall be construed accordingly.

13.—(1) Where a provisional list under subsection (2) of section 40 of the Land Act, 1923, has been published after the passing of this Act, the lands (or any part thereof) mentioned in the provisional list shall not, until the termination of proceedings under the Land Purchase Acts for the acquisition of the lands, be sold, transferred, let, sublet or subdivided without the consent in writing of the Land Commission.

Prohibition of sale, transfer, letting or subletting of certain lands without consent of Land Commission.

1923, No. 42.

(2) Where a notice under subsection (6) (as amended by section 29 of this Act) of section 40 of the Land Act, 1923, has been served after the passing of this Act, the lands (or any part thereof) mentioned in the notice shall not, in the period of three months commencing on the date of the service of the notice, be sold, transferred, let, sublet or subdivided without the consent in writing of the Land Commission; provided, however, that the Land Commissioners may by order (which shall be an excepted matter for

the purposes of section 12 of the Land Act, 1950) extend the said period by a further three months and also that notice of the said order shall be served by the Land Commission in the prescribed manner.

(3) Where a notice under paragraph (a) of subsection (2) of section 39 of the Land Act, 1939, that the Land Commission propose to apply for leave to resume has been given, the holding mentioned in the notice shall not, until the termination of proceedings under the Land Purchase Acts for the resumption of the holding, be sold, transferred, let, sublet or subdivided in whole or in part without the consent in writing of the Land Commission.

(4) Any attempted or purported sale, transfer, letting, subletting or subdivision in contravention of this section shall be null and void as against all persons.

(5) Whenever a provisional list or a notice referred to in this section affecting registered land is published or served, the Land Commission shall furnish a copy of the list or notice to the Registrar of Titles who shall, upon receipt by him of such copy, make such entries in the appropriate register as appear to him to be necessary.

Appointment of Land Commission Nominees.

14.—(1) Where, in any proceedings under the Land Purchase Acts, the Land Commission deem it necessary or expedient for the exercise of their powers under those Acts so to do, they may, after compliance with subsection (2) of this section, by order appoint any person or persons appearing to them to be in receipt of the rents and profits or to have the control and management of any land (in this section referred to as the land) or, if there be no such person or persons or if such person or any one of such persons is under a disability, some other person, to be the nominee, for the purposes of those proceedings but for no other purpose, of all persons interested in the land, and may where necessary vest the land, or (in the case of any exchange of land under the Land Purchase Acts) other land, in that person.

(2) Before making an order under subsection (1) of this section the Land Commission shall give notice in the prescribed form of their intention to make the order to the person whom it is proposed to appoint to be nominee.

(3) A nominee appointed under this section shall, notwithstanding any enactment or rule of law, fully and effectively represent all persons interested in the land for the purposes of the proceedings in relation to which the appointment is made (including the service of documents, but excluding the distribution of purchase money), but not further or otherwise, and may do all acts necessary to bring the said proceedings to completion, including, whether or not the land is registered land, transferring the land.

(4) The Land Commission may by order—

(a) terminate an appointment under subsection (1) of this section, and

(b) appoint a person other than the person whose appointment is so terminated to be nominee in the same proceedings, and where necessary vest the land in that other person.

(5) Whenever an order affecting registered land is made under this section the Land Commission shall furnish a copy of the order to the Registrar of Titles who shall, upon receipt by him of the copy of the order, make such changes in the appropriate register as appear to him to be necessary.

(6) Where land is vested by the Land Commission in a nominee under this section, the interest so vested shall be a graft on the interest of all persons whom the nominee represents.

(7) A person appointed to be a nominee under this section shall not, by reason only of such appointment, be a trustee for the purposes of the Statute of Limitations, 1957.

(8) A person appointed to be a nominee under this section may be known, and shall be sufficiently described, by the title of Land Commission Nominee.

(9) No appointment shall be made under section 54 of the Land Act, 1939, after the form referred to in subsection (2) of this section has been prescribed. 1939, No. 26.

15.—(1) Notwithstanding any other provision of the Land Purchase Acts, the powers and functions of the Judicial Commissioner and the Land Commission in relation to the distribution of purchase money (including the certifying under subsection (2) of section 5 of the Land Act, 1923, of sums out of the Costs Fund established under that section) may be exercised by such Examiners of the Land Commission as the Minister, with the consent of the Judicial Commissioner, may authorise for the purpose. Exercise of certain powers and functions by Examiners of Land Commission authorised for the purpose. 1923, No. 42.

(2) Any person aggrieved by a decision of an Examiner authorised under subsection (1) of this section, being a decision of such Examiner in the exercise of the powers and functions mentioned in that subsection, may, in the prescribed manner and within the prescribed time, appeal against such decision to the Judicial Commissioner whose decision thereon shall, subject to subsection (3) of this section, be final and not appealable.

(3) An appeal from a decision of the Judicial Commissioner under subsection (2) of this section shall lie to the Supreme Court on a specified question of law.

16.—(1) The Judicial Commissioner may, notwithstanding the provisions of the Land Purchase Acts or any other enactment, at his discretion, issue general directions to an Examiner authorised for the purpose of subsection (1) of section 15 of this Act, to accept, as the period of commencement of title which the owner, tenant or other claimant shall be required to deduce, a period of not less than— Acceptable root of title.

(a) twelve years beginning on the date of a conveyance, transfer or assignment for valuable consideration of the land or holding, and ending on the date on which the land or tenant's interest therein vested in the Land Commission, or

(b) thirty years ending on the date on which the land or tenant's interest therein vested in the Land Commission,

whichever is the shorter.

