



DÁIL ÉIREANN

AN BILLE UM ATHCHÓIRIÚ AN DLÍ TALÚN AGUS TÍOLACTHA, 2013 LAND AND CONVEYANCING LAW REFORM BILL 2013

LEASÚ A RINNE AN SEANAD AMENDMENT MADE BY THE SEANAD

DÁIL ÉIREANN

AN BILLE UM ATHCHÓIRIÚ AN DLÍ TALÚN AGUS TÍOLACTHA, 2013
[BILLE DÁIL ARNA LEASÚ AG AN SEANAD]

LAND AND CONVEYANCING LAW REFORM BILL 2013
[DÁIL BILL AMENDED BY THE SEANAD]

Leasú a rinne an Seanad
Amendment made by the Seanad

*The page and line references in this list of amendments
are to the text of the Bill as passed by Dáil Éireann.*

SECTION 4

1. In page 6, between lines 7 and 8, to insert the following:

“Provision in respect of certain proceedings

4. (1) Where after the coming into operation of this section a mortgagee commences proceedings seeking possession of land in which they rely upon the statutory provisions or the amended provisions, the proceedings shall be deemed to be commenced within time for the purposes of section 9 of the Civil Liability Act 1961 where the conditions specified in *subsection (2)* are met.

(2) The conditions referred to in *subsection (1)* are that—

- (a) prior to the coming into operation of this section the mortgagee had commenced proceedings seeking possession of land relying on the statutory provisions or the amended provisions,
- (b) the proceedings concerned were commenced within the time limit applicable for the purposes of section 9(2) of the Civil Liability Act 1961,
- (c) the proceedings concerned were not determined before the coming into operation of this section,
- (d) the mortgage concerned was created prior to 1 December 2009,
- (e) the land the subject of the proceedings referred to in *subsection (1)* is the same land or a part of the same land as the land the subject of the proceedings referred to in *paragraph (a)*.

(3) *Subsection (1)* shall only apply to proceedings issued within 6 months from the coming into operation of this section.

(4) In this section—

“Act of 2009” means the Land and Conveyancing Law Reform Act 2009;

“amended provisions” means section 62(2) and (6) of the Act of 1964 as those provisions stood immediately prior to the coming into operation of section 8(1) and

[SECTION 4]

Schedule 1 of the Act of 2009;

“mortgage” has the same meaning as it has in the Conveyancing Act 1881;

“mortgagee” includes a person deriving title from a mortgagee and a receiver appointed by a mortgagee;

“statutory provisions” means sections 2 and 18 to 24 of the Conveyancing Act 1881, sections 3, 4 and 5 of the Conveyancing Act 1911 and section 62(3), (7) and (8) of the Act of 1964.”.