



**AN BILLE UM CHOIMISIÚN TALÚN NA hÉIREANN (DÍSCAO-
ILEADH), 1989**

IRISH LAND COMMISSION (DISSOLUTION) BILL, 1989

*Mar a tionscnaíodh
As initiated*

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ILEADH), 1989
IRISH LAND COMMISSION (DISSOLUTION) BILL, 1989

BILL

entitled

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AN ACT TO PROVIDE FOR THE DISSOLUTION OF THE
IRISH LAND COMMISSION, FOR THE WINDING UP OF
THE SYSTEM OF LAND PURCHASE, FOR THE TRANS-
FER OF CERTAIN FUNCTIONS EXERCISABLE UNDER
THE LAND PURCHASE ACTS, AND FOR OTHER CON- 10
NECTED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act—

“the Commission” means the Irish Land Commission;

“Lay Commissioner” means a Commissioner of the Commission other 15
than the Judicial Commissioner;

“the Minister” means the Minister for Agriculture and Food;

“smallholder” means a person being the occupier of a holding which
in the opinion of the Minister is not an economic holding.

(2) In this Act a reference to a subsection is to the subsection of 20
the section in which the reference occurs, unless it is indicated that
reference to some other section is intended.

Dissolution of
Commission.

2.—(1) The Commission is hereby dissolved.

(2) All powers conferred on the Commission by the Land Purchase
Acts to purchase or acquire land (except by exchange of holdings) or 25
to resume holdings, parcels or tenancies shall cease to be exercisable.

Jurisdiction of
Judicial
Commissioner and
Appeal Tribunal.

3.—(1) The jurisdictions vested in the office of Judicial Com-
missioner and in the Appeal Tribunal are hereby vested in the High
Court and shall be exercised by the President of the High Court or,
where he so directs, by an ordinary judge of the High Court assigned 30
in that behalf by him.

(2) Proceedings pending before the Judicial Commissioner or the
Appeal Tribunal shall be continued before the High Court pursuant
to *subsection (1)* and every appeal pending from a decision of the

Judicial Commissioner or the Appeal Tribunal shall be continued as if the decision had been given by the High Court.

- 4.—Any power or duty vested by law in the Commission or the Lay Commissioners shall, so far as not inconsistent with this Act, be exercised by the Minister or by an officer of the Minister for the time being authorised, whether specifically or by reference to a class of such officers, in that behalf by the Minister.
- 5
- Transfer to Minister of certain functions of Commission or Lay Commissioners.

- 5.—(1) All land and other property which, immediately before the commencement of this Act, stood vested in or reserved to the Commission shall on such commencement, without any conveyance, assignment or transfer—
- 10
- Transfer of property to Minister or Central Fisheries Board.

- (a) as to land and other property (except fishing rights and fisheries) stand vested in the Minister, and
- (b) as to fishing rights and fisheries, stand vested in or reserved to the Central Fisheries Board,
- 15

for all the estate or interest of the Commission subject, so far as not modified by virtue of this Act, to all trusts and equities, covenants, conditions and restrictions affecting the property.

- (2) Any fishing rights and fisheries which but for this Act would on a sale to the Commission under the Land Purchase Acts have been required to be vested in or reserved to the Commission shall be vested in the Central Fisheries Board and any other sporting rights shall be vested in the Minister.
- 20

- 6.—(1) All records, deeds and other documents which immediately before the commencement of this Act are lodged with the Commission, or which but for this Act would have been required to be so lodged, shall be transferred to and lodged with the Minister who shall make such arrangements as he thinks proper for the custody thereof.
- 25
- Transfer of records.

- (2) Any right to inspect, or have delivery or obtain copies of, any of the records shall be exercisable against the person having the custody thereof by virtue of this section to the like extent and in the like manner as it would have been exercisable against the person who would but for this section have had the custody thereof.
- 30

- 7.—(1) The Minister may, subject to this section, by order revoke any vesting order under the Land Purchase Acts vesting specified land (in this section referred to as "the relevant land") in the Commission or any declaration by the Commission having the effect of such a vesting order, in any case where the Commission has not entered into actual possession of the relevant land.
- 35
- Revocation of vesting orders.