(2) In the event of a claim against the purchase money being unsatisfied on distribution by reason of the exercise of the discretion conferred by subsection (1) of this section, the provisions of section 34 of the Land Act, 1931, regarding compensation shall apply. 1931, No. 11.

17.—An Examiner shall not be liable to any action, suit or proceeding for or in respect of any act or matter *bona fide* done or omitted to be done by him in pursuance of section 15 or 16 of this Act. Indemnity for Examiner.

18.—Where—

(a) lands have been registered under the Registration of Title Acts, 1891 and 1942, or the Registration of Title Act, 1964,

(b) on such registration the sporting rights other than fishing rights on or over such lands were reserved to a person other than the registered owner, and Extinguishment of certain sporting rights. 1964, No. 16.

(c) the said rights so reserved have not been exercised in the period of twelve years ending on the passing of this Act or in any period of twelve years ending on a date subsequent to the passing of this Act,

the said rights so reserved shall, and are hereby declared to, 5
cease to exist on the expiry of such period and, upon application
being made by any person interested the Registrar of Titles shall,
if satisfactory evidence of the exercise of the said rights in such
period is not forthcoming, cause the entry of the said rights to be
cancelled in the appropriate register. 10

Incorporeal
hereditaments.
1923, No. 42.

19.—(1) For the removal of doubt, it is hereby declared that—

(a) the reference in subsection (1) of section 31 of the Land
Act, 1923, to parcels of land shall include, and shall
be deemed always to have included, incorporeal heredi- 15
taments, and

(b) the references in subsection (3) of that section (as
amended by subsection (2) of this section) to a parcel
of land or any parcel of land shall include, and shall
be deemed always to have included, an incorporeal
hereditament. 20

(2) Subsection (3) of section 31 of the Land Act, 1923, is
hereby amended by the substitution for “and the expression
‘holding’ in those Acts shall include a parcel of land in respect
of the purchase of which an advance has been made in pursuance
of this section” of “and ‘holding’ in those Acts shall include, 25
and be deemed always to have included, any parcel of land sold
or agreed to be sold under those Acts”.

Extension of
powers of Land
Commission to
provide rights of
way.

1923, No. 42.

1931, No. 11.

20.—(1) The powers of the Land Commission to expend money
for the benefit or improvement of any lands shall, in addition to
the matters mentioned in section 43 of the Land Act, 1923, and 30
section 39 (as amended by section 33 of this Act) of the Land Act,
1931, include power to confer on the Land Commission and their
licensees, and to define and extend or improve, ways and rights of
way over any land whatsoever (including any accretion, through
alluvion or dereliction, whether or not caused by drainage), for the 35
purpose of facilitating passage to and from the sea or to and from
a lake or river which adjoins lands sold or agreed to be sold under
the Land Purchase Acts, whether such rights of way are or are not
conferred as to be appurtenant to any land, and whether any
terminal point of such ways and rights of way is or is not situate 40
on lands sold or agreed to be sold under the Land Purchase Acts.

(2) The powers conferred on the Land Commission by section 43
of the Land Act, 1923, and section 39 (as amended by section 33
of this Act) of the Land Act, 1931, and extended by this section,
may be exercised for the purposes of conferring and defining— 45

(a) rights to park vehicles or to beach boats, and

(b) rights to moor or anchor boats.

(3) The powers of the Land Commission under this section to
define and extend or improve rights of way to and from the sea or
to and from a lake or river shall not be exercised compulsorily in 50
relation to any right of way over land adjoining an occupied
dwellinghouse which was in existence at the commencement of the
period of one year ending on the date of the notice in respect of
that right of way served by the Land Commission.

Operation of
certain vesting
orders.

21.—(1) Where land is vested in a purchaser by a vesting order, 55
a vesting fiat or other instrument and the order or instrument
provides for the consolidation of the land with land registered,
or deemed to be registered, under the Registration of Title Acts,
1891 and 1942, (in this section referred to as the registered land),

the order or instrument shall operate to vest the land in the purchaser in the same capacity, and subject to the same trusts (if any), as he holds the registered land.

(2) Where—

5 (a) land is vested, whether before or after the passing of this Act, in a purchaser by a vesting order under the Land Purchase Acts, and

(b) it is stated in the vesting order that the land is given in exchange for registered land,

10 the provisions of section 46 of the Land Act, 1923, shall apply as if the exchange had been carried into effect pursuant to agreement under that section and as if for the references in subsection (3) of that section to the date of registration there were substituted references to the date of the vesting order. 1923, No. 42.

15 **22.**—The following section is hereby substituted for section 63 of the Land Act, 1923: Effect of death on vesting order.

“ 63.—(1) A vesting order shall not be void by reason of the death before the execution thereof of the person in whom the lands comprised in the order are purported to be vested, but shall be effectual to vest, and shall be deemed always to have vested, the said lands in the personal representative of such person to such uses and upon such trusts as the said lands would have stood limited if they had been vested in such person immediately prior to his death. 1923, No. 42.

25 (2) Where a vesting order purports to vest lands in a person as limited owner, the order shall not be void by reason only of the death of the person before the execution thereof, but shall be effectual to vest, and shall be deemed always to have vested, the said lands in the parties next entitled thereto to such uses and upon such trusts as the said lands would have stood limited had they been vested in such person immediately prior to his death.

30 (3) Where a vesting order purports to vest lands in persons as joint tenants it shall not be void by reason only of the death of one or more than one of such persons before the execution thereof, but shall be effectual to vest, and shall be deemed always to have vested, the said lands in the survivor or survivors to such uses and upon such trusts as the said lands would have stood limited if they had been vested in all such persons immediately prior to the death or deaths, as the case may be.

(4) In this section ‘vesting order’ means a vesting order under the Land Purchase Acts and includes a vesting fiat or other instrument purporting to vest land in a purchaser.”

45 **23.**—For the removal of doubt, it is hereby declared that the Land Commission have power to make a vesting order under section 28 of the Land Act, 1931, in respect of a holding for which a purchase agreement has been executed. Power to make certain vesting orders. 1931, No. 11.

24.—(1) A deficiency in the local loans fund, the purchase annuities fund or the land bond fund, arising out of the operation of section 24 of the Statute of Limitations, 1957, shall not be a charge on the Guarantee Fund established under section 5 of the Purchase of Land (Ireland) Act, 1891. Deficiencies arising out of operation of Statute of Limitations, 1957. 1957, No. 6. 1891, c.48.

55 (2) A deficiency in any account or fund other than the purchase annuities fund arising out of the operation of section 24 of the Statute of Limitations, 1957, shall be made good to the appropriate fund out of moneys provided by the Oireachtas at such times and in such manner as the Minister for Finance directs.

Consolidation of
holdings.
1923, No. 42.

25.—(1) The powers of the Land Commission under section 66 of the Land Act, 1923, to consolidate certain holdings are hereby extended to include power by order to consolidate any two or more than two holdings, whether or not subject to purchase annuity, whenever in the opinion of the Land Commission such consolidation is necessary or desirable for the purposes of the Land Purchase Acts and the tenant or proprietor of the holdings consents to such consolidation. 5

(2) Upon the creation of a consolidated holding under section 66 of the Land Act, 1923, or that section as extended by this section, there shall be transferred to the holding so created all estates, interests, rights, burdens, charges, liabilities and equities which, at the date of the order of the Land Commission creating such holding, affected or attached to each holding so consolidated, and any purchase annuity, reclamation annuity or other payment so transferred shall be deemed to have been and shall be charged on and recoverable out of the consolidated holding in the same manner and in the same priority as such annuity or payment was previously charged on and recoverable out of part of the consolidated holding. 10 15

(3) On the application of the Land Commission, the Registrar of Titles shall register under the Registration of Title Acts, 1891 and 1942, the ownership of all land consolidated under this section and shall make such changes in the appropriate register as appear to him to be necessary. 20

Payment of
purchase money
or making of
advance by
means of land
bonds.

1934, No. 11.

26.—Notwithstanding section 4 of the Land Bond Act, 1934, or any order made thereunder, purchase money which is required by that Act to be paid, or an advance which is so required to be made, by means of an issue under that Act of land bonds may be paid or made as if the amount of the purchase money or advance had been agreed, or fixed, or deemed to be fixed, on the day on which the land or tenant's interest in a resumed holding vests in the Land Commission. 25 30

Powers conferred
by section 40(6) of
Land Act, 1923,
not excepted
matters.

1923, No. 42.

1950, No. 16.

27.—For the removal of doubt, it is hereby declared that the determination of the land to be inspected under subsection (6) of section 40 of the Land Act, 1923, as amended by this Act, is not an excepted matter for the purposes of section 12 of the Land Act, 1950; provided that the Minister shall not authorise (pursuant to subsection (2) of section 12 of the Land Act, 1950) an officer to make such determination unless the officer is an officer of the Land Commission and not below the rank of Senior Inspector. 35 40

Amendment of
section 15 of
Land Act, 1923.

1923, No. 42.

28.—(1) As soon as may be after the passing of this Act the investments and interest referred to in subsection (3) of section 15 of the Land Act, 1923, or such other investments or moneys as then represent the same, shall be transferred to such officer of Trinity College, Dublin, as shall be nominated for the purpose by the governing body of that College. 45

(2) Section 15 of the Land Act, 1923, is hereby amended—

(a) by the deletion in subsection (5) of “ with the consent and approval of the Minister for Finance ”, and

(b) by the deletion in subsection (6) of “ with the consent of the Minister for Finance ” and “ and shall be approved of by the Minister for Finance ”. 50

Amendment of
section 40 of
Land Act, 1923.
1923, No. 42.

29.—Section 40 of the Land Act, 1923, is hereby amended by the substitution for “ sent by post to ” in subsection (6) of “ sealed with the common seal of the Land Commission and served in the prescribed manner on ”. 55

30.—Section 46 of the Land Act, 1923, is hereby amended by the insertion after subsection (5) of the following subsections:

Amendment of
section 46 of Land
Act, 1923.
1923, No. 42.

5 “(5A) For the purposes of such registrations, the Registrar of Titles may order any person having possession of the land certificate (in this section hereafter referred to as the old certificate) in respect of the original holding to deliver the old certificate to the Registrar of Titles or, where he is satisfied that the old certificate has been lost or destroyed, may dispense with the production of the old certificate.

10 “(5B) Any claim of lien or other claims on the old certificate shall, as from the date of the registrations, be transferred to the land certificate in respect of the new holding and the priority of such claim or claims shall not be affected.

15 “(5C) The land certificate in respect of the new holding shall be issued by the Registrar of Titles to the person who had possession of the old certificate immediately prior to its delivery to the Registrar of Titles or its loss or destruction.”

31.—Section 18 of the Land Act, 1927, is hereby amended—

Amendment of
section 18 of
Land Act, 1927.
1927, No. 19.