- (2) On the commencement of an order under this section the following provisions shall apply:
- 40

- (a) the title of the person from whom the relevant land was acquired to the land immediately before its acquisition shall, without any conveyance, assignment or transfer, revert to that person or, if that person has died since the making of the vesting order or declaration, to that person's personal representative;
- 45

- (b) any declaration under the Land Purchase Acts of an appointed day in respect of the relevant land shall be deemed to be cancelled;
- (c) all claims and charges which on the vesting of the relevant land attached to the purchase moneys shall reattach to the land; 5
- (d) any land bonds issued as a result of the making of the vesting order or declaration the subject of the order shall be deemed to be cancelled, and any interest that has accumulated on such bonds before such commencement shall be paid to the Minister. 10

(3) The Minister may recover from the person referred to in subsection (2) (a) (or, as the case may be, from his personal representative) any moneys expended by the Commission on the redemption of any annuity under the Land Purchase Acts or any other sums which before the commencement of this Act would have been payable out of the relevant land, and for this purpose shall have the same powers of recovery as he has in relation to the recovery of arrears of annuities under those Acts. 15

(4) Notice of every proposed order under this section shall be published in *Iris Oifigiúil* and in at least one newspaper published and circulating in the county in which the land is situate or, if there is no such newspaper, in a daily newspaper published in the State and circulating in that county. 20

(5) The Minister may by order revoke or amend an order under this section but no such order shall operate to restrict the title which by virtue of this section reverts as provided by subsection (2). 25

Disposal of certain land acquired under the Land Purchase Acts.

8.—(1) The Minister, with the consent of the Minister for Finance, may, subject to this section, sell, or lease for a term of five years or more, any land and sell any other property vested in the Minister under this Act. 30

(2) (a) In exercising his power to sell or lease land under subsection (1) the Minister shall, so far as reasonably practicable, have regard to—

- (i) the desire of any smallholder whose holding is situate in the neighbourhood of the land to acquire an interest in the land, and 35
- (ii) subject thereto, the desire of any former owner from whom the land had been compulsorily acquired, or of his personal representative, to purchase the land. 40

(b) For the purpose of this subsection “neighbourhood” includes any place which the Minister is satisfied is not more than five miles from the nearest point of the relevant holding.

(3) Notice of every intended sale or leasing of land by the Minister, whether by tender, public auction or by private treaty, under this section shall be published in *Iris Oifigiúil*, and in at least one newspaper published and circulating in the county in which the land is situate or, if there is no such newspaper, in a daily newspaper published in the State and circulating in that county. 45

Compensation to Lay Commissioner.

9.—(1) The amount of any compensation payable to a Lay Commissioner by reason of the dissolution effected by section 2 of this Act 50

shall not exceed such amount as would be payable to him under the Superannuation Acts, 1834 to 1963, if he were a person retiring or removed from the public service in consequence of the abolition of his office and holding an established position in the civil service.

- 5 (2) Compensation payable under this section shall be paid out of moneys provided by the Oireachtas.

- 10.—If, for the purpose of the exercise of any powers or duties of the Commission transferred to the Minister by this Act, or of any powers or duties conferred on the Commission by the Land Purchase
10 Acts, a document is required to be sealed, the document shall be sealed with the seal of the Minister. Sealing of certain documents.

- 11.—(1) In the construction and for the purposes of any enactment or any instrument thereunder or of any judgement, decree, order, award, deed, contract or other document passed or made before the
15 transfer by virtue of this Act from the Commission to the Minister of any functions, so far as may be necessary for the purpose of such transfer, the title of the Minister shall be substituted for that of the Commission. Transitional provisions.

- (2) Anything commenced by or under the direction of the Commission in relation to a function referred to in *subsection (1)* may be
20 carried on and completed by or under the direction of the Minister.

- (3) Where, immediately before the commencement of this Act, any legal proceeding is pending in which the Commission is a party the Minister shall be substituted in the proceeding for the Commission
25 and the proceeding shall not abate by reason only of such substitution.

- 12.—(1) The Minister may make regulations in relation to all or
any of the following matters— Regulations.

- (a) the modification or adaptation of any provision of the Land Purchase Acts;
- 30 (b) the performance of any functions transferred to the Minister by this Act;
- (c) the transfer of any property, rights and liabilities and the closing of any accounts, where any such transfer is in the opinion of the Minister necessary by reason of any
35 provision of this Act.

- (2) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next subsequent 21 days on which that House has sat after
40 the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

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

Short title,
construction and
commencement.

14.—(1) This Act may be cited as the Irish Land Commission
(Dissolution) Act, 1989.

(2) This Act shall be construed as one with the Land Purchase Acts
and may be cited with those Acts.

(3) This Act shall come into operation on such day as the Minister 5
may by order appoint.

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú chun Coimisiún Talún na hÉireann a dhíscaoileadh, chun an córas talamh-cheannaigh a fhoirceannadh, chun feidhmeanna áirithe is infheidhmithe faoi na hAchtanna Talamh-Cheannaigh a aistriú, agus le haghaidh nithe gaolmhara eile.

BILL

(as initiated)

entitled

An Act to provide for the dissolution of the Irish Land Commission, for the winding up of the system of land purchase, for the transfer of certain functions exercisable under the Land Purchase Acts, and for other connected matters.

*An tAire Talmhaíochta agus Bia a thíolaic,
2 Márta, 1989*

*Presented by the Minister for Agriculture and
Food,
2nd March, 1989*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath
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