20 (i) by the substitution for subsection (4) of the following subsection:

25 “(4) In every such case a sum equal to the difference between the amount for which the Land Commission or any persons in occupation of the land as allottees or purchasers from the Land Commission are made liable by subsection (1) of this section and the total amount which would but for the provisions of the said subsection have been legally recoverable from those persons in respect of rates and arrears of rates if proceedings for the recovery thereof had been instituted against such persons on the appointed day may be paid and discharged as a claim against the purchase money of the lands in priority to all other claims against the said purchase money.”, and

30 (ii) by the insertion after “‘the appointed day’” in subsection (5) of “and with the substitution of ‘as a claim attached to the resumption price of the holding’ for ‘as a claim against the purchase money of the lands.’”

32.—(1) Section 35 of the Land Act, 1931, is hereby amended—

Amendment of
sections 35 and 38
of Land Act, 1931.
1931, No. 11.

45 (a) by the substitution of “one hundred pounds” for “thirty pounds” in each place where it occurs,

 (b) by the substitution of “three hundred pounds” for “one hundred pounds” in each place where it occurs, and

 (c) by the substitution of “two thousand pounds” for “three hundred pounds” in subsection (5).

50 (2) Section 38 of the Land Act, 1931, is hereby amended by the substitution of “two hundred pounds” for “fifty pounds” in subsection (2).

33.—Section 39 of the Land Act, 1931, is hereby amended—

Amendment of
section 39 of
Land Act, 1931.
1931, No. 11.

55 (a) by the substitution for subsection (2) of the following subsection:

 “(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

1923, No. 42.

confer on the Land Commission and their licensees and to define and extend or improve ways and rights of way over any land whatsoever for the purpose of facilitating passage to and from any land sold or agreed to be sold under the Land Purchase Acts, 5 whether such rights of way are or are not so conferred as to be appurtenant to any land, and whether any terminal point of such ways and rights of way is or is not situate on lands sold or agreed to be sold under the Land Purchase Acts.”, 10

(b) by the insertion in subsection (3) after “confers and defines” of “or extends or improves”,

(c) by the insertion in subsection (3) after “is so conferred” of “, extended or improved”,

(d) by the insertion in subsection (4) after “right of access conferred” of “or extended or improved”, and 15

(e) by the substitution of “two hundred pounds” for “fifty pounds” in subsection (4).

Amendment of
section 29 of
Land Act, 1933.
1933, No. 38.
1936, No. 41.

34.—Section 29 of the Land Act, 1933, is hereby amended by the substitution of “£6,000” for “£2,000” in each place where it 20 occurs in subsection (1), and the references in section 28 of the Land Act, 1936, to two thousand pounds shall be construed as references to six thousand pounds.

Amendment of
section 32 of
Land Act, 1933.
1933, No. 38.

35.—(1) Section 32 of the Land Act, 1933, is hereby amended—

(a) by the substitution of the following subsection for sub- 25 section (3):

“(3) Notwithstanding anything contained in this section or in any other enactment, the Land Commission shall not acquire compulsorily for any purpose other than the relief of congestion in the 30 immediate neighbourhood or the provision of sports fields, parks, pleasure-grounds or play-grounds, or the provision of gardens for schools, or (in the case only of land not adjoining an occupied dwellinghouse which was in existence at the commencement of the 35 qualifying period) the provision of facilities for persons boating or fishing on the sea or on a lake or river, any land in respect of which the Lay Commissioners are satisfied that—

(a) the tenant or proprietor of the land has not in 40 the qualifying period offered it for sale, and

(b) any one of the following requirements which is applicable has been *bona fide* complied with—

(i) where a person other than a body corporate is the sole tenant or proprietor of the land— 45 such person has throughout the whole of the qualifying period resided either on the land or in the immediate neighbourhood thereof;

(ii) where a body corporate is the sole tenant or proprietor of the land—each of the persons 50 entitled to a beneficial interest in the body corporate has throughout the whole of the qualifying period resided either on the land or in the immediate neighbourhood thereof;

(iii) in any case not mentioned in *subparagraph* 55 (i) or (ii) of this paragraph—all the persons entitled to a beneficial interest in any part of or share in the land and all the persons

entitled to a beneficial interest in the body or bodies corporate, which is or are entitled to any part of or share in the land, have throughout the whole of the qualifying period resided either on the land or in the immediate neighbourhood thereof;

provided that the requirement in respect of residence shall in no case be satisfied or deemed to be satisfied by compliance with any statutory provision whatsoever relating to residence by a body corporate, and

(c) having regard to the area, situation and character of such land, the amount of congestion and unemployment existing in the immediate neighbourhood of such land and the country generally, and the desirability of increasing the production of food, such land, in the qualifying period, produced an adequate amount of agricultural products and provided an adequate amount of employment, reckoning in such employment any relatives of the tenant or proprietor of the land who are permanently employed thereon.”, and

(b) by the addition of the following subsection after subsection (4):

“ (5) In this section—
‘ immediate neighbourhood ’ includes any place which the Lay Commissioners are satisfied is not more than three miles from the nearest point of the relevant land;

‘ qualifying period ’ means the period of one year ending on the date of the publication in the *Iris Oifigiúil* of the certificate and provisional list required by subsection (1) of section 25 of the Land Act, 1936, 1936, No. 41, to be so published;

‘ throughout the whole of the qualifying period resided ’ shall be construed as requiring that the person or persons mentioned in *subparagraph* (i), (ii) or (iii) (as the case may be) of *paragraph* (b) of subsection (3) of this section has or have ordinarily dwelt on or in the immediate neighbourhood of the land, provided that the Lay Commissioners may at their discretion disregard, for the purposes of this section, any temporary absence or absences from the land which they are satisfied is or are reasonably attributable to illness, business, vacation or any other cause;

‘ tenant or proprietor ’ includes the wife or husband of a tenant or proprietor.”.

(2) Notwithstanding the provisions of *subsection* (1) of this section, any proceedings pending at the passing of this Act in respect of land included in a provisional list under section 25 of the Land Act, 1936, published before the passing of this Act, shall be continued and concluded as if this section had not been enacted. 1936, No. 41.

36.—Section 44 of the Land Act, 1933, is hereby amended by the substitution for “ the sum of five hundred pounds ” of “ such sum as the Minister for Finance may, after consultation with the Minister, fix from time to time ”. Amendment of section 44 of Land Act, 1933. 1933, No. 38.

37.—Section 52 of the Land Act, 1933, is hereby amended—
(a) by the substitution of “ one hundred pounds ” for “ thirty pounds ” in each place where it occurs, and Amendment of section 52 of Land Act, 1933. 1933, No. 38.

(b) by the substitution of "three hundred pounds" for "one hundred pounds" in each place where it occurs.

Amendment of
section 38 of
Land Act, 1936.
1936, No. 41.

38.—Section 38 of the Land Act, 1936, is hereby amended by the substitution of "two years" for "seven years" in paragraph (c) of subsection (1).

5

Amendment of
section 13 of
Land Act, 1939.
1939, No. 26.
1953, No. 18.

39.—Section 13 of the Land Act, 1939, is hereby amended by the insertion in subsection (1) after paragraph (d) (inserted by section 13 of the Land Act, 1953) of—

"and

(e) any other moneys not mentioned in paragraph (a), (b), (c) 10
or (d) of this subsection which are due and owing to the
Land Commission by or on behalf of the former tenant
or owner of the lands or rights so resumed, purchased
or acquired in respect of the said lands or rights up to
the date of the allocation of the purchase money or 15
compensation as the case may be."

Amendment of
section 20 of
Land Act, 1939.
1939, No. 26.

40.—Section 20 of the Land Act, 1939, is hereby amended—

(a) by the substitution in subsection (1) for "has obtained 20
possession of a holding or taken up from an allottee a
parcel of land" of "have put up for sale by public
auction a holding which they are entitled to cause to be
sold and the holding has not been sold or have taken up
from an allottee a parcel of land", and

(b) by the substitution in subsection (1) for "with the con- 25
sent of the Minister for Finance" of "within such
limits as may from time to time be approved of by the
Minister for Finance".

Operation of
orders under
section 24 of
Land Act, 1939.
1939, No. 26.
1950, No. 16.
1953, No. 18.

41.—(1) An order of the Land Commission under section 24 of
the Land Act, 1939 (as extended by section 25 of the Land Act,
1950, and as amended by section 23 of the Land Act, 1953) con- 30
firming a scheme under the said section 24 shall operate, and be
deemed always to have operated, to confine—

(a) to each portion of the land allotted by such scheme, or

(b) to each right or rights in relation to the part or parts of 35
the land specified in such scheme,

all estates, interests, burdens, charges, liabilities and equities
which immediately before the making of the order affected the
undivided share or undivided right or rights.

(2) The provisions of subsection (1) of this section are addi- 40
tional to, and not in substitution for, the provisions of sub-
section (5) of section 24 of the Land Act, 1939.

Amendment of
section 39 of
Land Act, 1939.
1939, No. 26.

42.—(1) Section 39 of the Land Act, 1939, is hereby amended—

(a) by the substitution of the following subsection for sub-
section (6):

"(6) Where the Lay Commissioners are satisfied 45
in respect of a holding that—

(a) the tenant has not, in the qualifying period,
offered it for sale, and

(b) any one of the following requirements which is 50
applicable has been *bona fide* complied with—

(i) where a person other than a body corporate

is the sole tenant—such person has throughout the whole of the qualifying period resided either on the holding or in the immediate neighbourhood thereof;

5 (ii) where a body corporate is the sole tenant—each of the persons entitled to a beneficial interest in the body corporate has throughout the whole of the qualifying period resided either on the holding or in the immediate neighbourhood thereof;

10 (iii) in any case not mentioned in *subparagraph* (i) or (ii) of this paragraph—all the persons entitled to a beneficial interest in any part of or share in the holding and all the persons entitled to a beneficial interest in the body or bodies corporate, which is or are entitled to any part of or share in the holding, have throughout the whole of the qualifying period resided either on the holding or in the immediate neighbourhood thereof;

15 provided that the requirement in respect of residence shall in no case be satisfied or deemed to be satisfied by compliance with any statutory provision whatsoever relating to residence by a body corporate, and

20 (c) having regard to the area, situation and character of such holding, the amount of congestion and unemployment existing in the immediate neighbourhood of such holding and the country generally, and the desirability of increasing the production of food, an adequate amount of agricultural products was, during the qualifying period, produced on such holding and an adequate amount of employment (including in such amount the employment of any relatives of the tenant of such holding who were permanently employed thereon) was, during the qualifying period, provided on such holding, then and in such case the following provisions shall apply and have effect, that is to say:—

25 (A) notwithstanding anything contained in the foregoing provisions of this section, the Land Commission shall not resume such holding or any part thereof for any purpose other than the relief of congestion in the immediate neighbourhood in which such holding is situate, or the provision of sports-fields, parks, pleasure-grounds, or playgrounds, or the provision of gardens for schools, or (in the case only of land not adjoining an occupied dwellinghouse which was in existence at the commencement of the qualifying period) the provision of facilities for persons boating or fishing on the sea or on a lake or river;

30 (B) if—

35 (i) the Land Commission resumes such holding or a part thereof, and
40 (ii) the tenant of such holding or the wife or husband of such tenant resides on such holding or in the immediate neighbourhood thereof, and
45 (iii) neither such tenant nor such wife or husband is the owner of land (other

than such holding or the part thereof resumed) the market value of which exceeds six thousand pounds, and

- (iv) such tenant, within the prescribed time and in the prescribed manner, requires the Land Commission, if part only of such holding has been resumed, to resume the whole of such holding and (whether such holding is resumed in whole or in part) to acquire all (if any) other land held or belonging to him in the immediate neighbourhood of such holding and, in any case, requires the Land Commission to provide him with a new holding, then and in such case the Land Commission shall comply with such requisition and shall provide such tenant with a new holding which the Lay Commissioners consider to be suitable for him and also consider (subject to a right of appeal to the Appeal Tribunal whose decision shall be final) to be of not less market value than the market value of the resumed holding and the other land (if any) acquired in pursuance of such requisition or the sum of six thousand pounds, whichever is the lesser;

- (C) where the Land Commission provide such tenant with a new holding in pursuance of the next preceding paragraph of this subsection, the amount (if any) by which the resumption price of the resumed holding together with the price of the other land (if any) acquired from such tenant in pursuance of the said paragraph exceeds the market value of the said new holding so provided shall be payable in land bonds.”, and

(b) by the addition of the following subsection after subsection (8):

“(9) In this section—

‘qualifying period’ means the period of one year ending on the day on which notice is given under paragraph (a) of subsection (2) of this section;

‘throughout the whole of the qualifying period resided’ shall be construed as requiring that the person or persons mentioned in *subparagraph* (i), (ii) or (iii) (as the case may be) of *paragraph* (b) of subsection (6) of this section has or have ordinarily dwelt on or in the immediate neighbourhood of the land, provided that the Lay Commissioners may at their discretion disregard, for the purposes of this section, any temporary absence or absences from the land which they are satisfied is or are reasonably attributable to illness, business, vacation or any other cause;

‘tenant or proprietor’ includes the wife or husband of a tenant or proprietor;

‘immediate neighbourhood’ includes any place which the Lay Commissioners are satisfied is not more than three miles from the nearest point of the relevant holding.”

(2) Notwithstanding the provisions of *subsection* (1) of this section, any proceedings pending at the passing of this Act for the resumption of a holding in respect of which notice under paragraph

(a) of subsection (2) of section 39 of the Land Act, 1939, has been given before the passing of this Act, shall be continued and concluded as if this section had not been enacted. 1939, No. 26.

43.—Section 43 of the Land Act, 1939, is hereby amended—

Amendment of
section 43 of
Land Act, 1939.
1939, No. 26.

5 (a) by the deletion in subsection (1) of “and of which the Land Commission have obtained or taken up possession”, and

10 (b) by the substitution in subsection (2) for “to the extent that may be approved of by the Minister for Finance” of “within such limits as may from time to time be approved of by the Minister for Finance”.

44.—Section 28 of the Land Act, 1950, is hereby amended by the substitution of the following subsection for subsection (12):

Amendment of
section 28 of
Land Act, 1950.
1950, No. 16.

15 “(12) Any land (being land comprising the whole or part of land in which the Land Commission have acquired an estate in fee simple by means of a purchase under section 27 of this Act or by means of a transfer order) may be disposed of by the Land Commission to any of the persons or bodies mentioned in subsection (1) of section 31 of the Land Act, 1923, as extended by subsection (6) of section 30 of this Act.”.

20 45.—(1) In this section—

“land to which this section applies” means land not situate in a county borough, borough, urban district or town;

“interest”, in relation to land, includes—

Restriction on
vesting of
interests in land
not situate in a
county borough,
borough,
urban district or
town.

(a) an estate,

25 (b) a leasehold interest or tenancy (including an interest under a grant for a term of years whether or not reserving a rent),

(c) an interest of a mortgagee (including an equitable mortgagee) or chargeant,

30 (d) an interest referable to a person's having contracted to buy, or having contracted to take a lease or tenancy,

(e) an interest referable to a right to become registered as owner of the land or of a charge thereon under the Registration of Title Acts, 1891 and 1942, or the Registration of Title Act, 1964,

1964, No. 16.

35 (f) an interest consisting of the right to ratify a contract or other transaction conferred by subsection (1) of section 37 of the Companies Act, 1963,

1963, No. 33.

(g) an interest referable to a possession,

40 and comprises equitable and beneficial interests as well as legal interests;

“qualified person” means a person who is in any of the following categories:

(i) an Irish citizen,

45 (ii) a person (other than a body corporate) who has been ordinarily resident in the State continuously during the seven years ending at the material time,

50 (iii) a person who is certified by the Minister for Industry and Commerce as having shown to the satisfaction of that Minister that he is acquiring the relevant interest exclusively for the purpose of an industry other than agriculture,

55 (iv) a local authority for the purposes of the Local Government Act, 1941,

1941, No. 23.

60 (v) a body corporate which, by virtue of a licence issued under or having effect by virtue of the Companies Act, 1963, is registered under that Act without the addition of the word “limited” or the word “teoranta”,

1942, No. 22.

- (vi) a body corporate established by a Saorstát Éireann statute or an Act of the Oireachtas,
- (vii) a body corporate incorporated in the State pursuant to a specific direction or authorisation contained in a Saorstát Éireann statute or an Act of the Oireachtas, 5
- (viii) a bank named in the Third Schedule to the Central Bank Act, 1942,
- (ix) a person who is certified by the Land Commission as having shown to their satisfaction that he is acquiring the relevant interest for private residential purposes where the land involved does not exceed five acres in extent,
- (x) any category declared by the Minister by regulations to be an additional category for the purposes of this definition; 15

“ State authority ” means—

- (a) a Minister of State,
- (b) the Land Commission,
- (c) the Revenue Commissioners, 20
- (d) the Commissioners of Public Works in Ireland;

any reference to the vesting of an interest shall, in the case of a contingent or executory interest or any other interest not vesting when created, be construed as referring solely to the creating of the interest. 25

- (2) (a) Notwithstanding any other enactment or any rule of law, but subject to *paragraph (b)* of this subsection and to *subsection (3)* of this section, no interest in land to which this section applies shall become vested in a person who is not a qualified person except with the written consent (whether general or particular) of the Land Commission and subject to any conditions attached to the consent having been complied with. 30

- (b) *Paragraph (a)* of this subsection does not apply in a case in which an interest becomes vested— 35

- (i) in a State authority,
- (ii) in the legal personal representative, as such, of a deceased person, or
- (iii) on the distribution of the estate of a deceased person if the interest becomes vested, in the case of an interest which is real estate, in the heir or a member of the family (not being the heir) of the deceased person or, in any other case, in a member of the family of the deceased person. 40

- (c) In *subparagraph (iii)* of *paragraph (b)* of this subsection “ member of the family ” means father, mother, step-father, step-mother, husband, wife, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister, uncle, aunt, nephew, niece, son-in-law or daughter-in-law. 45 50

- (3) (a) Subject to *paragraph (b)* of this subsection, an instrument by which an interest in land to which this section applies purports to become vested (being an instrument which, apart from this section, would effect such vesting) shall effect such vesting provided that it contains a certificate by the person in whom the interest is purported to be vested— 55

- (i) that an appropriate consent has been given under

- this section and, if any conditions are attached to that consent, that they have been complied with, or
- 5 (ii) that the person who becomes entitled to the entire beneficial interest in the interest (or, where more than one person becomes entitled to a beneficial interest therein, each of them) is a qualified person by reference to a specified category of the definition of "qualified person" contained in *subsection (1)* of this section, or
- 10 (iii) that the instrument is consequent upon a contract entered into before the passing of this Act, or
- (iv) if the instrument is relative to a case referred to in *subparagraph (iii)* of *paragraph (b)* of *subsection (2)* of this section, that the case is within that
- 15 subparagraph,
- notwithstanding any objection to the accuracy of such certificate.
- (b) *Paragraph (a)* of this subsection does not apply to an instrument relative to a case referred to in *paragraph (b)* (other than *subparagraph (iii)* thereof) of
- 20 *subsection (2)* of this section.
- (4) (a) Where the Land Commission are of opinion that a person is not a qualified person and that he has after the passing of this Act come into possession, occupation or control of land to which this section applies otherwise than by reference to a consent under *subsection (2)* of this section, the Land Commission may, by notice in writing served in the prescribed manner on the person,
- 25 require him to deliver to them before a specified date (not earlier than thirty days after the service of the notice) a statement in writing containing such particulars as may be specified in the notice in relation to his possession, occupation or control of the land, and the person shall comply with the requisition.
- 30
- 35 (b) In the foregoing paragraph "occupation" includes occupation by merely being present on the land and "control" includes indirect control.
- 40 (5) (a) Where, at a time when an interest in land to which this section applies stands vested in a body corporate, control of the body corporate becomes transferred to a person who is not a qualified person, the following provisions shall have effect:
- (i) it shall be the duty of the body corporate to disclose such transfer to the Land Commission within one month from such transfer, and
- 45
- (ii) if the Land Commission institute proceedings for the acquisition or resumption of the land or any part thereof, no restriction contained in *subsection (3)* of section 32 of the Land Act, 1933 (as amended by subsequent enactments, including this Act) or *subsection (6)* of section 39 of the Land Act, 1939 (as amended as aforesaid) shall apply.
- 50
- (b) In *paragraph (a)* of this subsection "control", in relation to a body corporate, means the power of a person to secure, by means of the holding of shares or the possession of voting power in or in relation to that or any other body corporate, or by virtue of any powers conferred by the articles of association or other document regulating that or any other body corporate, that the affairs of the first-mentioned body corporate are conducted in accordance with the wishes of that person.
- 55
- 60

(6) Where a person—

(a) makes any statement which to his knowledge is false or misleading—

(i) in connection with an application for a certificate under *paragraph (iii) or (ix) of the definition of “qualified person” contained in subsection (1) of this section,* 5

(ii) in connection with an application for a consent under *subsection (2) of this section,*

(iii) in a certificate under *subsection (3) of this section,* 10
or

(iv) in reply to a requisition under this section, or,

(b) fails to comply with a requisition under this section, or

(c) fails to make a disclosure which he is required by this section to make, 15

he shall be guilty of an offence triable, at the election of the prosecution, either summarily or on indictment and shall be liable—

(i) on summary conviction, to a fine not exceeding two hundred pounds or, at the discretion of the Court, to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment, 20
or

(ii) on conviction on indictment, to a fine not exceeding ten thousand pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three years or to both such fine and such imprisonment. 25

(7) Where an offence under this section is committed by a body corporate and is proved to have been committed with the authority, consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary, or other officer of the body corporate, he shall also be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly. 30

(8) (a) In a prosecution for an offence under this section relating to a certificate under *subsection (3) of this section,* it shall be presumed, until the contrary is shown by the defendant— 35

(i) if the certificate is pursuant to *subparagraph (i) of paragraph (a) of that subsection and the statement is with respect to the giving of an appropriate consent—that such a consent was not given,* 40

(ii) if the certificate is pursuant to *subparagraph (ii) of that paragraph—that the person who became entitled to the entire beneficial interest in the interest (or, where more than one person became entitled to a beneficial interest therein, each of them) was not a qualified person by reference to the category specified for him,* 45

(iii) if the certificate is pursuant to *subparagraph (iii) of that paragraph—that the instrument was not consequent upon a contract entered into before the passing of this Act, and* 50

(iv) if the certificate is pursuant to *subparagraph (iv) of that paragraph—that the case was not within subparagraph (iii) of paragraph (b) of subsection (2) of this section.* 55

(b) In a prosecution for an offence under this section re-

lating to a disclosure required by *subsection (5)* of this section, it shall be presumed, until the contrary is shown by the defendant, that the transferee was not a qualified person.

- 5 (c) In a prosecution for an offence under this section relating to a requisition under *subsection (4)* of this section, evidence that the Land Commission were of the opinion specified in that subsection may be given by production of a certificate under the seal of the Land Commission certifying that they were of that opinion.

10

- (9) (a) A consent by the Land Commission for the purposes of this section may be given retrospectively and, if so given, shall have effect accordingly.

15

- (b) Evidence of a consent of the Land Commission for the purposes of this section may be given in any legal proceedings by production of a certificate under the seal of the Land Commission certifying that they have given such consent.

20

- (c) Where a consent is given by virtue of *paragraph (a)* of this subsection after the execution of the relevant instrument, the appropriate certificate under *paragraph (a)* of *subsection (3)* of this section shall be deemed to be contained in the instrument.

25

- (10) Every stipulation in a contract whereby it is sought to preclude the making of requisitions in relation to a consent by the Land Commission for the purposes of this section shall be null and void.

30

- (11) Notwithstanding *subsection (4)* of section 10 of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this section may be instituted within three years from the date of the offence. 1851, c. 93.

35

- (12) The provisions of this section providing for restriction on vesting of interests in land to which this section applies shall be deemed to be included in the restrictive provisions to which *subsection (1)* of section 38 of the Registration of Title Act, 1891, and *subsection (1)* of section 59 of the Registration of Title Act, 1964, apply.

40

- (13) Every regulation made under *paragraph (x)* of the definition of "qualified person" contained in *subsection (1)* of this section shall be laid before Dáil Éireann as soon as may be after it is made.

46.—Section 17 of the Land Act, 1953, is hereby amended by the insertion, after "registered owners" in *subsection (2)*, of "or have become entitled to be registered as owners".

Amendment of section 17 of Land Act, 1953.

1953, No. 18.

45

- 47.—The enactments mentioned in the *First Schedule* are hereby repealed to the extent specified in the third column. Repeals.

48.—(1) This Act may be cited as the Land Act, 1964.

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.

FIRST SCHEDULE.

Section 47.

Session and Chapter or Number and Year	Short Title	Extent of Repeal
33 & 34 Vict. c.46.	The Landlord and Tenant (Ireland) Act, 1870.	Section 44, from "No purchaser," to the end of the section.
44 & 45 Vict. c.49.	Land Law (Ireland) Act, 1881.	Section 30.
3 Edw. 7. c.37.	Irish Land Act, 1903.	Section 54.
9 Edw. 7. c.42.	Irish Land Act, 1909.	Section 32.
9 & 10 Geo. 5. c. 82.	Irish Land (Provision for Sailors and Soldiers) Act, 1919.	Paragraph (a) of subsection (1) of section 2.
No. 42 of 1923.	Land Act, 1923.	Paragraph (c) of subsection (6) of section 46; subsection (7) of section 46; subsections (1) and (2) of section 65.
No. 19 of 1927.	Land Act, 1927.	Subsections (1) and (3) of section 3; subsections (1) and (2) of section 4; section 5.
No. 41 of 1936.	Land Act, 1936.	Section 44.
No. 16 of 1950.	Land Act, 1950.	Paragraph (c) of subsection (1) of section 27.
No. 18 of 1953.	Land Act, 1953.	Subsection (1) of section 15; subsection (3) of section 17.

SECOND SCHEDULE.

Section 4.

Donegal

Galway

Kerry

Leitrim

Mayo

Roscommon

Sligo

The portion of the County of Clare comprising the former rural districts of Ballyvaughan, Ennistymon, Kilrush, Scariff, Tulla and Killadysert.

The portion of West Cork comprising the former rural districts of Bantry, Castletown, Schull and Skibbereen.

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An Act to amend and extend the Land Purchase
Tajun-Chennagig.

A Bill to amend and extend the Land Purchase
Tajun-Chennagig.

Bill to Amend and Extend the Land Purchase
Tajun-Chennagig, 1963

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Talamh-Cheannaigh.

An tAire Tailte a thug isteach

Rite ag Dáil Éireann, 15 Nollaig, 1964

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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Acts.

Introduced by the Minister for Lands

Passed by Dáil Éireann, 15th December, 1964

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